

CITY OF SANTA CRUZ
809 Center Street
Santa Cruz, California 95060



CITY COUNCIL AGENDA

Regular Meeting

October 27, 2020

- 1:00 P.M. CLOSED SESSION, ZOOM
- 2:15 P.M. CONSENT, CONSENT PUBLIC HEARINGS, AND GENERAL BUSINESS,
ZOOM
- Around 5:30 P.M. ORAL COMMUNICATIONS, ZOOM
- 6:00 P.M. GENERAL BUSINESS, ZOOM

COVID-19 ANNOUNCEMENT: This meeting will be held via teleconference ONLY.

In order to minimize exposure to COVID-19 and to comply with the social distancing suggestion, the Council Chambers and Tony Hill Room will not be open to the public. The meeting may be viewed remotely, using any of the following sources:

- Online at <http://www.cityofsantacruz.com/government/city-council/council-meetings>
- Online at [Watch - Community Television of Santa Cruz County](#)

PUBLIC COMMENT and ORAL COMMUNICATIONS:

If you wish to comment on items 9-30 or during Oral Communications, please see information below. Call at the start of the item. You will not be able to join the meeting if Council is still in Closed Session.

- Call any of the numbers below. If one is busy, try the next one.
 - 1-833-548-0282 (Toll Free)
 - 1-877-853-5247 (Toll Free)
 - 1-888-788-0099 (Toll Free)
 - 1-669-900-9128
 - 1-346-248-7799
- Enter the meeting ID number: 928 2917 3723
- When prompted for a Participant ID, press #.
- Press *9 on your phone to "raise your hand" when the Mayor calls for public comment.
 - It will be your turn to speak when the Mayor unmutes you. You will hear an announcement that you have been unmuted. The timer will then be set to 2 minutes. You may hang up once you have commented on your item of interest.

NOTE: If you wish to view the meeting and don't wish to comment on an item, you can do so at any time via one of the methods above.

The City of Santa Cruz does not discriminate against persons with disabilities. Out of consideration for people with chemical sensitivities we ask that you attend fragrance free. Upon request, the agenda can be provided in a format to accommodate special needs. Additionally, if you wish to attend this public meeting and will require assistance such as an interpreter for American Sign Language, Spanish, or other special equipment, please call the City Clerk's Department at 420-5030 at least five days in advance so that we can arrange for such special assistance, or email CityClerk@cityofsantacruz.com. The Cal-Relay system number: 1-800-735-2922.

Closed Session

1:00 PM

Closed Session

1. Conference with Legal Counsel - Liability Claims (Government Code §54956.95)

Claimant: Srina Janice Lynne
Claimant: James L. Chrislock
Claimant: Jesse Grant Wilkinson

Claims against City of Santa Cruz

2. Conference with Legal Counsel - Existing Litigation (Government Code §54956.9(d)(1))

Regents of the University of California, et al. v. City of Santa Cruz
(Santa Cruz County Superior Court Case No. 20CV02152)

3. Conference With Legal Counsel - Anticipated Litigation (Government Code §54956.9(d)(2))

Significant exposure to litigation (2 potential cases to be discussed)

City Council

2:15 PM

Call to Order

Roll Call

Presentations

4. Neighborhood Courts Program
5. Mayoral Proclamation Declaring October as Domestic Violence Awareness Month
6. Adventure Sports Journal: 50k in 50 days Ride Against Racism

Presiding Officer's Announcements

Statements of Disqualifications

Additions and Deletions

Oral Communications Announcement - Community members may address the Council for two minutes or less about any matter not on the agenda during Oral Communications. Oral Communications will be held on or around 5:30 p.m.

City Attorney Report on Closed Session

City Manager Report

7. The City Manager will Report and Provide Updates on the City's Business, COVID-19, CZU Lightning Complex Fire, and Other Events.

Council Meeting Calendar

8. The City Council will review the meeting calendar attached to the agenda and revise it as necessary.

Consent Agenda

9. Resolution Ratifying Executive Order Nos. 2020-20 through 2020-23 in Connection with the COVID-19 Pandemic Emergency (CA)

Resolution ratifying/confirming Executive Order Nos. 2020-20 through 2020-23 issued by the Director of Emergency Services.

10. Resolution Extending Emergency Declaration in Connection with the CZU August Lightning Complex Fire, Ratifying Executive Order Issued Pursuant Thereto (CA/CM)

Resolution declaring the existence of a State of Emergency in connection with the CZU August Lightning Complex Fire, confirming the proclamation of same dated August 21, 2020 by the Director of Emergency Services, and ratifying Executive Order 2020-19 issued pursuant thereto.

11. Minutes of the October 8, 2020 City Council Special Meeting (CC)

Motion to approve as submitted.

12. Minutes of the October 13, 2020 City Council Meeting (CC)

Motion to approve as submitted.

13. Commission for the Prevention of Violence Against Women Appointment (One Opening, Vice Mayor Meyers' Nomination, with a Term Expiration of 1/1/23) (CC)

Motion to approve Vice Mayor Meyers' nomination of Dena Loijos to the Commission for the Prevention of Violence Against Women.

Consent Agenda (continued)

14. Liability Claims Filed Against City of Santa Cruz (FN)

Motion to reject liability claims of a) Srina Janice Lynne, b) James L. Chrislock, and c) Jesse Grant Wilkinson, based on staff recommendation.

15. Extenet Systems, LLC (California) - Encroachment Permit for Fiber Optic Network Expansion (PW)

Resolution granting an encroachment permit to Extenet Systems, LLC (California) for installation and maintenance of an aerial and underground fiber optic network expansion in the city of Santa Cruz.

16. Cogeneration Engine No. 1 Major Rebuild for the Wastewater Treatment Facility (m409659) - Notice of Completion (PW)

Motion to accept the work of Peterson Power Systems (San Leandro, CA) as completed per plans and specifications and authorize the filing of the Notice of Completion for the Cogeneration Engine No. 1 Major Rebuild Project (m409659).

17. Vapex Extended Warranty (PW)

Motion to purchase an extended warranty and service program from Vapex Environmental Technologies in the amount of \$174,500 to cover Vapex Odor Control Units at the Wastewater Treatment Facility.

Consent Agenda (continued)

18. Statewide Park Development and Community Revitalization Program - Grant Application for Improvements to the Santa Cruz Riverwalk Project and the Rail Trail Segment 7 - Phase II Project (c401413) (PW/PR/ED)

1) Resolution authorizing the City Manager to apply for, accept, and appropriate funds from the State of California Department of Parks and Recreation for the Santa Cruz Riverwalk Rehabilitation Project, and to execute any documents, agreements, amendments, or other such administrative actions necessary for the application, acceptance, and implementation of said grant-funded project.

2) Resolution authorizing the City Manager to apply for, accept, and appropriate funds from the State of California Department of Parks and Recreation for the Rail Trail Segment 7 Phase II Project, and to execute any documents, agreements, amendments, or other such administrative actions necessary for the application, acceptance, and implementation of said grant-funded project.

19. Police Department's Energy Efficiency Advanced Building Controls (c401814) - Advertise Request for Qualifications and Award Contract (PW)

Motion to authorize staff to advertise the Police Department Energy Efficiency Advanced Building Controls (c401814), to authorize the City Manager to execute a contract in a form acceptable to the City Attorney, and authorize the Director of Public Works to execute change orders within the approved budget project.

20. Electrical Power System Reconfiguration at the Wastewater Treatment Facility (c401405) - Professional Services Agreement (PW)

Motion authorizing the City Manager to execute an agreement with Arcsine Engineering (Redding, CA) in the amount of \$320,500 to provide professional design services for the Electrical Power Reconfiguration Project (c401405) and authorize the Director of Public Works to execute contract amendments within the approved department budget in a form acceptable to the City Attorney.

Consent Agenda (continued)

21. Water Supply Advisory Committee Aquifer Storage and Recovery and Recycled Water Alternatives: Contract Amendment No. 3 with Pueblo Water Resources for Groundwater Modeling (WT)

Motion to authorize the City Manager to execute Contract Amendment No. 3 with Pueblo Water Resources, Inc. (Ventura, CA) in the amount of \$193,390 for groundwater modeling and data interpretation for the Aquifer Storage and Recovery and Recycled Water Alternatives as per the recommendations of the Water Supply Advisory Committee, and to authorize the City Manager to execute an agreement in a form approved by the City Attorney.

22. California Public Utilities Commission Self-Generation Incentive Program (SGIP) - Application for and Receipt of Commercial Scale Energy Storage System at the Coast Pump Station (WT)

Motion ratifying the application and other supporting documents initiating the application process signed by staff on September 16, 2020 with Tesla, Inc., and authorizing the City Manager to enter into ongoing agreements with Tesla, Inc. on behalf of the City of Santa Cruz for their purchase, installation and 10-year operation and maintenance of an energy storage system at the Coast Pump Station.

23. Water Department FY 2021 Budget Adjustment Adding Resources for CZU Lightning Complex Fire-Related Work - Budget Adjustment (WT)

Resolution appropriating \$260,000 from the Water Emergency Fund (Fund 717) and amending the Water Department's FY 2021 operating budget to fund CZU Lightning Complex Fire-related work.

24. Resolution Transferring Funds within the Water Enterprise Funds to Meet FY 2020 Financial Targets - Budget Adjustment (WT)

Resolution transferring \$3,800,000 to the Water Operations Fund (Fund 711) and \$30,000 to the Water 90-Day Fund (Fund 716) from the Water Rate Stabilization Fund (Fund 713).

End Consent Agenda

Consent Public Hearings

25. 2nd Reading and Final Adoption of Ordinance No. 2020-21 FP20-0001: Amendments to Parking Regulations for Residential and Non-residential Property, and Resolution Authorizing the City Manager to Submit the Local Coastal Plan to the California Coastal Commission for Approval (PL)

1) Adopt Ordinance No. 2020-21 amending the Santa Cruz Municipal Code relating to parking regulations for residential and non-residential property.

2) Resolution authorizing the City Manager to submit the Local Coastal Plan to the California Coastal Commission for approval.

26. 2nd Reading and Final Adoption of Ordinance No. 2020-22 City's Local Coastal Program Amendments and Zoning Ordinance Cleanup Amendments A20-0005 (PL)

1) Adopt Ordinance No. 2020-22 approving A20-0005 to amend Chapters 24.04, 24.08, 24.10, 24.12, 24.16, 24.18, and 24.22 of the Santa Cruz Municipal Code, including but not limited to amendments to Use Permit Modifications, Design Permit Findings, Sign Permit Regulations, and Density Bonus Regulations.

2) Resolution authorizing the City Manager to submit the proposed ordinance amendments to the California Coastal Commission for final certification.

27. 2nd Reading and Final Adoption of Ordinance No. 2020-23 Zoning Ordinance Cleanup Amendments A20-0006 (PL)

Adopt Ordinance No. 2020-23 approving A20-0006 to amend Chapters 23.16, 23.20, 24.08, 24.10, 24.12, 24.16, and 24.22 of the Santa Cruz Municipal Code, including but not limited to Time Extensions for Tentative Subdivision Maps and Tentative Parcel Maps, Home Occupation Regulations, and Relocation Assistance Regulations.

28. 2nd Reading and Final Adoption of Ordinance No. 2020-24 Amendment to Regulations of Beekeeping on Residential and Non-residential Property (PL)

Adopt Ordinance No. 2020-24 amending the Santa Cruz Municipal Code Section 24.12.650 BEES (APIARIES).

General Business

29. Parks and Recreation Commission Appointment (One Vacancy with a Term Expiration of 1/1/22) (CC)

Motion to appoint one Parks and Recreation Commissioner.

Recess - The City Council will recess to Oral Communications at or around 5:30 p.m.

City Council

At or around 5:30 PM

Call to Order

Roll Call

Oral Communications

6:00 PM

General Business

PLEASE NOTE: Public comment for the below item (#30) will be limited to one hour. Representatives speaking on behalf of groups should encourage other group members to avoid extensive repeat comments.

30. Award Contract for Mixed Use Library Owner's Representative Contract to Griffin Structures, Inc. (ED/PW)

Motion to award the contract for the Mixed Use Library Owner's Representative for Phase 1 to Griffin Structures, Inc. in an amount up to \$240,000 and authorize the City Manager to execute an agreement in a form to be approved by the City Attorney.

Adjournment

INFORMATION ITEMS PREVIOUSLY DISTRIBUTED TO CITY COUNCILMEMBERS

Parks and Recreation Department: Frederick Street Park - Dog Park - 10/20/20 (PKFYI 075)

MAYOR'S PROCLAMATIONS

Proclaiming October 3-11, 2020 as “Water Professionals Appreciation Week” and encouraging all citizens to join in expressing heartfelt appreciation for their ongoing dedication to providing safe drinking water and for their valiant efforts protecting the key water infrastructure for the City of Santa Cruz and neighboring areas in the face of extraordinary circumstances.

Proclaiming September 15-October 15, 2020 as “National Hispanic Heritage Month” and calling on all residents to join in recognizing the lasting contributions that Latinx have made, and continue to make, to strengthen the fabric of American society and the ongoing support that Community Bridges continues to provide to our Latinx community.

Proclaiming October 12, 2020 as “Indigenous Peoples Day” and encouraging all citizens to join in reflecting upon the ongoing struggles of Indigenous peoples on this land as well as their great resilience, and to honor, value, and celebrate their historic and continuing contributions to our region and beyond.

Advisory Body Appointments

The following positions are vacant. Council will make appointments at a future meeting.

Equal Employment Opportunity Committee	One opening
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Public Hearing

If, in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

Any person seeking to challenge a City Council decision made as a result of a proceeding in which, by law, a hearing is required to be given, evidence is required to be taken, and the discretion in the determination of facts is vested in the City Council, shall be required to commence that action either 60 days or 90 days following the date on which the decision becomes final as provided in Code of Civil Procedure Section 1094.6 Please refer to code of Civil Procedure 1094.6 to determine how to calculate when a decision becomes “final.” The 60-day rule applies to all public hearings conducted pursuant to the City’s Zoning Ordinance, Title 24, Santa Cruz Municipal Code. The 90-day rule applies to all other public hearings.

City Council Agenda Legislative History Addendum

No information was submitted.

City staff is responsible for providing the City Clerk with such documentation and information for the Legislative History Addendum. The information will be on file in the City Clerk’s Department.

The Addendum is a listing of information specific to City Council business, but which does not appear on a Council meeting agenda. Such entities would include, but not be limited to: Court decisions, Coastal Commission Appeals of City Council actions, Closed Session Agreements/Settlements, which are public record, Association of Monterey Bay Area Governments, Local Agency Formation Commission.

SECTORS	Widespread Tier 1	Substantial Tier 2	Moderate Tier 3	Minimal Tier 4
Critical Infrastructure	Open with modifications	Open with modifications	Open with modifications	Open with modifications
Limited Services	Open with modifications	Open with modifications	Open with modifications	Open with modifications
Outdoor Playgrounds & Outdoor Recreational Facilities **	Open with modifications	Open with modifications	Open with modifications	Open with modifications
Hair Salons & Barbershops	Open Indoors with modifications	Open indoors with modifications	Open indoors with modifications	Open indoors with modifications
All Retail (including critical infrastructure, except standalone grocers)	Open Indoors with modifications • Max 25% capacity	Open Indoors with modifications • Max 50% capacity	Open Indoors with modifications	Open Indoors with modifications
Shopping Centers (Malls, Destination Centers, Swap Meets)	Open Indoors with modifications • Max 25% capacity • Closed common areas • Closed food courts	Open indoors with modifications • Max 50% capacity • Closed common areas • Reduced capacity food courts (see restaurants)	Open indoors with modifications • Closed common areas • Reduced capacity food courts (see restaurants)	Open Indoors with modifications • Reduced capacity food courts (see restaurants)

SECTORS	Widespread Tier 1	Substantial Tier 2	Moderate Tier 3	Minimal Tier 4
Nail Salons*	Open Indoors with modifications	Open indoors with modifications	Open indoors with modifications	Open indoors with modifications
Personal Care Services	Outdoor Only with modifications	Open indoors with modifications	Open indoors with modifications	Open indoors with modifications
Museums, Zoos, and aquariums	Outdoor Only with modifications	Open indoors with modifications <ul style="list-style-type: none"> Indoor activities max 25% capacity 	Open indoors with modifications <ul style="list-style-type: none"> Indoor activities max 50% capacity 	Open indoors with modifications
Places of Worship	Outdoor Only with modifications	Open indoors with modifications <ul style="list-style-type: none"> Max 25% capacity or 100 people, whichever is fewer 	Open indoors with modifications <ul style="list-style-type: none"> Max 50% capacity or 200 people, whichever is fewer 	Open indoors with modifications <ul style="list-style-type: none"> Max 50% capacity
Movie theaters	Outdoor Only with modifications	Open Indoors with modifications <ul style="list-style-type: none"> Max 25% capacity or 100 people, whichever is fewer 	Open indoors with modifications <ul style="list-style-type: none"> Max 50% capacity or 200 people, whichever is fewer 	Open indoors with modifications <ul style="list-style-type: none"> Max 50% capacity

SECTORS	Widespread Tier 1	Substantial Tier 2	Moderate Tier 3	Minimal Tier 4
Hotels and lodging	Open with modifications	Open with modifications <ul style="list-style-type: none"> +Fitness centers (+10%) 	Open with modifications <ul style="list-style-type: none"> +Fitness centers (+25%) +Indoor pools 	Open with modifications: <ul style="list-style-type: none"> +Fitness Centers (50%) +Spa facilities etc
Gyms and Fitness Centers	Outdoor Only with modifications	Open indoors with modifications <ul style="list-style-type: none"> Max 10% capacity 	Open indoors with modifications <ul style="list-style-type: none"> Max 25% capacity +indoor pools 	Open indoors with modifications <ul style="list-style-type: none"> +Saunas +Spas +Steam rooms Max 50% capacity
Restaurants	Outdoor Only with modifications	Open indoors with modifications <ul style="list-style-type: none"> Max 25% capacity or 100 people, whichever is fewer 	Open indoors with modifications <ul style="list-style-type: none"> Max 50% capacity or 200 people, whichever is fewer 	Open indoors with modifications <ul style="list-style-type: none"> Max 50% capacity
Wineries	Outdoor Only with modifications	Outdoor Only with modifications	Open indoors with modifications <ul style="list-style-type: none"> Max 25% capacity indoors, or 100 people, whichever is fewer 	Open indoors with modifications <ul style="list-style-type: none"> Max 50% capacity or 200 people indoors, whichever is fewer

SECTORS	Widespread Tier 1	Substantial Tier 2	Moderate Tier 3	Minimal Tier 4
Bars, Breweries, and Distilleries (where no meal provided) (follow restaurants where meal is provided)	Closed	Closed	Open Outdoors with modifications	Open indoors with modifications <ul style="list-style-type: none"> • Max 50% capacity
Family Entertainment Centers	Outdoor Only with modifications e.g. <ul style="list-style-type: none"> • Kart Racing • Mini Golf • Batting Cages 	Outdoor Only with modifications e.g. <ul style="list-style-type: none"> • Kart Racing • Mini Golf • Batting Cages 	Open Indoors for naturally distanced activities with modifications <ul style="list-style-type: none"> • Max 25% capacity • Bowling Alleys • Climbing Walls 	Open indoors for activities with increased risk of proximity and mixing with modifications <ul style="list-style-type: none"> • Max 50% capacity • Arcade Games • Ice and roller skating • Indoor playgrounds
Cardrooms, Satellite Wagering	Outdoor Only with modifications	Outdoor Only with modifications	Open indoors with modifications <ul style="list-style-type: none"> • Max 25% capacity 	Open indoors with modifications <ul style="list-style-type: none"> • Max 50% capacity
Offices	Remote	Remote	Open indoors with modifications <ul style="list-style-type: none"> • Encourage telework 	Open indoors with modifications <ul style="list-style-type: none"> • Encourage telework
Professional sports	Open <ul style="list-style-type: none"> • Without live audiences • With modifications 	Open <ul style="list-style-type: none"> • Without live audiences • With modifications 	Open <ul style="list-style-type: none"> • Without live audiences • With modifications 	Open <ul style="list-style-type: none"> • Without live audiences • With modifications

*Updated on September 22, 2020

** Updated September 28, 2020

Meeting Type
Holiday
Regular Meeting
Special Meeting
Study Session (will be added as scheduled)
Budget Hearing

City Council Meeting Calendar for 2020

Please note: Meeting times are not final and are likely to change

DATE	Time	Location	Meeting Type
October 29	3:00 p.m.	Zoom	Special Meeting - Interim Recovery Plan
November 4	1:00 p.m.	Zoom	Study Session - Housing
November 10	1:30 p.m.	Courtyard Conf. Room	Closed Session - Closed to the Public
	2:30 p.m./7:00 p.m.	Council Chambers	Council Regular Meeting - Open to the Public
November 11	City Hall Closure - Veteran's Day (observed)		
November 24	1:30 p.m.	Courtyard Conf. Room	Closed Session - Closed to the Public
	2:30 p.m./7:00 p.m.	Council Chambers	Council Regular Meeting - Open to the Public
November 26	City Hall Closure - Thanksgiving Day		
November 27	City Hall Closure - Day After Thanksgiving Day		
December 8	1:30 p.m.	Courtyard Conf. Room	Closed Session - Closed to the Public
	2:30 p.m./7:00 p.m.	Council Chambers	Council Regular Meeting - Open to the Public
December 11	Hanukkah (City observed - beginning at sundown)		
December 25	City Hall Closure - Christmas Day		



City Council AGENDA REPORT

DATE: 10/06/2020

AGENDA OF: 10/27/2020

DEPARTMENT: City Attorney

SUBJECT: Resolution Ratifying Executive Order Nos. 2020-20 through 2020-23 in Connection with the COVID-19 Pandemic Emergency (CA)

RECOMMENDATION: Resolution ratifying/confirming Executive Order Nos. 2020-20 through 2020-23 issued by the Director of Emergency Services.

BACKGROUND: At its regular meeting of March 10, 2020, the City Council adopted Resolution No. NS-29,640 declaring a local health emergency in connection with the global COVID-19 pandemic. The Council's action followed similar actions by California Governor Gavin Newsom on March 4, 2020 and by County of Santa Cruz Health Officer (CHO) Gail Newel on March 6, 2020. On March 16, 2020, the CHO issued a Public Health Order, requiring all Santa Cruz County residents to shelter in place to slow the of COVID-19 in the community, and requiring all businesses to cease operations, except for those deemed essential businesses. At its regular Meeting of April 28, 2020, the City Council adopted Resolution No. NS-29,653, extending the declaration of a local health emergency in connection to COVID-19, and further extended the declaration of local health emergency on June 23, 2020, by Resolution No. NS-29,677. At its regular meeting of August 11, 2020, the Council adopted Resolution No. NS-29,695 extending the declaration of a local health emergency an additional 60 days, to October 10, 2020. At its September 22, 2020 meeting, the Council adopted Resolution No. NS-29,714, extending its emergency declaration to November 21, 2020.

In implementing the City Council's emergency declaration and the CHO's Public Health Orders the City Manager, acting as Director of Emergency Services, and in close consultation with the Police and Fire Departments, other City Departments and the City Attorney's Office, has issued the following Executive Orders pursuant to his authority under Section 2.20.020 of the City's Emergency Preparedness Ordinance:

1. Executive Order No. 2020-20 – Abating Nuisance Conditions at City Parking Lot No. 27; and
2. Executive Order No. 2020-21 – Extending and Modifying Portions of Executive Order No. 2020-16 Due to Continued COVID-19 Transmission Risk; and
3. Executive Order No. 2020-22 – Addressing COVID-19 Transmission Risk and Nuisance Issues Arising from Unsanctioned Encampments at and Near the City Clock Tower, the Post Office, and Scope Park;

4. Executive Order No. 2020-23 – Addressing COVID-19 Transmission Risk and Nuisance Issues Arising from Unsanctioned Encampments at and Near City Parking Lot 23, City Parking Lot 27, and City Parking Lot 17 in Downtown Santa Cruz.

DISCUSSION: During a declared emergency the City Manager, acting as the City’s Emergency Services Director is empowered to take various actions in response to the emergency, including making and issuing “rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency” subject to ratification by the City Council “at the earliest practicable time.” The attached resolution, if approved by the Council, accomplishes that objective.

FISCAL IMPACT: Actions taken by the City during a declared emergency relating to the response and measures taken to slow the spread of the COVID-19 epidemic and mitigate the effects thereof on our community are potentially recoverable from Cal OES and FEMA.

Submitted By:
Tony Condotti
City Attorney

Approved By:
Martin Bernal
City Manager

ATTACHMENTS:

1. RESOLUTION.DOCX
2. EXECUTIVE ORDER NOS. 2020-20 THROUGH 2020-23.PDF

RESOLUTION NO. NS-XX,XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ RATIFYING
EXECUTIVE ORDER NOS. 2020-20 THROUGH 2020-23 ISSUED BY THE DIRECTOR OF
EMERGENCY SERVICES

WHEREAS, on March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency to exist within the State of California due to the threat posed by COVID-19; and

WHEREAS, on March 6, 2020, the County of Santa Cruz Health Officer ("Health Officer"), under her civil authority, declared a Local Health Emergency, finding an imminent and proximate threat to public health and welfare from the introduction of COVID-19 in the County of Santa Cruz; and

WHEREAS, in light of the current COVID-19 pandemic, the Santa Cruz City Council declared a local health emergency re COVID-19 by Resolution No. NS-29,640 on March 10, 2020, extended the emergency declaration by Resolution No. NS-29,653 adopted at its regular meeting of April 28, 2020, further extended the emergency declaration by Resolution No. NS-29,677 on June 23, 2020; and further extended the emergency declaration by Resolution No. NS-29,694 on August 11, 2020; and further extended the emergency declaration by Resolution No. NS-29,714, on September 22, 2020; and

WHEREAS, under Santa Cruz Municipal Code (SCMC) § 2.20.030, the City Manager serves as the Emergency Services Director; and

WHEREAS, in the event of an emergency declaration, as the Emergency Services Director, the City Manager has the authority to take various actions in the City's interest, including making and issuing "rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency" subject to ratification by the City Council "at the earliest practicable time." (SCMC § 2.20.040); and

WHEREAS, pursuant to his authority as Emergency Services Director, the City Manager has issued the following executive orders relating to the COVID-19 pandemic:

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz (City Council) that the City Council does hereby ratify and confirm the following Executive Orders:

1. Executive Order No. 2020-20 – Abating Nuisance Conditions at City Parking Lot No. 27; and
2. Executive Order No. 2020-21 – Extending and Modifying Portions of Executive Order No. 2020-16 Due to Continued COVID-19 Transmission Risk; and

3. Executive Order No. 2020-22 – Addressing COVID-19 Transmission Risk and Nuisance Issues Arising from Unsanctioned Encampments at and Near the City Clock Tower, the Post Office, and Scope Park; and
4. Executive Order No. 2020-23 – Addressing COVID-19 Transmission Risk and Nuisance Issues Arising from Unsanctioned Encampments at and Near City Parking Lot 23, City Parking Lot 27, and City Parking Lot 17 in Downtown Santa Cruz.

PASSED AND ADOPTED this 27th day of October, 2020 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Justin Cummings, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator



**COVID 19 Emergency Declaration – City of Santa Cruz Executive Order No. 2020-20
(Abating Nuisance Conditions at City Parking Lot No. 27)**

- A. WHEREAS, in light of the current COVID-19 pandemic, the Santa Cruz City Council declared a local health emergency re: Coronavirus (COVID-19) by Resolution No. NS-29,640 on March 10, 2020. On April 28, 2020, June 23, 2020, August 11, 2020, and on September 22, 2020, the Santa Cruz City Council extended that declaration of a local health emergency, by way of Resolution Nos. NS-29,653, NS-29,677, NS-29,695, and NS-29,714.
- B. The County of Santa Cruz is currently experiencing an outbreak of COVID-19 which has been deemed a global health pandemic by the World Health Organization.
- C. As of today's date, the County of Santa Cruz has reported 2,319 total known cases of COVID-19 within the County, which includes 306 active known cases, 2,004 recovered known cases, and, tragically, 9 deaths.
- D. WHEREAS, under Santa Cruz Municipal Code (SCMC) § 2.20.030, the City Manager serves as the Emergency Services Director. In the event of an emergency declaration, as the Emergency Services Director, the City Manager has the authority to take various actions in the City's interest, including making and issuing "rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency" (SCMC § 2.20.040(1)) and requiring "emergency services of any city officer or employee" [.] (SCMC § 2.20.040(3)).
- E. WHEREAS, the Emergency Services Director has the authority to conduct a summary nuisance abatement under SCMC § 2.20.070, which provides "[w]henever, in the judgment of the director of emergency services, or of the director's designee, it appears that a public nuisance exists in, on, or near any . . . property, constituting an immediate threat to public health or safety, requiring prompt action, the director, or the director's designee, may order that the building, structure, or property, or a portion thereof, be immediately: (a) Vacated, barricaded, boarded up or otherwise secured against use or occupancy by all persons except as permitted by the order, and thereafter kept vacant . . ."

- F. WHEREAS, as the Emergency Services Director, the City Manager also has the authority to “[e]xecute all of his or her ordinary powers as a City officer, all of the special powers conferred upon him or her by this chapter or by resolution adopted pursuant thereto, all powers conferred upon him or her by any statute, agreement approved by the City Council, or by any other lawful authority, and in conformity with Section 38791 of the Government Code, to exercise complete authority over the City and to exercise all police power vested in the City by the Constitution and general laws.” SCMC 2.20.040(5).
- G. WHEREAS, in addition to emergency COVID-related authority, the City has general authority to promptly abate public nuisances and prevent the reoccurrence of nuisance conditions, especially on City-owned and/or City-operated property. *See*, for example, SCMC §§ 4.16.030, 4.01.010(16), City Council Resolution NS-29,506, California Constitution, Article XI §7, and Cal. Penal Code § § 370, 372.
- H. WHEREAS, to reduce the spread of COVID-19, because of the virus’ propensity to spread person-to-person and especially in light of the current belief that COVID-19 may be spread via “airborne transmission”, County, State, and Federal public health officials have provided public health guidance that individuals should: (1) avoid large congregations, (2) stay at least 6-feet away from individuals who reside in a different household, and (3) wear a face covering at all times when physical distancing is not possible. Over the last 26 weeks, at “Lot 27” (a City-operated parking Lot at the corner of Front St. and Laurel St.), City staff and community members have repeatedly observed consistent violations of the above described public health guidance. Specifically, staff and community members have seen congregations of 50 – 100 people in close proximity, dozens of people not wearing face coverings/masks, sharing of food/cigarettes and other smoking devices, and lack of appropriate food handling protocols, including a lack of sneeze guards and shade structures.
- I. WHEREAS, in addition to the above described COVID-19 related concerns, City staff and the public have repeatedly observed public nuisance conditions at Lot 27. For example, staff and the public have observed significant refuse build-up, rodents, human waste, hypodermic syringes, fires, and other ignition sources/flammable liquids.
- J. WHEREAS, the purpose of this Executive Order is to protect public health, safety, and welfare by directing staff to: (1) abate nuisance conditions (including, but not limited to, behaviors associated with an increased risk of transmitting COVID-19) at Lot 27, (2) take reasonable remedial measures to prevent the immediate reoccurrence of these nuisance conditions at Lot 27, and (3) provide those currently utilizing Lot 27 for charitable food distribution with an alternate location to conduct these activities.

NOW, THEREFORE, I, MARTIN BERNAL, City Manager, in accordance with the authority provided to me as Emergency Services Director under the Santa Cruz Municipal Code, and in particular SCMC Chapter 2.20, and also pursuant to SCMC Chapter 4, California Constitution,

Article XI §7, Cal. Penal Code § § 370, 372, hereby issue the following Order, to become effective immediately.

IT IS HEREBY ORDERED THAT:

1. The recitals above are hereby incorporated by reference.
2. Individuals occupying City Parking Lot 27, including but not limited to individuals engaged in food distribution services and other social gatherings, are ordered to promptly vacate and remove their belongings.
3. City staff is ordered to post and enforce Notice to Vacate City Parking Lot 27, requiring individuals to vacate and remove their belongings.
4. The SCPD is directed to enforce the Notice to Vacate and provide those who gather at that location with a reasonable amount of time and notice to peacefully pack-up and leave the area.
5. To prevent immediate reoccurrence of the conditions described in this Executive Order, City staff is directed to cause temporary fencing to be erected around Lot 27. The Assistant to the City Manager shall be authorized to remove this fencing when it appears that nuisance conditions will not immediately reoccur in this area.
6. City staff is directed to provide those engaging in free food distribution at Lot 27 with an alternate location to engage in such activities. This should be a location where physical distancing and adequate hygiene and sanitation can be maintained. Food distribution location will not be provided if nuisance conditions exist.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the City of Santa Cruz, its departments, officer, or employees.

IT IS SO ORDERED, on September 25, 2020

A handwritten signature in blue ink, appearing to read 'Martín Bernal', with a long horizontal flourish extending to the right.

Martín Bernal
City Manager / Emergency Services Director



**COVID-19 Emergency Declaration – City of Santa Cruz Executive Order No. 2020-21
(Extending and Modifying Portions of Executive Order No. 2020-16
Due to Continued COVID-19 Transmission Risk)**

- A. WHEREAS, in light of the current COVID-19 pandemic, the Santa Cruz City Council declared a local health emergency re: Coronavirus (COVID-19) by Resolution No. NS-29,640 on March 10, 2020. On April 28, 2020, June 23, 2020, August 11, 2020, and on September 22, 2020, the Santa Cruz City Council extended its declaration of a local health emergency, by way of Resolution Nos. NS-29,653, NS-29,677, NS-29,695, and NS-29,714.
- B. The County of Santa Cruz is currently experiencing an outbreak of COVID-19 which has been deemed a global health pandemic by the World Health Organization.
- C. As of today's date, the County of Santa Cruz has reported 2,394 total known cases of COVID-19 within the County, which includes 302 active known cases, 2,082 recovered known cases, and, tragically, 10 deaths.
- D. WHEREAS, under Santa Cruz Municipal Code (SCMC) § 2.20.030, the City Manager serves as the Emergency Services Director. In the event of an emergency declaration, as the Emergency Services Director, the City Manager has the authority to take various actions in the City's interest, including making and issuing "rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency" (SCMC § 2.20.040(1)) and requiring "emergency services of any city officer or employee" [.] (SCMC§ 2.20.040(3)).
- E. WHEREAS, the Emergency Services Director has the authority to conduct nuisance abatement under SCMC § 2.20.070, which provides "[w]henever, in the judgment of the director of emergency services, or of the director's designee, it appears that a public nuisance exists in, on, or near any . . . property, constituting an immediate threat to public health or safety, requiring prompt action, the director, or the director's designee, may order that the building, structure, or property, or a portion thereof, be immediately: (a) Vacated, barricaded, boarded up or otherwise secured against use or occupancy by all persons except as permitted by the order, and thereafter kept vacant . . ."

- F. WHEREAS, as the Emergency Services Director, the City Manager also has the authority to “[e]xecute all of his or her ordinary powers as a City officer, all of the special powers conferred upon him or her by this chapter or by resolution adopted pursuant thereto, all powers conferred upon him or her by any statute, agreement approved by the City Council, or by any other lawful authority, and in conformity with Section 38791 of the Government Code, to exercise complete authority over the City and to exercise all police power vested in the City by the Constitution and general laws.” SCMC 2.20.040(5).
- G. WHEREAS, in addition to emergency COVID-related authority, the City has general authority to promptly abate public nuisances and prevent the reoccurrence of nuisance conditions, especially on City-owned and/or City-operated property. *See*, for example, SCMC §§ 4.16.030, 4.01.010(16), California Constitution, Article XI § 7, and Cal. Penal Code § § 370, 372.
- H. WHEREAS, to reduce the spread of COVID-19, County, State, and Federal public health officials have provided public health guidance that individuals should: (1) avoid large congregations, (2) stay at least 6-feet away from individuals who reside in a different household, and (3) wear a face covering at all times when physical distancing is not possible.
- I. WHEREAS, the California Department of Public Health’s COVID-19 Industry Guidance for retail and restaurants providing takeout, drive-through, and delivery services currently requires: (1) physical distancing to the maximum extent possible; (2) frequent handwashing; (3) regular cleaning and disinfection; (4) training employees on these and other elements of the COVID-19 prevention plan; (5) temperature and/or symptom screenings for employees; (6) specific physical distancing guidelines, including: (a) clearly marked curbside or outside pickup points, (b) implementation of measures to ensure at least 6 feet of physical distancing, (e.g., floor markings, colored tape, or signs to indicate to where workers and/or employees should stand); (7) measures to minimize exposure between cashiers and customers, such as Plexiglass barriers; (8) rules against use of shared food items such as condiment bottles, salt and pepper shakers, etc., (9) encouragement of the use of debit or credit cards by customers, for example, through signage, and (10) consistent mask wearing. (*See* <https://files.covid19.ca.gov/pdf/guidance-take-out-restaurants--en.pdf>, last accessed September 30, 2020.)
- J. WHEREAS, the above-described guidance, protocols, and rules have been issued because of the propensity of the virus to spread person-to-person, because the virus is believed to attach to surfaces for prolonged periods of time, and because the virus is now believed to be spread via “airborne transmission.”
- K. WHEREAS, in the Summer of 2020, City staff observed that individuals and businesses, who were either vending or patronizing vendors near Main Beach, were generally not

consistently abiding by the COVID-19 guidance described in Paragraphs H and I above. Additionally, the City became aware of serious additional health and safety issues related to vending activities near Main Beach, including: (1) significant accumulation of trash, (2) violent altercations between vendors for the best locations, (3) unauthorized sale of alcohol, (4) unsafe food handling and refrigeration practices, and (5) streets and sidewalks being used as restrooms and smelling of urine.

- L. WHEREAS, in order to address unsafe overcrowding and the issues described in Paragraph K above, on or around August 14, 2020, the City issued Executive Order No. 2020-16. Paragraph 3 of Executive Order No. 2020-16 prohibited the operation of certain non-appurtenant businesses on Beach St., on the Santa Cruz Municipal Wharf, on West Cliff Dr., on Main Beach and on Cowell Beach. Unless extended or modified, that prohibition was set to expire on October 1, 2020.
- M. WHEREAS, Executive Order No. 2020-16 has been effective in reducing much of the unsafe overcrowding previously seen in the City's beach areas. It has also been effective in addressing the concerns and nuisance conditions described in Paragraph K above.
- N. WHEREAS, the COVID-19 emergency is still very serious in Santa Cruz, and the County of Santa Cruz is currently experiencing a concerning increase in COVID-19 cases.
- O. WHEREAS, the intent of this Executive Order is to extend the prohibitions contained in Paragraph 3 of Executive Order No. 2020-16, such that these prohibitions remain in force and effect until the City's COVID-19 emergency declaration expires or is terminated. Note that the City's COVID-19 emergency declaration can only be in effect for 60 days, unless further extended by the City Council.

NOW, THEREFORE, I, MARTIN BERNAL, City Manager, in accordance with the authority provided to me as Emergency Services Director under the Santa Cruz Municipal Code, and in particular SCMC Chapter 2.20, and also pursuant to SCMC Chapter 4, California Constitution, Article XI §7, and Cal. Penal Code § § 370, 372, hereby issue the following Order, to become effective immediately.

IT IS HEREBY ORDERED THAT:

- 1. The recitals above are hereby incorporated by reference.
- 2. As used in this Order, the term "non-appurtenant business" shall refer to any business operating on a City street, sidewalk, park, or beach which does not have a corresponding fixed business location operating out of a building on that street, sidewalk, park, or beach. This definition includes sidewalk vendors and those who engage in similar activities on streets and sidewalks, if individuals are offering food, goods, or services in exchange for

any type of consideration, including cash, credit card, trade, or a donation. This definition excludes the City's licensed surf school operators and other businesses that have entered into concessionaire contracts with the City.

3. Effective immediately and with the primary goal of preventing the spread of COVID-19 caused by overcrowding, non-appurtenant businesses are temporarily prohibited from operating in the areas described below. This prohibition shall remain in effect until the City's COVID-19 emergency declaration expires or is terminated.
 - a. On Beach Street,
 - b. on Santa Cruz Municipal Wharf,
 - c. West Cliff Drive, and
 - d. On Main Beach and Cowell Beach.
4. Except for the above-described modifications to Paragraph 2 and Paragraph 3 of Executive Order No. 2020-16, the remainder of the City's Executive Order No. 2020-16, shall continue to remain in full force and effect.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the City of Santa Cruz, its departments, officers, or employees.

IT IS SO ORDERED, on September 30, 2020



Martín Bernal
City Manager / Emergency Services Director



**COVID-19 Emergency Declaration – City of Santa Cruz Executive Order No. 2020-22
(Addressing COVID-19 Transmission Risk and Nuisance Issues Arising from
Unsanctioned Encampments at and Near the City Clock Tower,
the Post Office, and Scope Park)**

- A. WHEREAS, in light of the current COVID-19 pandemic, on March 10, 2020, the Santa Cruz City Council declared a local health emergency re: Coronavirus (COVID-19) by way of Resolution No. NS-29,640. On April 28, 2020, June 23, 2020, August 11, 2020, and on September 22, 2020, the Santa Cruz City Council extended its declaration of a local health emergency by way of Resolution Nos. NS-29,653, NS-29,677, NS-29,695, and NS-29,714.
- B. The County of Santa Cruz is currently experiencing an outbreak of COVID-19 which has been deemed a global health pandemic by the World Health Organization.
- C. As of today's date, the County of Santa Cruz has reported 2,481 total known cases of COVID-19 within the County, which includes 318 active known cases, 2,151 recovered known cases, and, tragically, 12 deaths.
- D. WHEREAS, under Santa Cruz Municipal Code (SCMC) § 2.20.030, the City Manager serves as the Emergency Services Director. In the event of an emergency declaration, as the Emergency Services Director, the City Manager has the authority to take various actions in the City's interest, including making and issuing "rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency" (SCMC § 2.20.040(1)) and requiring "emergency services of any city officer or employee" [.] (SCMC § 2.20.040(3)).
- E. WHEREAS, the Emergency Services Director has the authority to conduct a summary nuisance abatement under SCMC § 2.20.070, which provides "[w]henever, in the judgment of the director of emergency services, or of the director's designee, it appears that a public nuisance exists in, on, or near any . . . property, constituting an immediate threat to public health or safety, requiring prompt action, the director, or the director's designee, may order that the building, structure, or property, or a portion thereof, be immediately: (a) Vacated, barricaded, boarded up or otherwise secured against use or occupancy by all persons except as permitted by the order, and thereafter kept vacant . . ."

- F. WHEREAS, as the Emergency Services Director, the City Manager also has the authority to “[e]xecute all of his or her ordinary powers as a City officer, all of the special powers conferred upon him or her by this chapter or by resolution adopted pursuant thereto, all powers conferred upon him or her by any statute, agreement approved by the City Council, or by any other lawful authority, and in conformity with Section 38791 of the Government Code, to exercise complete authority over the City and to exercise all police power vested in the City by the Constitution and general laws.” SCMC 2.20.040(5).
- G. WHEREAS, in addition to emergency COVID-related authority, the City has general authority to promptly abate public nuisances and prevent the reoccurrence of nuisance conditions, especially on City-owned and/or City-operated property. *See*, for example, SCMC §§ 4.16.030, 4.01.010(16), California Constitution, Article XI § 7, and Cal. Penal Code § § 370, 372.
- H. WHEREAS, on March 19, 2020, I issued Executive Order No. 2020-01, which directed City staff to abate a large, unsanctioned encampment near the Post Office. I issued this order due to significant public nuisance conditions observed at this location. I also believed that the presence of a large encampment at this location presented a serious COVID-19 related public health concern – to both the encampment occupants and to the public who might visit the Post Office. I believed that this area could have easily become a COVID-19 hot-spot, if unsanctioned encampments were permitted to remain in place. Historically, and in this instance in March of 2020, encampments in this area have been associated with the presence of Food Not Bombs’ nearby food distribution operations.
- I. WHEREAS, on March 24, 2020, I issued Executive Order No. 2020-02, directing City staff to vacate the City’s Clock Tower area. I issued this order because Food Not Bombs’ food distribution operations in this area had been the site of large, consistent public gatherings, and individuals in this area refrained from engaging in social-distancing. I believed that these large, consistent gatherings of people and the lack of social-distancing presented an unreasonable risk of COVID-19 transmission to our community.
- J. WHEREAS, after Food Not Bombs left the Clock Tower, they moved briefly to the Benchlands within San Lorenzo Park. Ultimately, Food Not Bombs deemed the Benchlands site to be unsuitable, and they moved into City Parking Lot No. 27, a City-operated parking lot at the corner of Laurel St. and Front St.. After Food Not Bombs moved to Lot 27, over time, City Parking Lot No. 27 and the adjacent levee area began experiencing significant COVID-risks and public nuisance conditions related to the presence of unsanctioned encampments. Specifically, staff and community members observed congregations of 50–100 people in close proximity to each other, dozens of people not wearing face coverings/masks, the sharing of food/cigarettes and other smoking devices, and a lack of appropriate food handling protocols, including a lack of

sneeze guards and shade structures. Additionally, staff and the public observed significant refuse build-up, rodents, human waste, hypodermic syringes, fires, and other ignition sources/flammable liquids. On top of this, the levee's nearby bike path became blocked with encampments, and bicyclists and pedestrians were unable to use the path.

- K. WHEREAS, on September 25, 2020, I issued Executive Order No. 2020-20, which directed City staff to abate nuisance conditions at City Parking Lot No. 27. In response to the City's enforcement action, Food Not Bombs and an associated group that refers to itself as the Santa Cruz Homeless Union COVID-19 Relief Center have relocated their operations to the City's Clock Tower area, which has traditionally been a site for First Amendment activities.
- L. WHEREAS, based on the City's consistent observations and experiences with Food Not Bombs and the related group Santa Cruz Homeless Union COVID-19 Relief Center, it appears to be certain that unsanctioned encampments, a lack of social distancing, large gatherings of people, and severe nuisance conditions will follow these groups - to the Clock Tower-Post Office-Scope Park area. These conditions are foreseeable, and they would present a significant public health risk to the Santa Cruz community. Given the seriousness of the COVID-19 pandemic, I believe that prompt action on these issues is critical.
- M. WHEREAS, to reduce the spread of COVID-19, because of the virus' propensity to spread person-to-person and especially in light of the current belief that COVID-19 may be spread via "airborne transmission", County, State, and Federal public health officials have provided public health guidance that individuals should: (1) avoid large congregations, (2) stay at least 6-feet away from individuals who reside in a different household, and (3) wear a face covering at all times when physical distancing is not possible. Food Not Bombs, the Santa Cruz Homeless Union COVID-19 Relief Center, and/or the individuals who reside in encampments near these operations have demonstrated a consistent unwillingness to abide by these guidelines.
- N. WHEREAS, the purpose of this Executive Order is to protect public health, safety, and welfare by preventing the reoccurrence of nuisance conditions and unreasonable COVID-19 transmission risks near Food Not Bombs' and the related group Santa Cruz Homeless Union COVID-19 Relief Center's operations.
- O. WHEREAS, this Executive Order is partially necessary due to the Council's 2019, post *Martin v. Boise*, suspension of enforcement of provisions within Santa Cruz Municipal Code Chapter 6.36.

NOW, THEREFORE, I, MARTIN BERNAL, City Manager, in accordance with the authority provided to me as Emergency Services Director under the Santa Cruz Municipal Code, and in particular SCMC Chapter 2.20, and also pursuant to SCMC Chapter 4, California Constitution, Article XI §7, Cal. Penal Code § § 370, 372, hereby issue the following Order, to become effective immediately.

IT IS HEREBY ORDERED THAT:

1. The recitals above are hereby incorporated by reference.
2. City staff shall have the discretion to erect temporary fencing or other physical barriers at or near the City Clock Tower, Post Office, and Scope Park to prevent the reoccurrence of nuisance conditions and COVID-19 transmission risk. Fencing may be removed at the discretion of appropriate City staff.
3. At the City's Clock Tower, Post Office, Scope Park, and the adjacent sidewalk areas identified within the attached Exhibit A to this Executive Order, it shall be unlawful to erect, configure, construct, maintain, or store an encampment (including, but not limited to tents, huts, temporary shelters, and unpermitted shelters, sleeping bags, bedrolls, blankets, sheets, pillows, luggage, kitchen utensils, cookware, and cooking equipment).
4. Any person who violates Paragraph 3 of this Executive Order is guilty of a misdemeanor under Santa Cruz Municipal Code 2.20.110(1). However, before citing and/or arresting an individual experiencing homelessness for a violation of this chapter, appropriate City staff shall provide the person with information about legal shelter options and may, but shall not be required, to transport the person to an available shelter location. Appropriate City staff shall give the person a warning and an opportunity to relocate before the City issues a citation and/or effectuates an arrest.
5. The establishment of an encampment in violation of this Executive Order is declared to be a public nuisance, and appropriate City staff is authorized and empowered to remove any such encampment after providing reasonable notice. What length of time is reasonable will depend on the size of the encampment, the presence of any urgent circumstances (including, but not limited to, increased fire risk, obstructing or interfering with the flow of pedestrian or vehicular traffic, and blocking access to a parking lot of a building), and the abilities of the person who maintains the encampment, if known to the City.
 - a. For attended encampments, unless urgent circumstances exist, at least 2-hours notice shall be given before the City removes property found to be in violation of this Executive Order.

- b. For unattended encampments, unless urgent circumstances exist, at least 24-hours notice shall be given before the City removes property found to be in violation of this Executive Order.
- c. For both attended and unattended encampments, a written warning with the following content shall be provided:

“PERSONS IN THIS AREA MUST VACATE AND REMOVE ALL BELONGINGS ON OR BEFORE: [insert reasonable date and time to vacate]

THE CITY WILL CLEAN THIS SITE ON OR AFTER THE TIME AND DATE SPECIFIED ABOVE.

UNACCOMPANIED ITEMS ARE SUBJECT TO REMOVAL AND MAY BE DISCARDED OR DESTROYED.

YOU MAY CALL [insert appropriate City staff phone number] WITH QUESTIONS OR CONCERNS.”

- 6. Personal property which poses an imminent threat to public health or safety, is contraband, is evidence of a crime, is obstructing or interfering with the flow of pedestrian or vehicular traffic, and/or is blocking access to a parking lot of a building shall not be subject to the above described notice requirements and may be promptly removed by appropriate City staff and stored or destroyed, in accordance with the law and generally accepted law enforcement procedures.
- 7. If items remain at an encampment site after the relevant notice period has expired, prior to discarding items in the encampment, appropriate City staff shall make a good faith attempt to identify and remove personal effects from the encampment. Any personal effects identified by City personnel shall not be discarded. For purposes of this section, “Personal Effects” means personal property consisting of the following items.
 - a. ID/Social Security cards
 - b. Medications, medical devices, eyeglasses
 - c. Photos/Photo Albums
 - d. Tax/medical records
 - e. Reasonably usable, not soiled, non-verminous items believed to have an estimated individual fair market value of over \$50.00, such as jewelry, clean purses/backpacks/briefcases, clean suitcases, clean tents, phones, radios & electronics, tools, stoves & generators, and functional bicycles (although bicycle parts shall not be considered Personal Effects).
- 8. At the time of removal of any Personal Effects in the encampment, City personnel shall conspicuously post a dated notice (either at the exact location from which the Personal Effects were removed or at another nearby location) with the following information.

- a. A list of Personal Effects removed;
 - b. A telephone number for information on retrieving Personal Effects;
 - c. An address where the personal effects are temporarily stored;
 - d. That Personal Effects will be stored for 90 days.
9. Personal Effects that remain unclaimed after 90 days may be discarded, recycled, dedicated for public use, or given to a nonprofit agency for charitable use.
10. If any subsection, sentence, clause, or phrase of this Executive Order is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Executive Order.



This Order is not intended to, and does not, create any additional rights or benefits, substantive or procedural, enforceable at law or in equity, against the City of Santa Cruz, its departments, officer, or employees.

IT IS SO ORDERED, on October 2, 2020

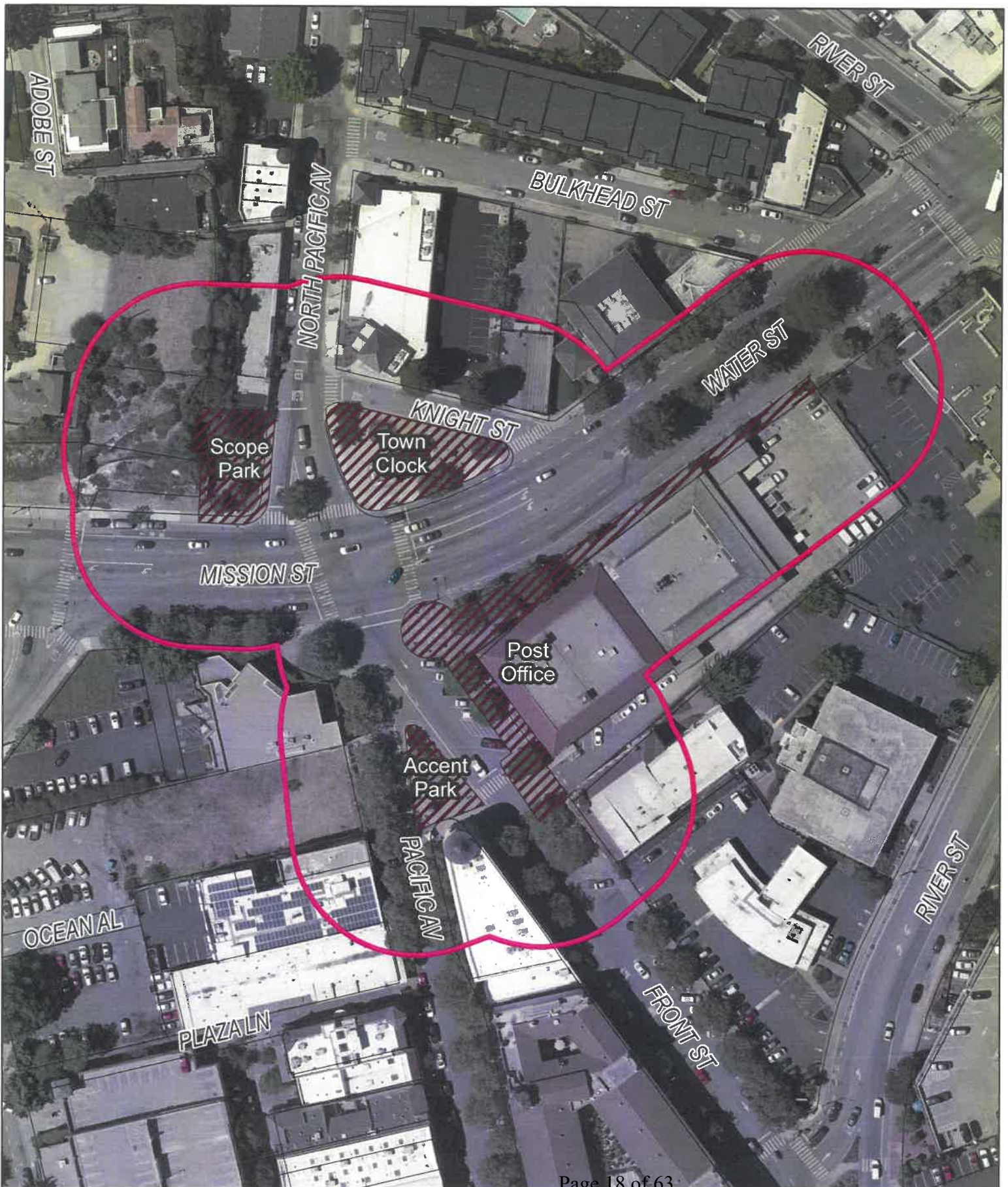


Martín Bernal
City Manager / Emergency Services Director

Exhibit A

 Restricted Area
 100' Buffer, No Camping Allowed

1 inch = 100 feet
0 25 50 100 Feet
Aerial Dated June 2016





**COVID-19 Emergency Declaration – City of Santa Cruz Executive Order No. 2020-23
(Addressing COVID-19 Transmission Risk and Nuisance Issues Arising from
Unsanctioned Encampments at and Near City Parking Lot 23, City Parking Lot 27, and
City Parking Lot 17 in Downtown Santa Cruz)**

- A. WHEREAS, in light of the current COVID-19 pandemic, on March 10, 2020, the Santa Cruz City Council declared a local health emergency re: Coronavirus (COVID-19) by way of Resolution No. NS-29,640. On April 28, 2020, June 23, 2020, August 11, 2020, and on September 22, 2020, the Santa Cruz City Council extended its declaration of a local health emergency by way of Resolution Nos. NS-29,653, NS-29,677, NS-29,695, and NS-29,714.
- B. The County of Santa Cruz is currently experiencing an outbreak of COVID-19 which has been deemed a global health pandemic by the World Health Organization.
- C. As of today's date, the County of Santa Cruz has reported 2,618 total known cases of COVID-19 within the County, which includes 215 active known cases, 2,383 recovered known cases, and, tragically, 20 deaths.
- D. WHEREAS, under Santa Cruz Municipal Code (SCMC) § 2.20.030, the City Manager serves as the Emergency Services Director. In the event of an emergency declaration, as the Emergency Services Director, the City Manager has the authority to take various actions in the City's interest, including making and issuing "rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency" (SCMC § 2.20.040(1)) and requiring "emergency services of any city officer or employee"[.] (SCMC§ 2.20.040(3)).
- E. WHEREAS, the Emergency Services Director has the authority to conduct a summary nuisance abatement under SCMC § 2.20.070, which provides "[w]henever, in the judgment of the director of emergency services, or of the director's designee, it appears that a public nuisance exists in, on, or near any . . . property, constituting an immediate threat to public health or safety, requiring prompt action, the director, or the director's designee, may order that the building, structure, or property, or a portion thereof, be immediately: (a) Vacated, barricaded, boarded up or otherwise secured against use or occupancy by all persons except as permitted by the order, and thereafter kept vacant . . ."

- F. WHEREAS, as the Emergency Services Director, the City Manager also has the authority to “[e]xecute all of his or her ordinary powers as a City officer, all of the special powers conferred upon him or her by this chapter or by resolution adopted pursuant thereto, all powers conferred upon him or her by any statute, agreement approved by the City Council, or by any other lawful authority, and in conformity with Section 38791 of the Government Code, to exercise complete authority over the City and to exercise all police power vested in the City by the Constitution and general laws.” SCMC 2.20.040(5).
- G. WHEREAS, in addition to emergency COVID-related authority, the City has general authority to promptly abate public nuisances and prevent the reoccurrence of nuisance conditions, especially on City-owned and/or City-operated property. *See*, for example, SCMC §§ 4.16.030, 4.01.010(16), California Constitution, Article XI § 7, and Cal. Penal Code § § 370, 372.
- H. WHEREAS, on March 19, 2020, I issued Executive Order No. 2020-01, which directed City staff to abate a large, unsanctioned encampment near the Post Office. I issued this order due to significant public nuisance conditions observed at this location. I also believed that the presence of a large encampment at this location presented a serious COVID-19 related public health concern – to both the encampment occupants and to the public who might visit the Post Office. I believed that this area could have easily become a COVID-19 hot-spot, if unsanctioned encampments were permitted to remain in place. Historically, and in this instance in March of 2020, encampments in this area have been associated with the presence of Food Not Bombs’ nearby food distribution operations.
- I. WHEREAS, on March 24, 2020, I issued Executive Order No. 2020-02, directing City staff to vacate the City’s Clock Tower area. I issued this order because Food Not Bombs’ food distribution operations in this area had been the site of large, consistent public gatherings, and individuals in this area refrained from engaging in social-distancing. I believed that these large, consistent gatherings of people and the lack of social-distancing presented an unreasonable risk of COVID-19 transmission to our community.
- J. WHEREAS, after Food Not Bombs left the Clock Tower, they moved briefly to the Benchlands within San Lorenzo Park. Ultimately, Food Not Bombs deemed the Benchlands site to be unsuitable, and they moved into City Parking Lot No. 27, a City-operated parking lot at the corner of Laurel St. and Front St.. After Food Not Bombs moved to Lot 27, over time, City Parking Lot No. 27 and the adjacent levee area began experiencing significant COVID-risks and public nuisance conditions related to the presence of unsanctioned encampments. Specifically, staff and community members observed congregations of 50–100 people in close proximity to each other, dozens of people not wearing face coverings/masks, the sharing of food/cigarettes and other smoking devices, and a lack of appropriate food handling protocols, including a lack of

sneeze guards and shade structures. Additionally, staff and the public observed significant refuse build-up, rodents, human waste, hypodermic syringes, fires, and other ignition sources/flammable liquids. On top of this, the levee's nearby bike path became blocked with encampments, and bicyclists and pedestrians were unable to use the path.

- K. WHEREAS, on September 25, 2020, I issued Executive Order No. 2020-20, which directed City staff to abate nuisance conditions at City Parking Lot No. 27. In response to the City's enforcement action, Food Not Bombs and an associated group that refers to itself as the Santa Cruz Homeless Union COVID-19 Relief Center briefly relocated their operations to the City's Clock Tower area.
- L. WHEREAS, around the same time the City abated nuisance conditions at Lot 27, the City offered to let Food Not Bombs temporarily use space within the nearby City Parking Lot No. 23, for the purposes of charitable food distribution. On or around October 4, 2020, Food Not Bombs and Santa Cruz Homeless Union COVID-19 Relief Center relocated into part of City Parking Lot No. 23.
- M. WHEREAS, based on the City's consistent observations and experiences with Food Not Bombs and the related group Santa Cruz Homeless Union COVID-19 Relief Center, it appears to be certain that unsanctioned encampments, a lack of social distancing, large gatherings of people, and severe nuisance conditions will follow these groups - to areas at and near City Parking Lot No. 23, including the adjacent Lots 27 and 17. These conditions are foreseeable, and they would present a significant public health risk to the Santa Cruz community. Given the seriousness of the COVID-19 pandemic, I believe that prompt action on these issues is critical.
- N. WHEREAS, the City has collaborated with the Association of Faith Communities ("AFC") to use City Lot No. 17 as a safe sleeping and shelter-in-place location for certain individuals and families experiencing homelessness who are enrolled in AFC's "SafeSpaces" program. Unsanctioned encampments at and near Lot 17 negatively impact these individuals' and families' abilities to safely and peacefully "shelter in place" during the COVID-19 pandemic.
- O. WHEREAS, to reduce the spread of COVID-19, because of the virus' propensity to spread person-to-person and especially in light of the current belief that COVID-19 may be spread via "airborne transmission", County, State, and Federal public health officials have provided public health guidance that individuals should: (1) avoid large congregations, (2) stay at least 6-feet away from individuals who reside in a different household, and (3) wear a face covering at all times when physical distancing is not possible. Food Not Bombs, the Santa Cruz Homeless Union COVID-19 Relief Center, and/or the individuals who reside in encampments near these operations have demonstrated a consistent unwillingness to abide by these guidelines.

- P. WHEREAS, the purpose of this Executive Order is to protect public health, safety, and welfare by preventing the reoccurrence of nuisance conditions and unreasonable COVID-19 transmission risks near Food Not Bombs' and the related group Santa Cruz Homeless Union COVID-19 Relief Center's operations.
- Q. WHEREAS, this Executive Order is partially necessary due to the Council's 2019, post *Martin v. Boise*, suspension of enforcement of provisions within Santa Cruz Municipal Code Chapter 6.36.

NOW, THEREFORE, I, MARTIN BERNAL, City Manager, in accordance with the authority provided to me as Emergency Services Director under the Santa Cruz Municipal Code, and in particular SCMC Chapter 2.20, and also pursuant to SCMC Chapter 4, California Constitution, Article XI §7, Cal. Penal Code § § 370, 372, hereby issue the following Order, to become effective immediately.

IT IS HEREBY ORDERED THAT:

1. The recitals above are hereby incorporated by reference.
2. City staff within the City Manager's office shall have the discretion to cause temporary fencing or other physical barriers to be erected at or near the City Parking Lot No. 23, City Parking Lot 27, and/or City Parking Lot 17, if fencing is deemed appropriate to prevent the reoccurrence of nuisance conditions and/or COVID-19 transmission risk. Fencing may be removed at the discretion of appropriate City staff.
3. Within City Parking Lot No. 23, City Parking Lot No. 27, City Parking Lot No. 17, and the additional adjacent areas identified within the attached Exhibit A to this Executive Order, it shall be unlawful to erect, configure, construct, maintain, or store an encampment (including, but not limited to tents, huts, temporary shelters, and unpermitted shelters, sleeping bags, bedrolls, blankets, sheets, pillows, luggage, kitchen utensils, cookware, and cooking equipment). This prohibition is generally not intended to apply to participants in the AFC SafeSpaces program, and this Executive Order shall not be interpreted in any way that would prohibit individuals and families from participating in AFC's SafeSpaces program within any City parking lot.
4. Any person who violates Paragraph 3 of this Executive Order is guilty of a misdemeanor under Santa Cruz Municipal Code 2.20.110(1). However, before citing and/or arresting an individual experiencing homelessness for a violation of this chapter, appropriate City staff shall provide the person with information about legal shelter options. Appropriate City staff shall give the person a warning and an opportunity to relocate before the City issues a citation and/or effectuates an arrest.

5. The establishment of an encampment in violation of this Executive Order is declared to be a public nuisance, and appropriate City staff is authorized and empowered to remove any such encampment after providing reasonable notice. What length of time is reasonable will depend on the size of the encampment, the presence of any urgent circumstances (including, but not limited to, increased fire risk, obstructing or interfering with the flow of pedestrian or vehicular traffic, and blocking access to a parking lot of a building), and the abilities of the person who maintains the encampment, if known to the City.

- a. For attended encampments, unless urgent circumstances exist, at least 2-hours notice shall be given before the City removes property found to be in violation of this Executive Order.
- b. For unattended encampments, unless urgent circumstances exist, at least 24-hours notice shall be given before the City removes property found to be in violation of this Executive Order.
- c. For both attended and unattended encampments, a written warning with the following content shall be provided:

“PERSONS IN THIS AREA MUST VACATE AND REMOVE ALL BELONGINGS ON OR BEFORE: [insert reasonable date and time to vacate]

THE CITY WILL CLEAN THIS SITE ON OR AFTER THE TIME AND DATE SPECIFIED ABOVE.

UNACCOMPANIED ITEMS ARE SUBJECT TO REMOVAL AND MAY BE DISCARDED OR DESTROYED.

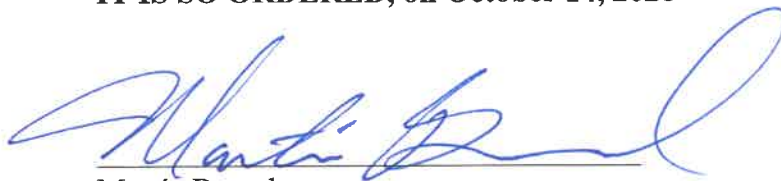
YOU MAY CALL [insert appropriate City staff phone number] WITH QUESTIONS OR CONCERNS.”

6. Personal property which poses an imminent threat to public health or safety, is contraband, is evidence of a crime, is obstructing or interfering with the flow of pedestrian or vehicular traffic, and/or is blocking access to a parking lot of a building shall not be subject to the above described notice requirements and may be promptly removed by appropriate City staff and stored or destroyed, in accordance with the law and generally accepted law enforcement procedures.
7. If items remain at an encampment site after the relevant notice period has expired, prior to discarding items in the encampment, appropriate City staff shall make a good faith attempt to identify and remove Personal Effects from the encampment. Any Personal Effects identified by City personnel shall not be discarded. For purposes of this section, “Personal Effects” means personal property consisting of the following items.

- a. ID/Social Security cards
 - b. Medications, medical devices, eyeglasses
 - c. Photos/Photo Albums
 - d. Tax/medical records
 - e. Reasonably usable, not soiled, non-verminous items believed to have an estimated individual fair market value of over \$50.00, such as jewelry, clean purses/backpacks/briefcases, clean suitcases, clean tents, phones, radios & electronics, tools, stoves & generators, and functional bicycles (although bicycle parts shall not be considered Personal Effects).
8. At the time of removal of any Personal Effects in the encampment, City personnel shall conspicuously post a dated notice (either at the exact location from which the Personal Effects were removed or at another nearby location) with the following information.
- a. A list of Personal Effects removed;
 - b. A telephone number for information on retrieving Personal Effects;
 - c. An address where the personal effects are temporarily stored;
 - d. That Personal Effects will be stored for 90 days.
9. Personal Effects that remain unclaimed after 90 days may be discarded, recycled, dedicated for public use, or given to a nonprofit agency for charitable use.
10. If any subsection, sentence, clause, or phrase of this Executive Order is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Executive Order.



This Order is not intended to, and does not, create any additional rights or benefits, substantive or procedural, enforceable at law or in equity, against the City of Santa Cruz, its departments, officer, or employees.

IT IS SO ORDERED, on October 14, 2020



Martín Bernal
City Manager / Emergency Services Director

Exhibit A

-  Restricted Area
-  100' Buffer, No Camping Allowed

1 inch = 100 feet
0 25 50 100 Feet
Aerial Dated June 2016



Rosemary Balsley

From: Meghan Brandt <meg.c.brandt@gmail.com>
Sent: Monday, October 26, 2020 12:40 PM
To: City Council
Subject: Item 9 on the agenda

Hi!

I am born and raised in Santa Cruz and I am writing to encourage you vote against Item 9 on the Consent Agenda at the Tuesday, October 27, 2020, City Council Meeting.

Food Not Bombs does necessary and good work for the community, and they are doing desperately needed work. More than 100 people a day are depending on FNB for food, clothing, books and masks.

I urge to you vote to support the community, and to support people over property.

Thanks,
Emris Brandt
Zip code: 95062

Rosemary Balsley

From: WildernessWoman <wildernesswoman@gmail.com>
Sent: Monday, October 26, 2020 1:15 PM
To: City Council
Subject: October 27 City Council Meeting Item 9

I am writing to encourage you to vote against Item 9 on the Consent Agenda on Tuesday, October 27, 2020, City Council Meeting. I support Food Not Bombs and their continued work to share food, clothing, books, and masks at the corner of Laurel and Front Streets. They are providing desperately needed support for the community.

Thanks for your consideration

Sincerely,

Shannon Long of St. Louis, Missouri

P.S. because of the Santa Cruz Food Not Bombs, my friend and I were able to find our friend who had been missing for a month. Please let them do what needs to be done. Thank You!

Rosemary Balsley

From: Judy Pisano <judypisano@yahoo.com>
Sent: Monday, October 26, 2020 1:20 PM
To: City Council
Subject: Food Not Bombs at Laurel and Front - Item 9 Consent Agenda

Dear City Council Members.\,

I am writing to encourage you vote against Item 9 on the Consent Agenda at the Tuesday, October 27, 2020, City Council Meeting.

I support Food Not Bombs and their continued work to share food, clothing, books and masks at the corner of Laurel and Front Streets.

They are providing desperately needed support for the community.

Thanks for your consideration.
Sincerely,

Judith Pisano
190 Walnut Avenue
Santa Cruz 95060

Rosemary Balsley

From: Ringler <sring@cruzio.com>
Sent: Monday, October 26, 2020 1:32 PM
To: City Council
Subject: No on item 9

Dear City Councilpeople,

I am writing to encourage you vote against Item 9 on the Consent Agenda at the Tuesday, October 27, 2020, City Council Meeting. I support Food Not Bombs and their continued work to share food, clothing, books and masks at the corner of Laurel and Front Streets. They are providing desperately needed support for the community.

Thanks for your consideration.

Sincerely,

Sarah Ringler
357 Park Way
SC 95062

Rosemary Balsley

From: David Furnish <defurnish@gmail.com>
Sent: Monday, October 26, 2020 1:46 PM
To: City Council
Cc: keith@foodnotbombs.net
Subject: Consent Agenda Item 9

Good day -

As a long time Santa Cruz resident I would like to state my opposition to the proposed actions stated in the referenced Consent Agenda. The problems that our unhoused neighbors are facing, and the tertiary issues facing the entire downtown neighborhood, are in no way addressed by forcing those trying to serve our neighbors to continually relocate within the area. This is wasteful, harmful to our unhoused and serves no good purpose to the downtown business community.

The Council and the City Manager have been acting as if they ignore the housing crisis (which some of their constituents benefit from, while numerous others are economically destroyed), that the problem will go away. This is not a problem that will mystically disappear, but one that requires intelligence along with empathy.

Closing locations (FNB, Benchlands etc.) is not doing anything to truly address the problem, but is instead simply putting window dressing on failed policy. And bringing in the State and Federal representatives, telling them all that is needed is more money.... Money that is spent ONLY to benefit downtown businesses does not get to the root cause of the problem. As noted above - empathy and intelligence are far more important than \$\$ in this effort. Please vote AGAINST Item 9 on the Consent Agenda.

Thanks you -
David E. Furnish
Santa Cruz, CA

Rosemary Balsley

From: Owen Thomas <owenthomas601@gmail.com>
Sent: Monday, October 26, 2020 2:01 PM
To: City Council
Subject: Vote NO on Item 9

Hello,

My name is Owen and I'm a resident of Santa Cruz.

I am writing to encourage you to vote against Item 9 on the Consent Agenda at the Tuesday, October 27, 2020, City Council Meeting. I support Food Not Bombs and their continued work to share food, clothing, books and masks at the corner of Laurel and Front Streets. They are providing desperately needed support for the community.

Thanks for your consideration.

Sincerely,

Owen Thomas

Rosemary Balsley

From: Peter Gelblum <pbgelblum@gmail.com>
Sent: Monday, October 26, 2020 2:47 PM
To: City Council; Justin Cummings; Martine Watkins; Cynthia Mathews; Donna Meyers; Sandy Brown; Katherine Beiers; Renee Golder
Subject: Consent agenda Item #9 - oppose

Please vote NO on Consent Agenda Item # 9. In addition to the Executive Orders (200-20-23) being unnecessary and harmful to the most vulnerable residents of the City, all four Executive Orders are ***illegal***. All four constitute "summary nuisance abatements," which means they are issued in the extraordinary process of not requiring a Court to review the evidence and approve the Orders. For the legal authority to take this extraordinary action, all of the Orders rely entirely on SMC 2.20.070. However, that ordinance was enacted in the aftermath of the 1989 earthquake, and its plain language establishes that ***it applies only to damaged buildings***, not outside spaces that are the subjects of these Orders. I know you are all extremely busy, but please perform your duty to read the material carefully and act independently, and not simply accept and rubber-stamp what staff puts in front of you. The City Manager has been acting unlawfully and in excess of his powers since the Council declared an emergency. It is time to look at this with fresh eyes. If you oppose Consent Agenda Item #9, ***the City will still be able to abate anything it believes is a nuisance, but it will have to get a judge to agree*** that the circumstances warrant the declaration of a nuisance and the ensuing remedies.

Thank you for your consideration,
Peter Gelblum

Rosemary Balsley

From: Batya Kagan <lchaim@jps.net>
Sent: Monday, October 26, 2020 3:58 PM
To: City Council
Subject: RE: Food Not Bombs, Item 9 on consent agenda

Dear Members of the City Council,

I am writing to ask that, at the very least, you move to take item 9 off the Consent Agenda as it is important for us, as a community, to hear what problems are occurring with Food Not Bombs and to possibly come up with viable solutions.

I have been volunteering with them for a while now and see how many people are so grateful for hot food, for clothes, for the caring that is shown them. I see many people picking up any trash. I'm not sure what all the issues are, but instead of moving this valuable service around, is there any way the community can be of assistance?

Thank you for considering this.

Batya Kagan
Santa Cruz, CA

Rosemary Balsley

From: Randa Solick <rsolick@gmail.com>
Sent: Monday, October 26, 2020 4:35 PM
To: City Council
Subject: Food Not Bombs

Please let Food Not Bombs continue to do the vital work that they are willing to do. Stop harassing them, give them not only a place to safely distribute food but all the support you can muster. Thank you. Randa Solick, Aptos

Rosemary Balsley

From: Joy Binah <joybinah@gmail.com>
Sent: Monday, October 26, 2020 5:51 PM
To: City Council
Subject: Support for Food not Bombs!!

I am writing to encourage you to vote against Item 9 on the Consent Agenda at the Tuesday, October 27, 2020, City Council Meeting. I support Food Not Bombs and their continued work to share food, clothing, books and masks at the corner of Laurel and Front Streets. They are providing desperately needed support for the community.

Thanks for your consideration.

Sincerely

Joy Binah

4051 Branciforte Drive
Santa Cruz, Ca 96065

"May all be fed, may all be healed, and may all be loved."

Rosemary Balsley

From: Peter Kinoy <peterkinoy@gmail.com>
Sent: Monday, October 26, 2020 6:47 PM
To: City Council
Subject: Food Not Bombs

Dear City Council Members,

I am writing you as a member of the Poor People's Campaign and the National Union of the Homeless. And also as a concerned citizen.

I am writing to encourage you vote against Item 9 on the Consent Agenda at the Tuesday, October 27, 2020, City Council Meeting. I support Food Not Bombs and their continued work to share food, clothing, books and masks at the corner of Laurel and Front Streets. They are providing desperately needed support for the community.

Thanks for your consideration.

Peter Kinoy

Rosemary Balsley

From: anestasoul@cruzio.com
Sent: Monday, October 26, 2020 6:54 PM
To: City Council
Subject: Santa Cruz City Council

I am writing to encourage you vote against Item 9 on the Consent Agenda at the Tuesday, October 27, 2020, City Council Meeting. I support Food Not Bombs and their continued work to share food, clothing, books and masks at the corner of Laurel and Front Streets. They are providing desperately needed support for the community.

Thanks for your consideration.

Sincerely,

Laura Sutherland
Santa Cruz, Ca.
USA

Rosemary Balsley

From: Esther Frances <sarasvatiesther@gmail.com>
Sent: Monday, October 26, 2020 7:43 PM
To: City Council
Subject: Vote against item 9

I am writing to encourage you vote against Item 9 on the Consent Agenda at the Tuesday, October 27, 2020, City Council Meeting. I support Food Not Bombs and their continued work to share food, clothing, books and masks at the corner of Laurel and Front Streets. They are providing desperately needed support for the community.
Thanks for your consideration.

Sincerely,

Esther Frances
Soquel, CA

Rosemary Balsley

From: Sophie Haber <hsophie.2013@gmail.com>
Sent: Monday, October 26, 2020 7:57 PM
To: City Council
Subject: Item 9 Consent Agenda

I am writing to encourage you vote against Item 9 on the Consent Agenda at the Tuesday, October 27, 2020, City Council Meeting. I support Food Not Bombs and their continued work to share food, clothing, books and masks at the corner of Laurel and Front Streets. They are providing desperately needed support for the community.

Thanks for your consideration.

-Sophie

Rosemary Balsley

From: SL Benz <slbenzy@gmail.com>
Sent: Monday, October 26, 2020 8:14 PM
To: City Council
Subject: Tomorrow's meeting Item 9

I am writing to encourage you vote against Item 9 on the Consent Agenda at the Tuesday, October 27 City Council Meeting. I support Food Not Bombs and their continued work to share food, clothing, books and masks at the corner of Laurel and Front Streets. They are providing desperately needed support for the community.

Thanks for your consideration.

Sincerely,
Lauren Benz

From: Robert Norse <rnorse3@hotmail.com>
Sent: Monday, October 26, 2020 8:23 PM
To: HUFF yahoo groups
Cc: City Council
Subject: Say No to the City Manager's Attack on Homeless Encampments and Food Not Bombs--2 PM Wednesday October 27th at City Hall Courtyard--NO on Agenda Item # 9

THE THREAT OF FURTHER ACTION AGAINST THOSE OUTSIDE & GROUPS THAT SUPPORT THEM

The city is threatening to evict Food Not Bombs from its sharing location for the fourth time during this pandemic even though more than 100 people a day are depending on us for food, clothing, books and masks. They are suggesting that it will be illegal for us to share in any public location and plan to fence off each of these areas.

Tuesday, October 27, 2020, at 2 PM Santa Cruz City Hall - 809 Center Street, Santa Cruz. The vote is scheduled for that time or soon thereafter.

The City Council meeting will, as usual, be held behind closed doors in spite of the availability of the Civic Auditorium for safe use.

For information on how to call in your opposition, go to <https://ecm.cityofsantacruz.com/OnBaseAgendaOnline/Meetings/ViewMeeting?id=1533&doctype=1>

If you wish a fuller discussion of the 4 City Manager Decrees up for rubberstamping by the City Council, when it comes your time to speak, request the City Council remove item #9 from the Consent Agenda for a staff report and more extensive discussion. Mention that Councilmember Sandy Brown is often respectful of the public's right to speak more fully on Consent Agenda items and hope she will do so again on this one.

For more coverage of this issue and to make your own comments, go to <https://www.indybay.org/newsitems/2020/10/26/18837897.php> ,

Rosemary Balsley

From: Ivy <ivy.mcbride.m@gmail.com>
Sent: Monday, October 26, 2020 8:37 PM
To: Sandy Brown; Justin Cummings; City Council; Cynthia Mathews; Donna Meyers; Katherine Beiers; Martin Bernal; Martine Watkins; Renee Golder
Subject: Consent Agenda Item 9

Hi All--

I know it's probably too late for this, but I want to request that item 9 on the Consent Agenda be moved to the regular agenda so that the public can comment on this. It is getting really exhausting watching the City Manager (with approval from the council) move Food Not Bombs from one parking lot/public space to another. They need to have somewhere to do their jobs. If you are serious about being compassionate and proactive about the issue of homelessness in our community, I can't for the life of me understand why you can't support FNB. Find them a place where they can feed people safely. It's not hard. In fact, it would probably be a lot easier than continuing to shoo them from vacant lot to vacant lot. This is embarrassing to watch. Please fix it!

Sincerely,

Ivy Munnerlyn

Rosemary Balsley

From: Christy Brandt <christybrandt2@gmail.com>
Sent: Monday, October 26, 2020 9:09 PM
To: City Council
Subject: Please support food not bombs

Dear City Council,

I am writing to encourage you vote against Item 9 on the Consent Agenda at the Tuesday, October 27, 2020, City Council Meeting. I support Food Not Bombs and their continued work to share food, clothing, books and masks. They are providing desperately needed support for the community.

Thanks for your consideration.

Sincerely,
Christy Brandt

Rosemary Balsley

From: Graham Edwards <grahamhedwards92@gmail.com>
Sent: Monday, October 26, 2020 9:10 PM
To: City Council
Subject: Please Vote Against Item 9

To Whom It May Concern,

I am writing to urge that you **vote against Item 9** on the Consent Agenda at the Tuesday, October 27, 2020, City Council Meeting.

I wholeheartedly support Food Not Bombs and their ongoing work to share food, clothing, books and masks at the corner of Laurel and Front Streets. They are providing desperately needed support for the community. I live only a few blocks from the corner of Laurel and Front Streets, and have seen for myself how the work of Food Not Bombs is vital to the wellbeing of Santa Cruz.

To support Item 9 would be to attack a vital community resource and in so doing, inflict harm on our community. **I urge that you vote against item 9** and let Santa Cruz be a kinder, more beautiful place, in which people support one another.

Thank you for your time and consideration,

Graham Edwards
119 Clay St. #9
Santa Cruz, CA

Rosemary Balsley

From: Maria Solis Kennedy <mariasoliskennedy@gmail.com>
Sent: Monday, October 26, 2020 9:14 PM
To: City Council
Subject: Vote against Item 9 at the 10/27 meeting

Dear City Council Members:

I am writing to urge you to vote against Item 9 on the Consent Agenda tomorrow at the Tuesday, October 27 City Council Meeting.

I support Food Not Bombs and their vital continued work to share food, clothing, books and masks at the corner of Laurel and Front. This support is clearly desperately needed by the community. As a resident of the lower Ocean street area who regularly commutes up Laurel and passes by Food Not Bombs, I support their continued operation at this site or at the Clocktower.

Community members offering other community members assistance is beautiful and something that the city of Santa Cruz should celebrate rather than seek to curtail. As a local resident I appreciate the work and physical presence of Food Not Bombs in my neighborhood and I am watching closely to see how the city council proceeds.

Thank you for your consideration,

Maria Solis Kennedy
119 Clay Street, Santa Cruz

Rosemary Balsley

From: Daphne <daphnemmw@gmail.com>
Sent: Monday, October 26, 2020 9:50 PM
To: City Council
Subject: Vote Against Item 9

Hello,

I am a current resident of downtown Santa Cruz, California. I would like you to consider voting against Item on the Consent Agenda in the upcoming City Council Meeting tomorrow, October 27th.

I live across the river from downtown and on a daily basis witness the support and resources that others in the community receive from organizations such as Food Not Bombs. To continue to displace the organization with these regulations further harms those who are most vulnerable among us. Please consider the livelihood of those persons who are in need, as we are all human.

Sincerely,
Daphne White

Rosemary Balsley

From: Jane Doyle <jpdoyle228@gmail.com>
Sent: Monday, October 26, 2020 10:45 PM
To: City Council
Subject: Item 9, Consent Agenda, October 27, 2020

October 25, 2020

Dear City Council Members, City Manager Bernal and Administrative Staff.

I am a city resident who falls into the high risk category for Covid-19 due to age and an underlying medical condition. I am also a fortunate resident with a warm dry place to sleep, a kitchen where I can prepare cooked food and a comfortable place to eat it. Until a few years ago I took all that for granted. No longer. My blessings are obvious as I see what the unhoused and very low income experience every day.

A couple of years ago I had a conversation with someone waiting for a meal from Food Not Bombs. It was obvious that this was a lifeline for him. Since then I have returned a few times to talk with recipients. I learned that the food is prepared in a licensed kitchen. I've watched volunteers set up, serve and clean-up thoroughly. As that person told me at my first conversation, Food Not Bombs is essential for a portion of our citizens whom no one else serves.

Please do not let your personal feelings about Food Not Bombs, the people who organize and sustain it and even personal feelings against some of the unhoused allow you to remove this vital resource. Not only is minimizing hunger important to overall well being, regular access to good quality food is crucial for keeping immune systems strong. The fresh and cooked food provided daily by Food Not Bombs is an extremely important component of our public health system. Also important is a location with a hard surface equally accessible to those who can walk, those in wheelchairs and anyone who is unstable on a slippery, or uneven surface.

I urge you not to harass Food Not Bombs by forcing them to move frequently, by punishing them for the actions of people over whom they have no authority or worse yet, by shutting them down altogether.

Please put yourselves in the shoes of those who rely on Food Not Bombs and find a way to keep this significant service available for everyone who relies on it. Be cognizant of the good things you personally have, such as refrigeration and cooking facilities, and please don't remove from others the few blessings they have such as the cooked food provided by Food Not Bombs. The heartlessness of a removal action, if you take it, will be a permanent part of your legacy.

Sincerely, Jane Doyle
228 Peyton St.
Santa Cruz, CA 95060
jpdoyle228@gmail.com

Rosemary Balsley

From: Megan Butler <thewomanmeg@gmail.com>
Sent: Monday, October 26, 2020 11:33 PM
To: City Council
Subject: Support Food not Bombs

I am writing to encourage you vote against Item 9 on the Consent Agenda at the Tuesday, October 27, 2020, City Council Meeting. I support Food Not Bombs and their continued work to share food, clothing, books and masks at the corner of Laurel and Front Streets. They are providing desperately needed support for the community.

Thanks for your consideration.

Sincerely

Megan Butler

Boulder Creek resident (95006)

Rosemary Balsley

From: Shauna Gunderson <gunderson.s1@gmail.com>
Sent: Tuesday, October 27, 2020 7:12 AM
To: City Council
Subject: Food Not Bombs

I am writing to encourage you vote against Item 9 on the Consent Agenda at the Tuesday, October 27, 2020, City Council Meeting. I support Food Not Bombs and their continued work to share food, clothing, books and masks at the corner of Laurel and Front Streets. They are providing desperately needed support for the community.

Thanks for your consideration.

Sincerely

Shauna Gunderson

Rosemary Balsley

From: Samantha Infeld <samantha.infeld@gmail.com>
Sent: Tuesday, October 27, 2020 7:42 AM
To: City Council
Subject: Item 9

I am writing to encourage you to vote against Item 9 on the Consent Agenda at the Tuesday, October 27, 2020, City Council Meeting. I support Food Not Bombs and their continued work to share food, clothing, books and masks at the corner of Laurel and Front Streets. They are providing desperately needed support for the community.

Thanks for your consideration.

Sincerely,

Samantha Infeld

Granite Ridge, Santa Cruz

--

Sow a thought, and you reap an act; Sow an act, and you reap a habit;
Sow a habit, and you reap a character; Sow a character, and you reap a destiny.

- Charles Reader

Rosemary Balsley

From: Sage Christensen <hartofsage@gmail.com>
Sent: Tuesday, October 27, 2020 9:43 AM
To: City Council
Subject: Item 9!

I am writing to encourage you vote against Item 9 on the Consent Agenda at the Tuesday, October 27, 2020, City Council Meeting. **I support Food Not Bombs** and their continued work to share food, clothing, books and masks at the corner of Laurel and Front Streets. They are providing desperately needed support for the community.

Thanks for your consideration.

Sincerely,

Sage Christensen

Santa Cruz County California

Rosemary Balsley

From: Mary Lutz <mlutz404@gmail.com>
Sent: Tuesday, October 27, 2020 9:20 AM
To: City Council
Subject: Item. 9 VOTE NO

I urge you to vote NO to the item 9 -- Consent Agenda at the Tuesday, October 27, 2020, City Council Meeting. I support Food Not Bombs and their continued work to share food, clothing, books and masks at the corner of Laurel and Front Streets. They are providing desperately needed support for the community.
Thanks for your consideration.

Sincerely
Mary E Lutz, PhD MPH
New York City

Rosemary Balsley

From: Marion Vittitow <marionv@cruzio.com>
Sent: Tuesday, October 27, 2020 10:16 AM
To: City Council
Subject: Vote against Item 9

I am writing to encourage you vote against Item 9 on the Consent Agenda at the Tuesday, October 27, 2020, City Council Meeting. I support Food Not Bombs and their continued work to share food, clothing, books and masks at the corner of Laurel and Front Streets. They are providing desperately needed support for the community.

Thanks for your consideration.

Sincerely, Marion Vittitow

From: Fred Mindlin <fmindlin@gmail.com>
Sent: Tuesday, October 27, 2020 10:19 AM
To: City Council
Subject: Please vote against Item 9 on the Consent Agenda

Honorable Councilmembers,

I am writing to encourage you to vote against Item 9 on the Consent Agenda at the Tuesday, October 27, 2020, City Council Meeting. I support Food Not Bombs and their continued work to share food, clothing, books and masks at the corner of Laurel and Front Streets. They are providing desperately needed support for the community.

Thanks for your consideration. I live in Watsonville, Santa Cruz County, regularly shop and work in Santa Cruz City, and I hope the City will find ways to support Food Not Bombs in their important work.

Sincerely, Fred Mindlin

37 years as a resident in Santa Cruz County

Fred Mindlin

[String Stories](#) | Digital Stories

Teaching Artist: Core Connected Learning

Rosemary Balsley

From: Kerry Skemp <kerry.skemp@gmail.com>
Sent: Tuesday, October 27, 2020 10:25 AM
To: City Council
Subject: Food Not Bombs

Hello,

I am writing to encourage you to vote against Item 9 on the Consent Agenda at the Tuesday, October 27, 2020, City Council Meeting. I support Food Not Bombs and their continued work to share food, clothing, books and masks at the corner of Laurel and Front Streets. They are providing desperately needed support for the community.

If this program is modified or not allowed to continue, the city needs to step up and provide the food and sanitation support that people in the community need.

Thanks,

Kerry
95060

Rosemary Balsley

From: Michael Pavich <michaelpavich831@gmail.com>
Sent: Tuesday, October 27, 2020 10:34 AM
To: City Council; Sandy Brown; Katherine Beiers; Renee Golder; Donna Meyers; Martine Watkins; Justin Cummings
Subject: Item 9

I am writing to encourage you vote against Item 9 on the Consent Agenda at the Tuesday, October 27, 2020, City Council Meeting. I support Food Not Bombs and their continued work to share food, clothing, books and masks at the corner of Laurel and Front Streets. They are providing desperately needed support for the community.

Thanks for your consideration.

Sincerely,

Michael

Rosemary Balsley

From: Marcia Heath <marcia2435@gmail.com>
Sent: Tuesday, October 27, 2020 10:37 AM
To: City Council
Subject: Do not evict Food Not Bombs

PLEASE, vote against item 9 on the Consent Agenda of today's meeting. Food Not Bombs is doing essential work for people who will otherwise not receive the services they need. They share food, clothing, books, and masks and provide desperately needed support to those in need.

Thank you for your consideration of this request.

*Marcia Heath
2435 Felt St. #50
Santa Cruz, CA 95062*

"May we all be emboldened by our connections to each other, to our deepest truths, and to our visions for a more just world!" Ilana Lerner, JVP

Rosemary Balsley

From: Jasmeet & Ned Dhaliwal-Richards <teamdhaliwalrichards@gmail.com>
Sent: Tuesday, October 27, 2020 10:54 AM
To: City Council
Subject: Please vote against item 9

Dear SC City Council,

We are writing to encourage you to vote against Item 9 on the Consent Agenda today, Tuesday, October 27, 2020, at the City Council Meeting. The reason for this is that we support Food Not Bombs and their continued work to share food, clothing, books and masks with people experiencing food insecurity and homelessness. This COVID-quarantine time is difficult for so many people, and so we implore you to support Food Not Bombs in their efforts at this time, and in the future. There are many young, enthusiastic people (like ourselves) who have found meaning through volunteering with and supporting Food Not Bombs, particularly in being able to help those in need at this time. SC Food Not Bombs, and their numerous volunteers and supporters throughout the city, are providing desperately needed support for our community.

Thank you for your time and consideration,
~Jasmeet K. Dhaliwal, PhD & Edward L. Richards, PhD

Rosemary Balsley

From: Maureen Smith <smithmaureen88@yahoo.com>
Sent: Tuesday, October 27, 2020 11:25 AM
To: City Council
Subject: No on Consent Agenda Item 9

We are writing to encourage you vote against Item 9 on the Consent Agenda at the Tuesday, October 27, 2020, City Council Meeting. We support Food Not Bombs and their continued work to share food, clothing, books and masks at the corner of Laurel and Front Streets. They are providing desperately needed support for the community.

Thanks for your consideration.

Sincerely,

Michael and Maureen Smith

Rosemary Balsley

From: Molly Williams <molly.stewart.williams@gmail.com>
Sent: Tuesday, October 27, 2020 11:42 AM
To: City Council
Subject: Vote Against Item 9

I am writing to encourage you vote against Item 9 on the Consent Agenda at the Tuesday, October 27, 2020, City Council Meeting. I support Food Not Bombs and their continued work to share food, clothing, books and masks at the corner of Laurel and Front Streets. They are providing desperately needed support for the community.

Thanks for your consideration.

Sincerely,
Molly Williams

Rosemary Balsley

From: Tal Kamran <talkamran@gmail.com>
Sent: Tuesday, October 27, 2020 11:44 AM
To: City Council
Subject: Please vote against Item 9 TODAY 10/27

PLEASE stop attacking Food Not Bombs and the community members they feed. We are STILL IN A PANDEMIC. It is worse than ever. More people are without shelter than ever. WHAT ARE YOU DOING? Shutting down essential services like Food Not Bombs because they look bad is evil. Using Covid-19 as a false excuse to take away **safe** essential services is evil. Item 9 in the Consent Agenda does not provide any alternatives, it just continues to criminalize homelessness. Consider not starving and displacing people today. Thank you.

Continually disappointed,
Tal Kamran
Santa Cruz Resident

Rosemary Balsley

From: Tané Tachyon <tachyon@tachyonlabs.com>
Sent: Tuesday, October 27, 2020 11:57 AM
To: City Council
Subject: Strongly urge you to vote against item 9 on today's meeting's Consent Agenda

I'm writing to strongly urge you to vote against Item 9 on today's meeting's Consent Agenda. Food and housing insecurity were big problems in Santa Cruz even before the COVID-19 pandemic and the CZU Lightning Complex wildfires hit, and now they continue to get worse and worse and bigger and bigger -- in times like this it's more important than ever to support Food Not Bombs and the crucial work they do to provide food, clothing, and masks to some of the most vulnerable members of our community. Please do whatever you can to support Food Not Bombs and their important work, and to prevent city employees from harassing them.

Sincerely,

Tané Tachyon
139 Heath St.
Santa Cruz, CA 95060

--

Tané Tachyon (she/her) = <http://linkedin.com/in/tanetachyon/>
<http://EmojiCatsWordGuess.com> — fast, friendly, and fun word-guessing and language-learning Android app.
Meow is the purrfect time — free and ad free!
<http://KittyTodo.com> — cute cat-themed Android app that makes it fun and easy to remember things, manage your time, and get things done — free and ad-free!



City Council AGENDA REPORT

DATE: 10/15/2020

AGENDA OF: 10/27/2020

DEPARTMENT: City Attorney/City Manager

SUBJECT: Resolution Extending Emergency Declaration in Connection with the CZU August Lightning Complex Fire, Ratifying Executive Order Issued Pursuant Thereto (CA/CM)

RECOMMENDATION: Resolution declaring the existence of a State of Emergency in connection with the CZU August Lightning Complex Fire, confirming the proclamation of same dated August 21, 2020 by the Director of Emergency Services, and ratifying Executive Order 2020-19 issued pursuant thereto.

BACKGROUND: The CZU August Lightning Complex Fire that began on August 15, 2020, has caused unprecedented damage and destruction in areas of Santa Cruz and San Mateo Counties immediately north of the City of Santa Cruz, and currently constitutes a severe threat to portions of the City and vital City-owned infrastructure in areas of unincorporated Santa Cruz County.

DISCUSSION: Chapter 2.20 of the City of Santa Cruz Municipal Code, at Section 2.20.030, empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity or disaster, subject to confirmation by the City Council at the “earliest practicable time.” During the existence of such emergency, the Director of Emergency Services is also authorized, pursuant to Section 2.20.040(1), “[m]ake and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency,” also subject to confirmation by the City Council “at the earliest practicable time.”

In view of the facts and circumstances described above, and in the findings supporting the attached resolution, on Friday, August 21, 2020, the City Manager declared the existence of a local emergency in the City of Santa Cruz. Also, on Friday, August 21, the City Manager, in close consultation with the Fire Chief, Chief of Police, Parks and Recreation Director, Director of Human Resources and City Attorney, issued Executive Order No. 2020-17 – Closing All Off-Trail Open Space Areas within Pogonip and Sycamore Grove. At its August 25, 2020 regular meeting the City Council ratified the emergency declaration by Resolution No. NS-29,704, and the Executive Orders issued pursuant thereto.

In implementing the emergency declaration, and in close consultation with the Police and Fire Departments, other City Departments and the City Attorney’s Office, the City Manager, as

Emergency Services Manager, has issued the following Executive Orders pursuant to his authority under Section 2.20.020 of the City's Emergency Preparedness Ordinance:

- CZU August Lightning Complex Fire Emergency Declaration – Executive Order no. 2020-19 (Authorizing Longer-Term Hotel Stays)

The attached resolution, if adopted by the City Council, would extend the emergency declaration related to the CZU August Lightning Complex Fire emergency by an additional 60 days, and ratify the aforementioned Executive Order.

FISCAL IMPACT: Actions taken by the City during a declared are potentially recoverable from Cal OES and FEMA.

Submitted By:

Tony Condotti
City Attorney

Approved By:

Martin Bernal
City Manager

ATTACHMENTS:

1. RESOLUTION.DOCX
2. EXECUTIVE ORDER 2020-19.PDF
3. EXECUTIVE ORDER 2020-17.PDF

RESOLUTION NO. NS-XX,XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ EXTENDING
A LOCAL EMERGENCY DECLARATION IN CONNECTION WITH THE CZU AUGUST
LIGHTNING COMPLEX FIRE AND RATIFYING EXECUTIVE ORDER NO. 2020-19
AUTHORIZING LONGER-TERM HOTEL STAYS

WHEREAS, under Santa Cruz Municipal Code (SCMC) § 2.20.030, the City Manager serves as the Emergency Services Director, and empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity or disaster; and

WHEREAS, in the event of an emergency declaration, as the Emergency Services Director, the City Manager has the authority to take various actions in the City's interest, including making and issuing "rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency" subject to ratification by the City Council "at the earliest practicable time." (SCMC § 2.20.040); and

WHEREAS, the wildfires known as the CZU August Lightning Complex Fire that began on August 15, 2020 have destroyed structures and threatened numerous residences and acres of valuable wildland and watershed resulting in evacuations and displacement of residents, road closures, areas of isolation, damage to property and utility systems and damage to critical infrastructure and endangered species within unincorporated areas of Northern Santa Cruz County, and currently constitute an imminent threat to portions of the City, as well as vital City infrastructure located outside of City boundaries; and

WHEREAS, while the wildfires are contained, as of this date, they have charred tens of thousands of acres in the Counties of Santa Cruz and San Mateo, damaged or destroyed over 900 residences and buildings, and will displace hundreds of residents for several months, if not permanently, many of whom are seeking shelter in the City of Santa Cruz; and

WHEREAS, the San Lorenzo River watershed contains significant portions of the area damaged by the wildfires, leaving hillsides bare and prone to erosion and landslides during the coming winter rainy season, and thereby threatening water quality and treatability of the community's primary source of drinking water; and

WHEREAS, efforts to assist the affected population and restore the burned area and/or recover from the effects of the wildfire damage, involve assets from Santa Cruz County, City of Santa Cruz, other local governments in Santa Cruz County, and other local governments within California, as well as California State and federal fire and law enforcement assets, the American Red Cross and other volunteer organizations; and

WHEREAS, pursuant to his authority as Emergency Services Director, on August, 21, 2020, the City Manager declared the existence of a local emergency in light of the foregoing; and

RESOLUTION NO. NS-XX,XXX

WHEREAS, at its August 25, 2020 regular meeting the City Council declared a local emergency, and ratified Executive Order No. 2020-17 – Closing All Off-Trail Open Space Areas within Pogonip and Sycamore Grove, by Resolution No. NS-29,704; and

WHEREAS, although the CZU Lightning Complex fire has been contained, areas of open space, including Pogonip and Sycamore Grove remain in a an extremely dry and fire prone condition, making the risk of wildfire caused by campfires associated with illegal encampments particularly grave; and

WHEREAS, based on the foregoing, the City’s emergency response to the CZU Lightning Complex fire will likely be ongoing for several months, and at least through the winter rainy season due to the erosion and mudslide dangers noted above; and

WHEREAS, pursuant to his authority as Emergency Services Director, the City Manager has issued the following executive orders relating to the CZU Lightning Complex Fire emergency:

- No. 2020-19 (Authorizing Longer-Term Hotel Stays).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz (City Council) as follows:

- A. That the City Council hereby declares that the local health emergency declaration adopted at its August 25, 2020 regular meeting by Resolution No. NS-29,704 shall be extended an additional sixty (60) days from its adoption pursuant to California Government Code Section 8630, et seq., by this Resolution; and
- B. That, all previously ratified Executive Orders issued pursuant to the Resolution No. NS-29,704 shall remain in force and effect for the duration the emergency, unless sooner rescinded by subsequent City Council action; and
- C. The City Council does hereby ratify and confirm the Emergency Service Director’s Executive Order No. 2020-19 (Authorizing Longer-Term Hotel Stays).

PASSED AND ADOPTED this 27th day of October, 2020 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Justin Cummings, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator



**CZU August Lightning Complex Fire
Emergency Declaration – City of Santa Cruz Executive Order No. 2020-19
(Authorizing Longer-Term Hotel Stays)**

- A. Wildfires known as the CZU August Lightening Complex Fires (“Fires”) began August 15, 2020. These Fires have destroyed structures and threatened numerous residences and acres, resulting in the evacuation and displacement of residents, road closures and damage to property and utility systems.
- B. WHEREAS, on August 19, 2020, the Director of Emergency Services for the County of Santa Cruz issued a Proclamation of Existence of a Local Emergency in response to the Fires. And on August 21, 2020, the Director of Emergency Services for the City of Santa Cruz issued a Proclamation of Existence of a Local Emergency in response to the Fires.
- C. WHEREAS, thousands of people have been evacuated from their homes as a result of the Fires and have relocated to hotels and other forms of short-term lodging within the City. Many first responders and other representatives from government organizations have relocated to the County to fight the Fires and assist with recovery efforts for those impacted by the Fires. It is anticipated these evacuees and first responders may need to stay in short-term lodging locations for longer than 30 days.
- D. WHEREAS, many hotels, motels, and other short-term lodging businesses and developments such as vacation rentals, hosted rentals, and time-share complexes are prevented, either through zoning regulations or use permitted restrictions, from renting rooms to individuals for longer than 30 days at a time.
- E. WHEREAS, under Santa Cruz Municipal Code (SCMC) § 2.20.030, the City Manager serves as the Emergency Services Director. In the event of an emergency declaration, as the Emergency Services Director, the City Manager has the authority to take various actions in the City’s interest, including making and issuing “rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency” (SCMC § 2.20.040(1)) and requiring “emergency services of any city officer or employee”[.] (SCMC§ 2.20.040(3)).
- F. WHEREAS, as the Emergency Services Director, the City Manager also has the authority to “[e]xecute all of his or her ordinary powers as a City officer, all of the special powers

conferred upon him or her by this chapter or by resolution adopted pursuant thereto, all powers conferred upon him or her by any statute, agreement approved by the City Council, or by any other lawful authority, and in conformity with Section 38791 of the Government Code, to exercise complete authority over the City and to exercise all police power vested in the City by the Constitution and general laws.” SCMC 2.20.040(5).

- G. WHEREAS, lifting the 30 day length-of-stay limitations for individuals evacuated or displaced due to the Fires, or working for a government entity in a first-responder or assistance capacity will ensure these individuals are not further displaced or hindered in further recovery efforts due to length-of-stay limitations.

NOW, THEREFORE, I, MARTIN BERNAL, City Manager, in accordance with the authority provided to me as Emergency Services Director under the Santa Cruz Municipal Code, and in particular Santa Cruz Municipal Code Chapter 2.20, hereby issue the following Order, to become effective immediately.

IT IS HEREBY ORDERED THAT:

1. The recitals above are hereby incorporated by reference.
2. All length-of-stay limitations, including the 30 day limitation, for hotels, motels, and other short-term lodging businesses and developments such as vacation rentals, hosted rentals, and time-share complexes, are suspended until December 31, 2020 when providing lodging for individuals able to provide proof that they are: (1) evacuees displaced by the Fires; or (2) employees of a government entity who are staying in the County to respond to the Fires or assist with recovery efforts.
3. The above referenced short-term lodging businesses must verify that occupants staying for longer than 30 days are either an evacuee or employee of government entity assisting with Fire or Fire recovery efforts. Verification may consist of, but shall not be limited to, providing the address for the person evacuated, or a confirmation letter from the government entity employer verifying the purpose of the stay. Such verifications shall be retained by the short-term lodging business for audit purposes.
4. Any person or entities who violates any of the provisions of this Executive Order is subject to citation and/or abatement pursuant to any applicable law, including Chapter 2.20 and Title 4 of the Santa Cruz Municipal Code.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the City of Santa Cruz, its departments, officer, or employees.

IT IS SO ORDERED, on September 22, 2020.

A handwritten signature in blue ink, appearing to read 'Martín Bernal', is written over a horizontal line.

Martín Bernal

City Manager / Emergency Services Director



**COVID-19 / CZU August Lightning Complex Fire
Emergency Declaration – City of Santa Cruz Executive Order No. 2020-17
(Closing All Off-Trail Open Space Areas within Pogonip and Sycamore Grove)**

- A. WHEREAS, in light of the current COVID-19 pandemic, the Santa Cruz City Council declared a local health emergency re: Coronavirus (COVID-19) by Resolution No. NS-29,640 on March 10, 2020. On April 28, 2020, June 23, 2020, and on August 11, 2020, the Santa Cruz City Council extended that declaration of a local health emergency, by way of Resolution Nos. NS-29,653, NS-29,677 and NS-29,695. The County of Santa Cruz is currently experiencing an outbreak of COVID-19 which has been deemed a global health pandemic by the World Health Organization.
- B. WHEREAS, beginning on August 14, 2020, an Extreme Heat Event struck California and surrounding Western states, causing record-breaking temperatures and Red Flag Warnings throughout California. This weather event resulted in widespread lightning strikes, sparking fires throughout the state.
- C. WHEREAS, on August 18, 2020, the California Governor issued a Proclamation of a State of Emergency in California due to the hundreds of fires actively burning during recent extreme weather conditions and the Extreme Heat Event throughout California.
- D. WHEREAS, on August 19, 2020, the Director of Emergency Services for the County of Santa Cruz issued a Proclamation of Existence of a Local Emergency in response to the CZU August Lightning Complex Fire.
- E. WHEREAS, as of August 21, 2020, a majority of Northern Santa Cruz County is under mandatory evacuation orders.
- F. WHEREAS, as of August 21, 2020 the CZU August Lightning Complex Fire has burned 50,000 acres and is 0% contained.
- G. WHEREAS, the City is aware that encampments of unsheltered individuals reside in off-trail areas of the Pogonip and Sycamore Grove. Many of these areas are already closed to the public per SCMC section 13.04.020, and it is believed that nuisance conditions are present, including waste accumulation, the presence of vectors, and additional fire hazards.

- H. WHEREAS, the Pogonip and Sycamore Grove are wooded open spaces that pose an extreme fire risk during existing dry conditions.
- I. WHEREAS, given these conditions, the Santa Cruz Fire Chief has indicated a need to ensure all closed areas within the Pogonip and Sycamore Grove are clear and free of any persons and encampments to ensure the Santa Cruz City Fire Department is able to prepare for and prevent fire hazards within City limits. Additionally, if this action is delayed, it would be extremely dangerous for first responders to attempt to evacuate these areas and try to find encampments to save human lives.
- J. WHEREAS, individuals in need of shelter are advised to seek shelter with friends or family or call 1-866-272-2237. Individuals can call 211 for updates regarding evacuation options. Updates will also be provided via twitter @sccounty.
- K. WHEREAS, multiple evacuation centers have been established and even more may open in the coming days. An interactive evacuation center map can be found here: <http://www.santacruzcounty.us/FireShelters.aspx>. For help in English and Spanish, visit www.santacruzcounty.us/FireResources.aspx.
- L. WHEREAS, additional shelter capacity has been added to the region, and, in the coming days, County outreach workers plan to visit the off-trail areas of the Pogonip and Sycamore Grove and provide shelter referrals to individuals who reside in encampments.
- M. WHEREAS, under Santa Cruz Municipal Code (SCMC) § 2.20.030, the City Manager serves as the Emergency Services Director. In the event of an emergency declaration, as the Emergency Services Director, the City Manager has the authority to take various actions in the City's interest, including making and issuing "rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency" (SCMC § 2.20.040(1)) and requiring "emergency services of any city officer or employee" [.] (SCMC§ 2.20.040(3)).
- N. WHEREAS, as the Emergency Services Director, the City Manager also has the authority to "[e]xecute all of his or her ordinary powers as a City officer, all of the special powers conferred upon him or her by this chapter or by resolution adopted pursuant thereto, all powers conferred upon him or her by any statute, agreement approved by the City Council, or by any other lawful authority, and in conformity with Section 38791 of the Government Code, to exercise complete authority over the City and to exercise all police power vested in the City by the Constitution and general laws." SCMC 2.20.040(5).

NOW, THEREFORE, I, MARTIN BERNAL, City Manager, in accordance with the authority provided to me as Emergency Services Director under the Santa Cruz Municipal Code, and in

particular Santa Cruz Municipal Code Chapter 2.20, hereby issue the following Order, to become effective immediately.

IT IS HEREBY ORDERED THAT:

1. The recitals above are hereby incorporated by reference.
2. All off-trail areas within the Pogonip and Sycamore Grove are closed, and they will be strictly enforced as closed to all persons on Monday, August 24, 2020. Individuals residing in encampments in these areas have been directed to promptly vacate the area, both verbally and through written materials. If safe to do so, City staff shall return on Monday, August 24, 2020 to enforce this order and assure that all persons in these areas have evacuated.
3. For the time being and until further notice, recreational trails within these parks are open to the public, although the City advises that, due to poor air quality, individuals should stay indoors when possible.
4. Appropriate City employees are authorized to implement this order and issue any necessary guidance or rules consistent with this order.
5. Any person who violates any of the provisions of this Executive Order is subject to citation and/or abatement pursuant to any applicable law, including Penal Code section 372, along with Chapter 2.20, 6.96, 13.04, Title 4 of the Santa Cruz Municipal Code.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the City of Santa Cruz, its departments, officer, or employees.

IT IS SO ORDERED, on August 21, 2020



Martín Bernal

City Manager / Emergency Services Director

MINUTES ARE UNOFFICIAL UNTIL APPROVED BY COUNCIL

City of Santa Cruz
809 Center Street
Santa Cruz, California 95060

MINUTES OF A CITY COUNCIL SPECIAL MEETING

October 8, 2020

6:00 PM

Mayor Cummings opened the City Council Closed Session at 6:00 p.m. in a public meeting via Zoom, for the purpose of announcing the agenda, and receiving public testimony.

Roll Call

Present: Councilmembers Beiers (via Zoom), Mathews (via Zoom), Brown (via Zoom), Golder (via Zoom), Watkins (arrived at 6:07 p.m. via Zoom); Vice Mayor Meyers (via Zoom); Mayor Cummings (via Zoom).

Absent: None.

Staff: City Manager M. Bernal (via Zoom), Assistant City Manager L. Schmidt (via Zoom), City Attorney T. Condotti (via Zoom), Finance Director K. Krause (via Zoom), Director of Public Works M. Dettle (via Zoom), Human Resources Director L. Murphy (via Zoom), Director of Information Technology K. Morgan (via Zoom), Fire Chief J. Hajduk (via Zoom), Director of Planning and Community Development L. Butler (via Zoom), Director of Parks and Recreation T. Elliot (via Zoom), Director of Economic Development B. Lipscomb (via Zoom), Principal Management Analyst S. DeLeon (via Zoom), Recreation Superintendent R. Kaufman (via Zoom), Deputy City Clerk Administrator J. Wood, City Clerk Administrator B. Bush (via Zoom).

General Business

1. Fiscal Year 2021 Revised Budget Adoption (FN)

Councilmember Mathews announced she will recuse herself from any discussion regarding the Park Rangers, due to familial relation.

City Manager M. Bernal, Finance Director K. Krause, and Assistant City Manager L. Schmidt gave a presentation and responded to Councilmember questions.

General Business (continued)

1. Fiscal Year 2021 Revised Budget Adoption (FN) (continued)

Director of Planning and Community Development L. Butler responded to Councilmember questions.

Director of Public Works M. Dettle responded to Councilmember questions.

Director of Economic Development B. Lipscomb responded to Councilmember questions.

Principal Management Analyst S. DeLeon responded to Councilmember questions.

Fire Chief J. Hajduk responded to Councilmember questions.

Chief of Police A. Mills responded to Councilmember questions.

Director of Parks and Recreation T. Elliot responded to Councilmember questions.

Mayor Cummings opened the public comment period. The following people spoke.

SPEAKING VIA TELECONFERENCE:

Elise Casby
Ann Simonton
Sara Scofield
Olivia Martinez
Adam Novak
Caitlin Biliske
Charmaine Bueno DeVivo
Anna Henderson
Kimberly Johnson
James Hadden
Candace Brown
Emily Miles
Garrett Philipp
Scott Graham

Mayor Cummings closed the public comment period.

Councilmember Watkins requested to pull the Police and City Manager's budgets further discussion.

General Business (continued)1. Fiscal Year 2021 Revised Budget Adoption (FN) (continued)

Councilmember Golder requested to pull the Parks and Recreation budget for further discussion.

MOTION: Councilmember Watkins moved, seconded by Mayor Cummings, to:

- Adopt Resolution No. NS-29,719 adopting the revised Fiscal Year (FY) 2021 Budget for Economic Development, Finance, Fire, Human Resources, Information Technology, Planning and Community Development, and Public Works as proposed.
- Adopt Resolution No. NS-29,720 amending the Classification and Compensation Plans for FY 2021 by implementing the Budget/Position changes in several departments.

ACTION: The motion carried unanimously with the following vote.

AYES: Councilmembers Beiers, Mathews, Brown, Golder, Watkins;
Vice Mayor Meyers; Mayor Cummings.
NOES: None.
ABSENT: None.
DISQUALIFIED: None.

MOTION: Councilmember Brown moved, seconded by Mayor Cummings, to adopt the City Manager's proposed budget with the addition of \$20,000 for the City-County Task Force on UCSC Expansion Advocate position, and include the Community Programs CORE funding of \$87,975.

FRIENDLY AMENDMENT: Councilmember Mathews requested to add specific direction to utilize CARES Act funding to backfill the expenses to the greatest extent possible and within program parameters, when the funds are available. Councilmember Brown accepted.

General Business (continued)**1. Fiscal Year 2021 Revised Budget Adoption (FN) (continued)**

ACTION: The motion carried unanimously with the following vote.

AYES: Councilmembers Beiers, Mathews, Brown, Golder, Watkins;
Vice Mayor Meyers; Mayor Cummings.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

Recreation Superintendent R. Kaufman responded to Councilmember questions.

MOTION: Vice Mayor Meyers moved, seconded by Councilmember Mathews, to:

- Adopt the Parks and Recreation proposed budget, retaining \$10,000 of the proposed cut of \$26,946 for the Surf Museum in order to maintain limited hours as allowed under COVID-19, and
- Direct staff to work with community non-profit partners for additional funding as needed to maintain the museum with a reduced schedule through the end of June 2021.

FRIENDLY AMENDMENT: Councilmember Mathews requested to direct staff to work with additional volunteers on fundraising to operate the museum to the greatest extent possible. Vice Mayor Meyers accepted.

FRIENDLY AMENDMENT: Councilmember Golder requested to direct staff to explore retail opportunities and volunteers to maintain hours. Vice Mayor Meyers and Councilmember Mathews accepted.

ACTION: The motion carried unanimously with the following vote.

AYES: Councilmembers Beiers, Mathews, Brown, Golder, Watkins;
Vice Mayor Meyers; Mayor Cummings.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

At this time, Councilmember Mathews recused herself and left the meeting.

General Business (continued)1. Fiscal Year 2021 Revised Budget Adoption (FN) (continued)

MOTION: Councilmember Watkins moved to adopt the Police budget, with the exception of the proposed cut of the Victim's Advocate position.

Councilmember Watkins withdrew her motion.

Human Resources Director L. Murphy responded to Councilmember questions.

MOTION: Councilmember Beiers moved, seconded by Mayor Cummings, to adopt the portion of the Police budget related to the elimination of twelve Park Ranger positions and the creation of the five Community Service Officer (CSO) positions.

FRIENDLY AMENDMENT: Councilmember Golder requested to add that a part of the duties of a CSO would be to patrol the parks and open spaces, and moving forward as funding becomes available, to explore the creation of Park Rangers whose roles would be in conservation and ecological interpretation. Councilmember Beiers and Mayor Cummings accepted.

ACTION: The motion carried with the following vote.

AYES:	Councilmembers Beiers, Golder, Watkins; Vice Mayor Meyers; Mayor Cummings.
NOES:	Councilmember Brown.
ABSENT:	None.
DISQUALIFIED:	Councilmember Mathews.

At this time, Councilmember Mathews returned to the meeting.

MOTION: Councilmember Watkins moved, seconded by Councilmember Golder, to adopt the remaining recommendations for the Police budget, with the exception of the proposed cut of the Victim's Advocate position, which will be retained.

General Business (continued)

1. Fiscal Year 2021 Revised Budget Adoption (FN) (continued)

ACTION: The motion carried unanimously with the following vote.

AYES: Councilmembers Beiers, Mathews, Brown, Golder, Watkins;
Vice Mayor Meyers; Mayor Cummings.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

Adjournment - The City Council adjourned at 10:22 p.m.

Respectfully Submitted:

Julia Wood, Deputy City Clerk Administrator

Attest:

Bonnie Bush, City Clerk Administrator

Approved:

Justin Cummings, Mayor

MINUTES ARE UNOFFICIAL UNTIL APPROVED BY COUNCIL

City of Santa Cruz
809 Center Street
Santa Cruz, California 95060

MINUTES OF A CITY COUNCIL MEETING

October 13, 2020

11:00 AM

Mayor Cummings opened the City Council Closed Session at 11:00 a.m. in a public meeting via Zoom, for the purpose of announcing the agenda, and receiving public testimony.

Roll Call

Present: Councilmembers Beiers (via Zoom), Mathews (via Zoom), Brown (via Zoom), Golder (via Zoom), Watkins (via Zoom); Vice Mayor Meyers (via Zoom); Mayor Cummings (via Zoom).

Absent: None.

Staff: City Manager M. Bernal (via Zoom), Assistant City Manager L. Schmidt (via Zoom), City Attorney T. Condotti (via Zoom), Finance Director K. Krause (via Zoom), Principal Management Analyst R. Brandon (via Zoom), Deputy City Clerk Administrator J. Wood, City Clerk Administrator B. Bush (via Zoom).

Public Comment

Mayor Cummings opened the public comment period at 11:01 a.m. There were no speakers. Mayor Cummings closed the public comment period at 11:02 a.m.

Closed Session

1. Conference with Legal Counsel - Existing Litigation (Government Code §54956.9(d)(1))

1) Herman, Martin & Karen v. Jenkins, Alexis, et al.
(Santa Cruz County Superior Court Case No. 19CV03688)

2) Apartment Association of Los Angeles County, Inc. v City of Los Angeles, et al.
(United States District Court for the Central District of California Case No. 20-cv-05193. Request for amicus support)

At this time, the meeting was closed to the public. (See page 5378 for a report on Closed Session.)

**Annual Meeting of the Board of Directors of the Industrial Development
Authority (IDA)**

11:30 AM

PLEASE NOTE: City Councilmembers serve as Boardmembers for the City's Industrial Development Authority (IDA) and Santa Cruz Public Improvement Financing Corporation (SCPIFC). The boards were created for the purpose of providing the City an instrument to issue bonds. Annually, while the bonds are in existence, the Boardmembers are legally required to hold a meeting of the IDA and SCPIFC. The meetings are procedural and for the purpose of approving Minutes and electing new Boardmembers.

Call to Order - at 11:31 a.m.

Roll Call

Present: Directors Beiers (via Zoom), Mathews (via Zoom), Brown (via Zoom), Golder (via Zoom), Watkins (via Zoom); Vice Chair (via Zoom); Chair Cummings (via Zoom).

Absent: None.

General Business

2. Election of Officers

MOTION: Director Mathews moved, seconded by Director Golder, to elect new officers as set forth in Section 3.02 of the Industrial Development Authority bylaws as follows:

Executive Director: City Manager M. Bernal
Chief Financial Officer: Director of Finance K. Krause
Chair: Mayor Cummings
Vice Chair: Vice Mayor Meyers
Secretary/Treasurer: City Clerk Administrator B. Bush

ACTION: The motion carried unanimously with the following vote.

AYES: Directors Beiers, Mathews, Brown, Golder, Watkins; Vice Chair Meyers; Chair Cummings.
NOES: None.
ABSENT: None.
DISQUALIFIED: None.

General Business (continued)

3. Minutes of the October 8, 2019 Industrial Development Authority (IDA)

MOTION: Director Mathews moved, seconded by Director Golder, to approve as submitted.

ACTION: The motion carried unanimously with the following vote.

AYES:	Directors Beiers, Mathews, Brown, Golder, Watkins; Vice Chair Meyers; Chair Cummings.
NOES:	None.
ABSENT:	None.
DISQUALIFIED:	None.

Adjournment - The Industrial Development Authority adjourned at 11:36 a.m.

**Annual Meeting of the Board of Directors of the Santa Cruz Public Improvement
Financing Corporation (SCPIFC)**

11:35 AM

PLEASE NOTE: City Councilmembers serve as Boardmembers for the City's Industrial Development Authority (IDA) and Santa Cruz Public Improvement Financing Corporation (SCPIFC). The boards were created for the purpose of providing the City an instrument to issue bonds. Annually, while the bonds are in existence, the Boardmembers are legally required to hold a meeting of the IDA and SCPIFC. The meetings are procedural and for the purpose of approving Minutes and electing new Boardmembers.

Call to Order - at 11:36 a.m.

Roll Call

Present: Directors Beiers (via Zoom), Mathews (via Zoom), Brown (via Zoom), Golder (via Zoom), Watkins (via Zoom); Vice President Meyers (via Zoom); President Cummings (via Zoom).

Absent: None.

General Business

At this time, the Mayor rearranged the agenda to hear item 5 ahead of item 4.

4. Minutes of the October 8, 2019 Santa Cruz Public Improvement Finance Corporation (SCPIFC)

President Cummings opened the public comment period. There were no speakers. President Cummings closed the public comment period.

MOTION: Director Brown moved, seconded by Director Golder, to approve as submitted.

ACTION: The motion carried unanimously with the following vote.

AYES: Directors Beiers, Mathews, Brown, Golder, Watkins; Vice President Meyers; President Cummings.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

General Business (continued)

5. Election of Officers

MOTION: Director Mathews moved, seconded by Director Golder, to elect new officers as set forth in Section 3.02 of the Santa Cruz Public Improvement Financing Corporation bylaws as follows:

Executive Director: City Manager M. Bernal
Chief Financial Officer: Director of Finance K. Krause
President: Mayor Cummings
Vice President: Vice Mayor Meyers
Secretary/Treasurer: City Clerk Administrator B. Bush

ACTION: The motion carried unanimously with the following vote.

AYES:	Directors Beiers, Mathews, Brown, Golder, Watkins; Vice President Meyers; President Cummings.
NOES:	None.
ABSENT:	None.
DISQUALIFIED:	None.

Adjournment - The Santa Cruz Public Improvement Financing Corporation adjourned at 11:40 a.m.

City of Santa Cruz
809 Center Street
Santa Cruz, California 95060

MINUTES OF A CITY COUNCIL MEETING
October 13, 2020

11:40 AM

Call to Order - Mayor Cummings called the meeting to order at 11:40 a.m. via Zoom.

Roll Call

Present: Councilmembers Beiers (via Zoom), Mathews (via Zoom), Brown (via Zoom), Golder (via Zoom), Watkins (via Zoom); Vice Mayor Meyers (via Zoom); Mayor Cummings (via Zoom).

Absent: None.

Staff: City Manager M. Bernal (via Zoom), City Attorney T. Condotti (via Zoom), Assistant City Manager L. Schmidt (via Zoom), Director of Public Works M. Dettle (via Zoom), Finance Director K. Krause (via Zoom), Director of Economic Development B. Lipscomb (via Zoom), Human Resources Director L. Murphy (via Zoom), Fire Chief J. Hajduk (via Zoom), Director of Planning and Community Development L. Butler (via Zoom), Director of Information Technology K. Morgan (via Zoom), Director of Parks and Recreation T. Elliot (via Zoom), Senior Planner S. Neuse (via Zoom), Principal Planner M. VanHua (via Zoom), Senior Planner K. Donovan (via Zoom), Senior Planner R. Bane (via Zoom), Planning Intern E. Abelar (via Zoom), Deputy City Clerk Administrator J. Wood, City Clerk Administrator B. Bush (via Zoom).

Presentations

6. Mayoral Proclamation Declaring the Week of October 3, 2020 as Water Professionals Appreciation Week

Mayor Cummings read from a proclamation declaring the week of October 3, 2020 as Water Professionals Appreciation Week.

Presentations (continued)**7. Mayoral Proclamation Declaring October 12, 2020 as Indigenous Peoples Day**

Mayor Cummings read from a proclamation declaring October 12, 2020 as Indigenous Peoples Day. Val Lopez, Chairman of the Amah Mutsun Tribal Band, spoke.

8. Mayoral Proclamation Declaring September 15, 2020 - October 15, 2020 as National Hispanic Heritage Month

Mayor Cummings read from a proclamation declaring September 15, 2020—October 15, 2020 as National Hispanic Heritage Month. Ray Cancino, CEO of Community Bridges, spoke.

Presiding Officer's Announcements

Statements of Disqualification - Councilmember Mathews announced she is disqualified from item 25, as she owns property within 500ft. of the proposed development

Additions and Deletions - None.

Oral Communications Announcement - The Mayor provided a brief announcement about Oral Communications.

City Attorney Report on Closed Session

Conference with Legal Counsel - Existing Litigation (Government Code §54956.9(d)(1))

1) Herman, Martin & Karen v. Jenkins, Alexis, et al.
(Santa Cruz County Superior Court Case No. 19CV03688)

2) Apartment Association of Los Angeles County, Inc. v City of Los Angeles, et al.
(United States District Court for the Central District of California Case No. 20-cv-05193. Request for amicus support)

Council received a status report, gave direction to the City Attorney's office, and took no reportable action on item 1.

Council received a status report, and voted unanimously to join the City of Chicago and the Public Rights' Project in the amicus brief on item 2.

City Manager Report

9. The City Manager will Report and Provide Updates on the City's Business, COVID-19, CZU Lightning Complex Fire, and Other Events.

City Manager M. Bernal gave a presentation on the City's status related to COVID-19 and homelessness, and responded to Councilmember questions.

Council Meeting Calendar

10. The City Council reviewed and did not revise the meeting calendar attached to the agenda.

Council Memberships in City Groups and Outside Agencies

11. The Presiding Officer provided councilmembers with the opportunity to update Council on any external Committee meetings that occurred since the last Council meeting.

Councilmember Brown: Reported on the Area Agency on Aging (AAA).

Councilmember Mathews: Reported on Downtown Management Corporation, City-County Taskforce for University Growth, and Santa Cruz Metropolitan District Board (METRO).

Mayor Cummings: Reported on the Budget Subcommittee, Homelessness 2x2 Committee, Association of Monterey Bay Area Governments (AMBAG), Local Agency Formation Commission (LAFCO), and the Rental Data Subcommittee.

Consent Agenda

Councilmember Golder pulled item 15 for further discussion.

Councilmembers Mathews, Golder, Brown, and Mayor Cummings made comments on item 14.

Director of Parks and Recreation T. Elliot spoke regarding item 14.

Mayor Cummings opened the public comment period. The following person spoke via teleconference:

Garrett Philipp commented on item 14.

Mayor Cummings closed the public comment period.

Consent Agenda (continued)

MOTION: Councilmember Mathews moved, seconded by Councilmember Watkins, to approve the remaining items on the Consent Agenda.

Councilmember Mathews made a comment on item 21.

ACTION: The motion carried unanimously with the following vote.

AYES: Councilmembers Beiers, Mathews, Brown, Golder, Watkins; Vice Mayor Meyers; Mayor Cummings.
NOES: None.
ABSENT: None.
DISQUALIFIED: None.

12. Minutes of the September 22, 2020 City Council Meeting (CC)

Motion carried to approve as submitted.

13. Bay Area Urban Security Initiative Grant for a Mobile Solar Battery Electric Vehicle and Equipment Charger - Grant Acceptance, Authorization and Appropriation (CM)

Resolution No. NS-29,721 was adopted authorizing the City Manager to apply for, accept, and appropriate funds from the Bay Area Urban Security Initiative Grant for a Mobile Solar Battery Electric Vehicle and Equipment Charger.

14. Resolution Endorsing the Community's Effort to Update the Narrative of Mission Plaza Park in the Mission Hill Area Historic District and Request to Consider the Removal of the Mission Bells in the City of Santa Cruz by the Historic Preservation Commission (CN)

Resolution No. NS-29,722 was adopted to:

- Endorse the community's effort to update the narrative of Mission Plaza Park in the Mission Hill Area Historic District so that a more accurate depiction of the history of the indigenous people of the area is included.
- Direct the Historic Preservation Commission to place an item on the next possible agenda to discuss the removal of all mission bells from the City of Santa Cruz and provide Council with a recommendation on whether or not to remove all bells from the City of Santa Cruz.

Consent Agenda (continued)**15. City Council Consideration of a Resolution in Support of the California Citizens for Local Control (CN)**

Mayor Cummings opened the public comment period. The following people spoke.

SPEAKING VIA TELECONFERENCE:

Garret Philipp
Unidentified person
Casey Beyer

Mayor Cummings closed the public comment period.

MOTION: Councilmember Mathews moved, seconded by Vice Mayor Meyers, to table this item for future discussion.

ACTION: The motion carried unanimously with the following vote.

AYES: Councilmembers Beiers, Mathews, Brown, Golder, Watkins;
Vice Mayor Meyers; Mayor Cummings.
NOES: None.
ABSENT: None.
DISQUALIFIED: None.

16. 2020 CalHome Funding Application (ED)

Resolution No. NS-29,723 was adopted authorizing submittal of an application to the California State Department of Housing and Community Development for, and receipt of, CalHome Program funds and authorize the City Manager to execute a standard agreement and any amendments thereto, as approved by the City Attorney, and any related documents necessary to participate in the CalHome Program.

17. Resolution Adopting Various Employee Groups Memoranda of Understanding (HR)

Resolution No. NS-29,724 was adopted adopting the following employee organizations Memoranda of Understanding: Police Officers Association; Fire Local 1716 and Temporary Service Employees SEIU Local 521 (Unions).

Consent Agenda (continued)

18. Office of Traffic Safety Selective Traffic Enforcement Program - Grant Acceptance (#PT21133) (PD)

Resolution No. NS-29,725 was adopted authorizing the acceptance and appropriation of funds from the Office of Traffic Safety for the Selective Traffic Enforcement Program and motion to authorize the City Manager to execute the associated grant contract and agreements in a form approved by the City Attorney.

19. Caterpillar 315F Excavator Purchase for the Resource Recovery Facility - Award Contract (PW)

Motion carried to award a contract for the purchase of Caterpillar 315F Excavator from Peterson Tractor Co. (San Leandro, CA) in the amount of \$290,000.

20. Columbia Street Sewer Main and Sinkhole Repair (c401511) - Change Order and Notice of Completion (PW)

Motion carried to accept the work of the Don Chapin Co. (Salinas, CA) as completed, to authorize the filing of the Notice of Completion for the Columbia Street Emergency Sewer Repair Project (c401511), and to approve a change order for the project in the amount of \$75,838.

21. Legal Services from Hunt Ortmann Palffy Nieves Darling & Mah, Inc. to Develop Progressive Design Build Bidding Documents and Agreement for the Graham Hill Water Treatment Plant Facilities Improvement Project (WT)

Motion carried authorizing the Water Department to issue a purchase order to Hunt Ortmann Palffy Nieves Darling & Mah, Inc. for development of Progressive Design Build bidding documents, a related agreement, and legal services for the Graham Hill Water Treatment Plant Facilities Improvement Project in an amount exceeding the limit of \$100,000 requiring Council authorization.

End Consent Agenda

Public Hearings**22. FP20-0001: Amendments to Parking Regulations for Residential and Non-residential Property (PL)**

Senior Planner S. Neuse gave a presentation and responded to Councilmember questions.

Director of Planning and Community Development L. Butler responded to Councilmember questions.

Mayor Cummings opened the public comment period. The following people spoke.

SPEAKING VIA TELECONFERENCE:

Kyle Kelley
Rick Longinotti
Candace Brown
Kelsey Hill
Jim Weller

Mayor Cummings closed the public comment period.

Principal Planner M. VanHua responded to Councilmember questions.

MOTION: Councilmember Mathews moved, seconded by Vice Mayor Meyers, to:

- Introduce for publication Ordinance No. 2020-21 including the proposed amendments to the Santa Cruz Municipal Code relating to parking regulations, with the below adds to 24.12.290.2(f):
 - Parking lifts or stacked parking within parking structures shall demonstrate how individual users can effectively access vehicles. Parking lifts and stacked parking are not permitted except within enclosed parking structures.
- Direct staff to submit the proposed amendments to the California Coastal Commission for review, following the second reading of the ordinance.

Public Hearings (continued)**22. FP20-0001: Amendments to Parking Regulations for Residential and Non-residential Property (PL) (continued)**

ACTION: The motion carried unanimously with the following vote.

AYES: Councilmembers Beiers, Mathews, Brown, Golder, Watkins;
Vice Mayor Meyers; Mayor Cummings.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

23. 2020 Regional Early Action Planning (REAP) State Planning Grant Application (PL)

Principal Planner M. VanHua gave a presentation and responded to Councilmember questions.

Mayor Cummings opened the public comment period. There were no speakers. Mayor Cummings closed the public comment period.

MOTION: Vice Mayor Meyers moved, seconded by Councilmember Brown, to adopt Resolution No. NS-29,726 directing staff to submit an application to the Association of Monterey Bay Area Governments for the State of California Regional Early Action Planning Grant Program to contribute funding towards the project to expand the boundaries of the City's Downtown Plan.

FRIENDLY AMENDMENT: Councilmember Brown requested to add direction to staff to return to Council at the second meeting of January, 2021, with a progress report on downtown expansion efforts and community input opportunities. Vice Mayor Meyers requested to amend the friendly amendment to direct staff to return to Council prior to initiating the community outreach component. Councilmember Brown agreed, and Vice Mayor Meyers accepted the friendly amendment.

ACTION: The motion carried unanimously with the following vote.

AYES: Councilmembers Beiers, Mathews, Brown, Golder, Watkins;
Vice Mayor Meyers; Mayor Cummings.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

Public Hearings (continued)**24. Subdivision and Zoning Ordinance Cleanup Amendments, A20-0005 and A20-0006 (PL)**

Senior Planner K. Donovan, and Principal Planner M. VanHua gave a presentation, and responded to Councilmember questions.

Mayor Cummings opened the public comment period. There were no speakers. Mayor Cummings closed the public comment period.

MOTION: Councilmember Mathews moved, seconded by Councilmember Watkins, to:

- Introduce for publication Ordinance No. 2020-22 approving A20-0005 to amend Chapters 24.04, 24.08, 24.10, 24.12, 24.16, 24.18, and 24.22 of the Santa Cruz Municipal Code, including but not limited to amendments to Use Permit Modifications, Design Permit Findings, Sign Permit Regulations, and Density Bonus Regulations. The amendments in A20-0005 are also amendments to the City's Local Coastal Program and require certification by the California Coastal Commission.
- Introduce for publication Ordinance No. 2020-23 approving A20-0006 to amend Chapters 23.16, 23.20, 24.08, 24.10, 24.12, 24.16, and 24.22 of the Santa Cruz Municipal Code, including but not limited to Time Extensions for Tentative Subdivision Maps and Tentative Parcel Maps, Home Occupation Regulations, and Relocation Assistance Regulations.

ACTION: The motion carried unanimously with the following vote.

AYES:	Councilmembers Beiers, Mathews, Brown, Golder, Watkins; Vice Mayor Meyers; Mayor Cummings.
NOES:	None.
ABSENT:	None.
DISQUALIFIED:	None.

Public Hearings (continued)

25. 101 Felix Street: CP19-0176 (APN 004-481-01) - Consideration of Resolution Denying a Proposed General Plan Amendment/Local Coastal Plan Amendment to Change a Land Use Designation from LM (Low-Medium Density Residential 10.1-20 DU/Acre) to M (Medium Density Residential 20.1-30 DU/Acre) and Rezoning from RL (Multiple Residence - Low Density) to RM (Multiple Residence - Medium Density); to Accommodate 80 New Apartment Units in an Existing 240-unit Apartment Complex (Cypress Point) (CEQA Does Not Apply to Projects that are Denied) (Owner: Cypress Point Investors LLC/Filed 11/18/19) (PL)

At this time, Councilmember Mathews recused herself and left the meeting.

Senior Planner R. Bane gave a presentation and responded to Councilmember questions.

City Attorney T. Condotti responded to Councilmember questions.

Mayor Cummings opened the public comment period. The following people spoke.

SPEAKING VIA TELECONFERENCE:

Alyssa Barnes
Unidentified person
Keresha Durham
Sandra Ivany
Unidentified person
Brian Raphel
Unidentified person
Alex Nereson
Unidentified Person
Judi Grunstra

Mayor Cummings closed the public comment period.

MOTION: Councilmember Brown moved, seconded by Mayor Cummings, that the Council express sentiment that it is not in favor of this project based on concerns regarding General Plan and zoning amendments outside of regular procedures, the integrity of the current General Plan, and the importance of protecting the quality of life in the surrounding neighborhood as reflected in its previous action on August 25th, and that the Council not refer Application CP19-0176 for the property at 101 Felix Street to the Planning Commission at this time.

Public Hearings (continued)

25. 101 Felix Street: CP19-0176 (APN 004-481-01) - Consideration of Resolution Denying a Proposed General Plan Amendment/Local Coastal Plan Amendment to Change a Land Use Designation from LM (Low-Medium Density Residential 10.1-20 DU/Acre) to M (Medium Density Residential 20.1-30 DU/Acre) and Rezoning from RL (Multiple Residence - Low Density) to RM (Multiple Residence - Medium Density); to Accommodate 80 New Apartment Units in an Existing 240-unit Apartment Complex (Cypress Point) (CEQA Does Not Apply to Projects that are Denied) (Owner: Cypress Point Investors LLC/Filed 11/18/19) (PL) (continued)

After discussion, Councilmember Brown changed the motion to:

That the Council express sentiment that it is not in favor of this project based on concerns regarding the integrity of the current General Plan, and the importance of protecting the quality of life in the surrounding neighborhood as reflected in its previous action on August 25th, and that the Council not refer Application CP19-0176 for the property at 101 Felix Street to the Planning Commission at this time.

Mayor Cummings agreed.

ACTION: The motion carried with the following vote.

AYES: Councilmembers Beiers, Brown, Golder, Watkins; Vice Mayor Meyers; Mayor Cummings.
NOES: None.
ABSENT: None.
DISQUALIFIED: Councilmember Mathews.

26. Amendment to Regulations of Beekeeping on Residential and Non-residential Property (PL)

Senior Planner S. Neuse and Planning Intern E. Abelar gave a presentation and responded to Councilmember questions.

Mayor Cummings opened the public comment period. The following person spoke.

SPEAKING VIA TELECONFERENCE:
Donna Gardner

Mayor Cummings closed the public comment period.

Public Hearings (continued)**26. Amendment to Regulations of Beekeeping on Residential and Non-residential Property (PL)**

MOTION Vice Mayor Meyers moved, seconded by Councilmember Golder, to introduce for publication Ordinance No. 2020-24 amendment to Santa Cruz Municipal Code Section 24.12.650 BEES (APIARIES), with the following changes:

Chapter 24.12.650, Section 2:

Delete:

f. No hives shall be installed or maintained less than 10 feet from the front property line.

Edit:

h. All apiaries shall be maintained and placed in a manner that encourages bees to disperse, rather than concentrate, before potentially encountering neighbors or other members of the public. This requirement may be achieved by any combination of two or more of the following strategies:

- i. Positioning hive entrances in such a way that bees are encouraged to fly across the property on which they are kept, orienting the entrances to face the interior of the property.
- ~~ii. Placing hive boxes at least ten (10) feet from property lines.~~
- iii. Placing hives behind a barrier at least six (6) feet in height consisting of a non-penetrable structure not limited to a fence, wall, building or dense vegetation. Fences, walls, and vegetation used to meet this standard shall also comply with Municipal Code Section 24.12.160, and accessory buildings used to meet this standard shall comply with Municipal Code Section 24.12.140.
- iv. Placing hives in an elevated position, a minimum of eight (8) feet off the ground.

FRIENDLY AMENDMENT: Councilmember Mathews requested to add the following legislative intent to the ordinance:

The purpose of this ordinance is to encourage the environmentally beneficial practice of beekeeping in Santa Cruz by ensuring the use of best practices, with a focus on the safety of neighbors, beekeepers and honeybees. The ordinance includes guidance to minimize conflicts between neighbors and the general public while supporting healthy bee colonies.

Public Hearings (continued)**26. Amendment to Regulations of Beekeeping on Residential and Non-residential Property (PL) (continued)**

Vice Mayor Meyers and Councilmember Golder accepted the friendly amendment.

After discussion, Vice Mayor Meyers changed her motion as follows:

To introduce for publication Ordinance No. 2020-24 amendment to Santa Cruz Municipal Code Section 24.12.650 BEES (APIARIES), with the following changes:

Chapter 24.12.650, Section 2:

Delete:

f. No hives shall be installed or maintained less than 10 feet from the front property line.

Edit:

h. All apiaries shall be maintained and placed in a manner that encourages bees to disperse, rather than concentrate, before potentially encountering neighbors or other members of the public. This requirement may be achieved by any ~~combination of two or more~~ of the following strategies:

- i. Positioning hive entrances in such a way that bees are encouraged to fly across the property on which they are kept, orienting the entrances to face the interior of the property.
- ii. Placing hive boxes at least ten (10) feet from property lines.
- iii. Placing hives behind a barrier at least six (6) feet in height consisting of a non-penetrable structure not limited to a fence, wall, building or dense vegetation. Fences, walls, and vegetation used to meet this standard shall also comply with Municipal Code Section 24.12.160, and accessory buildings used to meet this standard shall comply with Municipal Code Section 24.12.140.
- iv. Placing hives in an elevated position, a minimum of eight (8) feet off the ground.

Public Hearings (continued)

26. Amendment to Regulations of Beekeeping on Residential and Non-residential Property (PL) (continued)

ACTION: The motion carried unanimously with the following vote.

AYES: Councilmembers Beiers, Mathews, Brown, Golder, Watkins;
Vice Mayor Meyers; Mayor Cummings.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

Recess - The City Council recessed at 5:21 p.m.

City Council

5:30 PM

Call to Order - Mayor Cummings called the meeting to order at 5:36 p.m. via Zoom.

Roll Call

Present: Councilmembers Beiers (via Zoom), Mathews (via Zoom), Brown (via Zoom), Golder (via Zoom), Watkins (via Zoom); Vice Mayor Meyers (via Zoom); Mayor Cummings (via Zoom).

Absent: None.

Staff: City Manager M. Bernal (via Zoom), City Attorney T. Condotti (via Zoom), Assistant City Manager L. Schmidt (via Zoom), Director of Parks and Recreation T. Elliot (via Zoom), Director of Planning and Community Development L. Butler (via Zoom), Finance Director K. Krause (via Zoom), Fire Chief J. Hajduk (via Zoom), Parks Planner N. Downing (via Zoom), Parks Superintendent T. Beck (via Zoom), Deputy City Clerk Administrator J. Wood, City Clerk Administrator B. Bush (via Zoom).

Oral Communications

At 5:36 p.m. Mayor Cummings opened Oral Communications for members of the public who wished to speak regarding items not listed on the City Council agenda.

Serg Kagno spoke regarding homelessness.

Garret Philipp spoke in opposition to the ofrenda at the Clock Tower downtown.

At 5:43 p.m. Mayor Cummings closed Oral Communications.

General Business**27. Parks Master Plan 2030 and Environmental Impact Report (PR)**

Parks Superintendent T. Beck, Parks Planner N. Downing, and Director of Parks and Recreation T. Elliot gave a presentation, and responded to Councilmember questions.

Stephanie Strelow, Environmental Impact Consultant with Dudek, responded to Councilmember questions.

Mayor Cummings opened the public comment period. The following people spoke.

SPEAKING VIA TELECONFERENCE:

John Pacholski
Rick Wright
Jean Brocklebank
Matt De Young
John Golder
Gillian Greensite

Mayor Cummings closed the public comment period.

MOTION: Vice Mayor Meyers moved, seconded by Councilmember Watkins, to

- Adopt Resolution No. NS-29,727 certifying the Final Environmental Impact Report.
- Adopt Resolution No. NS-29,728 including Findings of Fact and a Mitigation Monitoring and Reporting Program.
- Adopt Resolution No. NS-29,729 approving the Parks Master Plan 2030.

ACTION: The motion carried unanimously with the following vote.

AYES: Councilmembers Beiers, Mathews, Brown, Golder, Watkins;
Vice Mayor Meyers; Mayor Cummings.
NOES: None.
ABSENT: None.
DISQUALIFIED: None.

Adjournment - The City Council adjourned at 7:12 p.m.

Respectfully Submitted:

Julia Wood, Deputy City Clerk Administrator

Attest:

Bonnie Bush, City Clerk Administrator

Approved:

Justin Cummings, Mayor



City Council AGENDA REPORT

DATE: 10/20/2020

AGENDA OF: 10/27/2020

DEPARTMENT: City Clerk

SUBJECT: Commission for the Prevention of Violence Against Women Appointment
(One Opening, Vice Mayor Meyers' Nomination, with a Term Expiration
of 1/1/23) (CC)

RECOMMENDATION: Motion to approve Vice Mayor Meyers' nomination of Dena Loijos
to the Commission for the Prevention of Violence Against Women.

BACKGROUND: Due to the resignation of Brooke Newman, Vice Mayor Meyers must submit
a new nomination.

DISCUSSION: Vice Mayor Meyers has a nomination to the Commission for the Prevention of
Violence Against Women, which Council must vote to approve. Vice Mayor Meyers would like
to nominate Dena Loijos.

FISCAL IMPACT: None.

Prepared By:
Bonnie Bush
City Clerk Administrator

Submitted By:
Laura Schmidt
Assistant City Manager

Approved By:
Martin Bernal
City Manager

ATTACHMENTS:
APPLICATION

CITY OF SANTA CRUZ APPLICATION FOR APPOINTMENT TO ADVISORY BODIES

Applications will be considered active for two years from date of submission.

NAME Dena Loijos DATE 09/01/20

RESIDENCE ADDRESS [REDACTED] CITY Santa Cruz ZIP 95060

EMAIL [REDACTED] HOME # [REDACTED] CELL # [REDACTED]

EMPLOYER Sants Cruz Community Health OCCUPATION Non-profit executive management - Health Care

REGISTERED CITY VOTER? Yes ☒ No ☐ YEARS LIVED IN CITY LIMITS OF SANTA CRUZ 30 years

EMPLOYED BY CITY OF SANTA CRUZ? Yes ☐ No ☒ PRESENTLY SERVING ON ADVISORY BODY?** Yes ☐ No ☒

PERSONAL REFERENCE (optional) Martine Watkins PHONE [REDACTED]

ADVISORY BODIES

If you are applying for more than one advisory body, please rank your preferences numerically with #1 as your first choice.

<div>#1</div> <div>_____ Arts Commission*</div> <div>_____ Board of Building Appeals*</div> <div>_____ Commission for the Prevention of Violence Against Women*</div> <div>_____ Downtown Commission*</div> <div>_____ Equal Employment Opportunity Committee</div> <div>_____ Historic Preservation Commission*</div>	<div>#2</div> <div>_____ Parks and Recreation Commission*</div> <div>_____ Planning Commission*</div> <div>_____ Transportation and Public Works Commission*</div> <div>_____ Sister Cities Committee</div> <div>_____ Water Commission*</div> <div>_____ Other:</div>
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If you are applying for a specialized category, please indicate:

Advisory Body	Category
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* A Statement of Economic Interest must be filed after appointment by those appointed to the advisory bodies marked with an asterisk (*). The statement includes, but is not limited to, disclosure of financial, business and real property interests held by the appointee (and spouse) in the City of Santa Cruz or within 2 miles of the jurisdiction of the City of Santa Cruz.

* * Council Policy 5.1 states that members shall not serve simultaneously on more than one advisory body. If you are presently serving on (or are appointed to) an advisory body, your application to serve on a second advisory body will be forwarded to the Council for consideration only if you indicate that you are willing to resign from the first advisory body. If you are appointed to serve on an advisory body, you may also be eligible to serve on another advisory body or task force if it is scheduled to sunset within 13 months.

SIGN AND RETURN TO CITY CLERK'S DEPARTMENT

By Email jwood@cityofsantacruz.com

By Mail/In Person: 809 Center Street, Room 9
Santa Cruz, CA 95060

Fax: 831-420-5031

Dena Loijos

Signature of Applicant

● PLEASE USE THE REVERSE SIDE FOR ADDITIONAL INFORMATION ●

Please note: This application is considered a public document, and will be available for release upon request.

Please use the following space to provide any relevant qualifications or experiences you think would enhance your effectiveness on the advisory body for which you are applying. Feel free to attach additional sheets.

I moved to Santa Cruz right after the earthquake in 1990 to attend UCSC. I completed a degree in biology and women's studies and was fortunate enough to find employment adequate for sustaining my life in Santa Cruz. I received a graduate degree in Public Health from San Jose State. During my thirty years here, I have worked, played and lived all over the city, thoroughly enjoying the many assets of Santa Cruz. I have had the joy of watching my kids grow up in Santa Cruz, again, enjoying all that it has to offer.

I spent 23 years working at the Santa Cruz County Public Health Department managing prevention programs of all types including tobacco control, bike and traffic safety, HIV, HCV, teen pregnancy prevention, health in all policies, and syringe exchange. While working for the health department I oversaw and staffed many community coalitions, task forces and advisory groups, deepening my understanding of group work and decision making. I currently work at Santa Cruz Community Health as the Chief Program and Evaluational Officer. I am part of a diverse leadership team whose job it is to solve complex problems to satisfy a broad group of end users. I have had many years of experience working in multidisciplinary settings, establishing and maintaining relationships while holding cooperation and coordination as a core value. I have served on many boards of directors for local non-profit agencies, I am currently on the board of the Teen Kitchen Project.

I am mission driven and work every day for equity and justice. Service is in my nature, I am excited by the possibility of continued service in and for the City of Santa Cruz.

How did you hear about the advisory body opening?

☐ City Website ☐ Word of mouth ☐ Display ad ☒ City Staff or Commissioner

Other (explain) Santa Cruz Sentinel



City Council AGENDA REPORT

DATE: 10/13/2020

AGENDA OF: 10/27/2020

DEPARTMENT: Finance

SUBJECT: Liability Claims Filed Against City of Santa Cruz (FN)

RECOMMENDATION: Motion to reject liability claims of a) Srina Janice Lynne b) James L. Chrislock, and c) Jesse Grant Wilkinson, based on staff recommendation.

BACKGROUND: None.

DISCUSSION: I. Claims to be rejected:

a. Claimant: Srina Janice Lynne
Date of occurrence: 9/1/2020
Date of claim: 9/8/2020
Amount of claim: Unspecified

Claimant seeks reimbursement for damages to her vehicle allegedly caused by a City sign.

Self-represented

b. Claimant: James L. Chrislock
Date of occurrence: 8/12/2020
Date of claim: 9/21/2020
Amount of claim: \$2,178.00

Claimant seeks reimbursement for costs allegedly related to water meter leak.

Self-represented

c. Claimant: Jesse Grant Wilkinson
Date of occurrence: 6/9/2020
Date of claim: 9/24/2020
Amount of claim: \$8,453.22

Claimant seeks reimbursement for damages allegedly caused by tree branch falling onto his vehicle.

FISCAL IMPACT: No fiscal impact.

Prepared By:
Ross Brandon
Principal Management
Analyst

Submitted By:
Kim Krause
Finance Director

Approved By:
Martín Bernal
City Manager

ATTACHMENTS:
None.



City Council AGENDA REPORT

DATE: 10/08/2020

AGENDA OF: 10/27/2020

DEPARTMENT: Public Works

SUBJECT: Extenet Systems, LLC (California) – Encroachment Permit for Fiber Optic Network Expansion (PW)

RECOMMENDATION: Resolution granting an encroachment permit to Extenet Systems, LLC (California) for installation and maintenance of an aerial and underground fiber optic network expansion in the city of Santa Cruz.

BACKGROUND: At the March 22, 2016 and October 11, 2016 meetings, Council approved two encroachment permits for Extenet Systems, LLC (Extenet) to install and maintain fiber optic cable mounted on existing utility poles and in underground conduit and vaults for a fiber optic network in Santa Cruz city limits.

DISCUSSION: Extenet has applied for an encroachment permit to expand the previously approved fiber optic network on the westside of Santa Cruz. The telecommunications infrastructure that Extenet deploys consists of fiber optic cables placed on existing utility poles and through underground conduit and vaults. In this case, the majority of the proposed fiber optic line is mounted on existing utility poles, with one underground conduit on Natural Bridges Drive & Mission Street Extension. The attached vicinity map shows the proposed locations.

Extenet is a regulated utility company that owns and operates the network and is a member of the USA Dig Alert in Northern California. The City of Santa Cruz (City) has applied the dig-once policy and notified other utility companies to add conduits on the proposed route if applicable. The proposed encroachment is consistent with the public interest and will not interfere with the City's right of way.

FISCAL IMPACT: Encroachment and street opening permit fees will reimburse administrative and inspection costs for the system expansion. The encroachment permit requires that Extenet provide liability insurance that indemnifies the City.

Prepared By:
Curtis Busenhardt
Engineering Associate

Submitted By:
Mark R. Dettle
Director of Public Works

Approved By:
Martin Bernal
City Manager

ATTACHMENTS:

1. RESOLUTION.DOC
2. VICINITY MAP.PDF

RESOLUTION NO. NS-XX,XXX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ
GRANTING AN ENCROACHMENT PERMIT FOR EXTENDING THEIR FIBEROPTIC
NETWORK BY EXTENET SYSTEMS, LLC

WHEREAS, an application has been filed with the Public Works Department of the City of Santa Cruz to install and maintain aerial cable, underground conduits and vaults for extending their fiberoptic network by Extenet Systems, LLC (California) in the City; and

WHEREAS, the City Council has determined that approving the application is consistent with the public interest and will not interfere with the City's right of way;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz as follows:

1. An encroachment permit is hereby granted to Extenet Systems (California) LLC and to its successors in interest to the property located in Santa Cruz, California to install and maintain aerial cable, underground conduits and vaults for extending their fiberoptic network on various streets in the City:
2. This permit is subject to the terms and conditions specified in the encroachment permit as presented to Council this date.

PASSED AND ADOPTED this 27th day of October, 2020, by the following vote:

AYES:

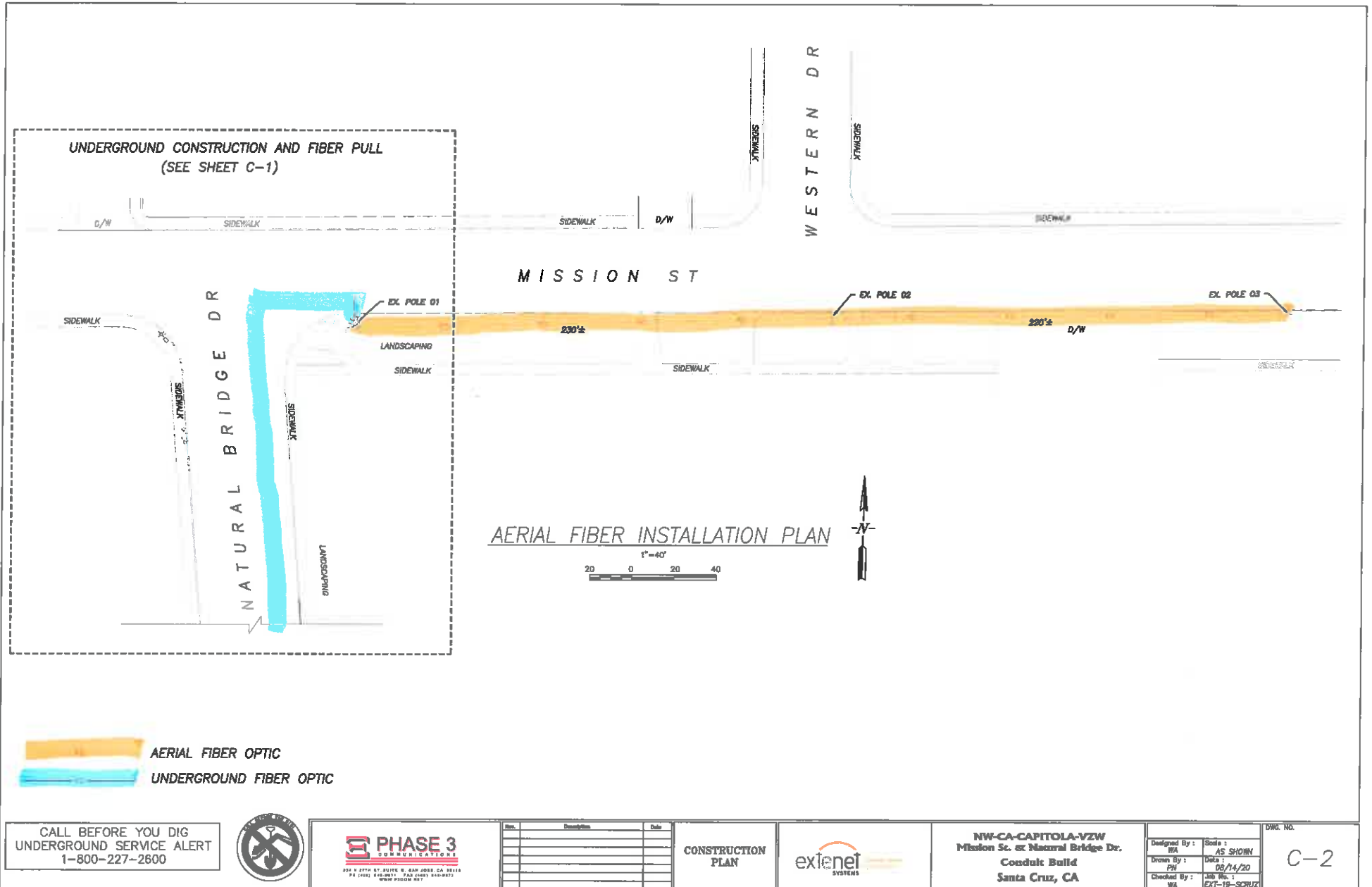
NOES:

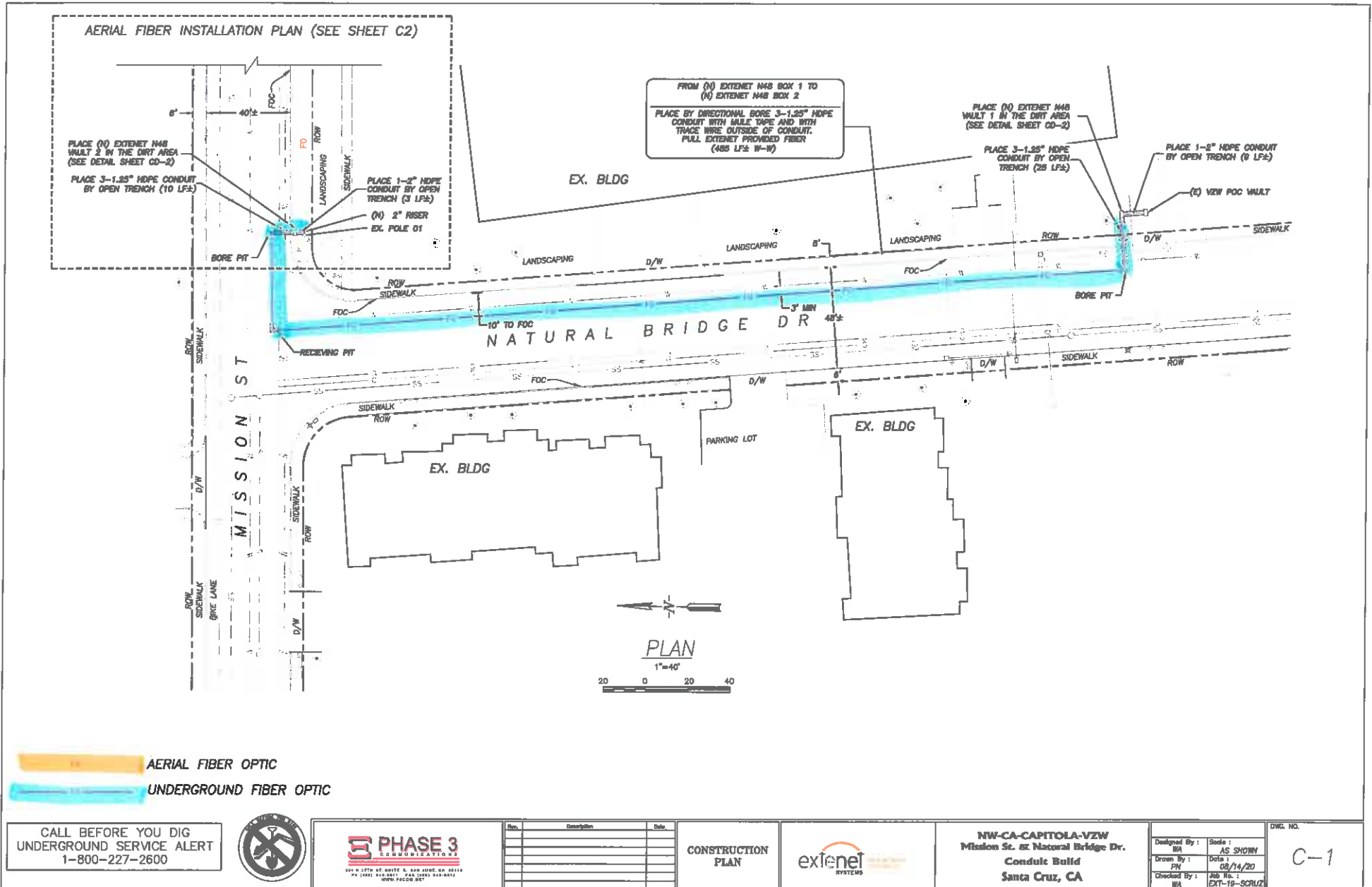
ABSENT:

DISQUALIFIED:

APPROVED: _____
Justin Cummings, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator







City Council AGENDA REPORT

DATE: 10/08/2020

AGENDA OF: 10/27/2020

DEPARTMENT: Public Works

SUBJECT: Cogeneration Engine No. 1 Major Rebuild for the Wastewater Treatment Facility (m409659) – Notice of Completion (PW)

RECOMMENDATION: Motion to accept the work of Peterson Power Systems (San Leandro, CA) as completed per plans and specifications and authorize the filing of the Notice of Completion for the Cogeneration Engine No. 1 Major Rebuild Project (m409659).

BACKGROUND: At its November 12, 2019 meeting, City Council approved the plans and specifications for the Wastewater Treatment Facility (WWTF) Cogeneration Engine Major Rebuild project and authorized the City Manager to execute the construction contract with Peterson Power Systems in the amount of \$389,949.45. On March 24, 2020 the Director of Public Works approved a contract change order for a replacement engine block in the amount of \$60,283.75.

The Waukesha L4042GLD Cogeneration Engine No. 1 produces economical electrical power for the WWTF operation. The engine uses a blend of digester gas and natural gas to produce over 7 million kilowatt hours of electricity annually. Heat from the continuous engine operation is captured to provide process and building heat. Cogeneration reduces the need to purchase expensive utility power for treatment plant operations. In one month, Cogeneration Engine No. 1 generated over 570,000 kWh of power, saving \$74,583 in PG&E electricity costs.

DISCUSSION: The work for this project is now complete. The Public Works Department inspected the project and found the construction to be in accordance with the plans and specifications.

FISCAL IMPACT: Total project cost was \$450,233.21. The Cogeneration Engine No. 1 Rebuild project (m409659) is fully funded by the FY 2021 Wastewater Enterprise fund. The Santa Cruz County Sanitation District will pay approximately 45% of this operational cost. There is no impact to the General fund.

Prepared By:
Katie Shurtleff
Assistant Engineer II

Submitted By:
Mark R. Dettle
Director of Public Works

Approved By:
Martin Bernal
City Manager

ATTACHMENTS:

1. NOTICE OF COMPLETION.DOC

RECORDED AT THE REQUEST OF
City of Santa Cruz, Public Works
Attn: Katie Shurtleff

WHEN RECORDED MAIL TO:

CITY CLERK'S DEPARTMENT
809 CENTER STREET, ROOM 9
SANTA CRUZ, CA 95060

(Space above for Recorder's use only)

This instrument is being recorded for the benefit of the City of Santa Cruz. No recording fee is required pursuant to Government Code §27383

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN, pursuant to Section 8182 of the California Civil Code, of the completion on October 1, 2020 of the Cogeneration Engine No. 1 Major Rebuild project:

Rebuild of mechanical parts of the Wastewater Treatment Facility's Cogeneration Engine No. 1.

The City of Santa Cruz has the following interest in said property described above: City Property

Said Cogeneration Engine No. 1 Major Rebuild project was undertaken on said property pursuant to a contract with Peterson Power Systems. Said Cogeneration Engine No 1 Major Rebuild project consisted of removing the engine, rebuilding the mechanical parts and reinstalling the engine.

DATED _____

Mark R. Dettle
Director of Public Works
City of Santa Cruz

STATE OF CALIFORNIA)ss
COUNTY OF SANTA CRUZ)

I am the Director of Public Works, City of Santa Cruz. I have read the foregoing Notice of Completion and know the contents thereof; and I certify that the same is true of my own knowledge, except as to those matters which are therein stated upon my information or belief, and as to those matters I believe it to be true.

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on _____ at Santa Cruz, California.

Mark R. Dettle
Director of Public Works
City of Santa Cruz

The filing of this Notice of Completion was authorized by Santa Cruz City Council Minute Order of October 27, 2020.



City Council AGENDA REPORT

DATE: 10/05/2020

AGENDA OF: 10/27/2020

DEPARTMENT: Public Works

SUBJECT: Vapex Extended Warranty (PW)

RECOMMENDATION: Motion to purchase an extended warranty and service program from Vapex Environmental Technologies in the amount of \$174,500 to cover Vapex Odor Control Units at the Wastewater Treatment Facility.

BACKGROUND: The Wastewater Treatment Facility (WWTF) operates eight Vapex Odor Control Units in compliance with Monterey Bay Unified Air Pollution Control District (MBUAPCD) regulations. The Vapex units inject ionized components into the foul air recovery systems of both primary and secondary treatment areas to capture and neutralize odors produced in the treatment system. The purchase of the extended warranty and service program will cover units through the end of their service life.

DISCUSSION: Current warranties for the Vapex odor control units will expire on December 31, 2020. The extended warranty and service program will cover three years of mechanical warranty, on- site technician visits and consumables necessary to operate eight Vapex Odor Control Units at the WWTF through December 31, 2023. At the end of the three-year warranty period, four units will no longer be supported and will be need to be replaced. The remaining units will be warrantied until the end of their serviceable life.

Section 3.08.150 of the Purchasing Ordinance allows the Purchasing Manager to award a contract without competition when there is only one source for the required item/service. The Purchasing Manager concurs that Vapex Environmental Technologies is the only company able to provide the extended warranty and service program.

FISCAL IMPACT: There are adequate funds in the FY 2021 Public Works Wastewater Enterprise fund budget for this purchase. The Santa Cruz County Sanitation District will pay approximately 45% of this operational cost. There is no impact to the General fund.

Prepared By:
Anne Hogan
Wastewater System Manager

Submitted By:
Mark R. Dettle
Director of Public Works

Approved By:
Martin Bernal
City Manager

ATTACHMENTS:
None.



City Council AGENDA REPORT

DATE: 10/05/2020

AGENDA OF: 10/27/2020

DEPARTMENT: Public Works//Parks and Recreation/Economic Development

SUBJECT: Statewide Park Development and Community Revitalization Program – Grant Application for Improvements to the Santa Cruz Riverwalk Project and the Rail Trail Segment 7 – Phase II Project (c401413) (PW/PR/ED)

RECOMMENDATION:

1) Resolution authorizing the City Manager to apply for, accept, and appropriate funds from the State of California Department of Parks and Recreation for the Santa Cruz Riverwalk Rehabilitation Project, and to execute any documents, agreements, amendments, or other such administrative actions necessary for the application, acceptance, and implementation of said grant-funded project.

2) Resolution authorizing the City Manager to apply for, accept, and appropriate funds from the State of California Department of Parks and Recreation for the Rail Trail Segment 7 Phase II Project, and to execute any documents, agreements, amendments, or other such administrative actions necessary for the application, acceptance, and implementation of said grant-funded project.

BACKGROUND: On June 5, 2018, California voters approved Proposition 68, also known as the Parks, Environment, and Water Bond (Prop 68). Prop 68 authorized the State to issue up to \$4 billion in general obligation bonds for a variety of investments in communities statewide, including parks, trails, environmental protection and restoration, water infrastructure, and climate resiliency. The Statewide Park Development and Community Revitalization Program (SPP) is one of many grant programs funded through Prop 68. SPP is a competitive grant to create new parks and rehabilitate and expand recreational opportunities in “critically under served communities (CUC).” SPP is the largest parks related grant program in California’s history, with over \$1 billion in funding between the 2018 Prop 68 and 2006 Prop 84 Bond Acts. SPP is administered by California State Parks Office of Grants and Local Services (OGALS) and has helped create more than 7,400 parks statewide since 1965.

More than \$395 million will be made available to local communities through the current grant solicitation round, Round 4. SPP will fund projects ranging from \$200,000 to \$8,500,000 in identified CUCs. The SPP grant program differs from other common grants in several ways. Most notably, it is a rare opportunity to attract voter approved state funding without local matching funds. Key features of this grant program include:

- Funding for rehabilitation projects. Most often, grants are only for new construction.
- A focus on community engagement in the project scoping and design process.
 - CUC's are the target audience for outreach and their input must be considered and ideally incorporated for maximum scoring.
 - Community groups and health organizations are expected to participate and mobilize volunteers for job training and learning opportunities.
 - The project scope must be open to community vetting and idea generation.
- No local funding match requirement, advance funding may be available at State discretion.
- Projects must address challenges facing targeted underserved community.
- Sustainable design principles must be incorporated into project implementation.

To be eligible, the project area of a ½ mile radius around the project site, must be a critically underserved community having either a park service ratio below 3-acres of parkland per 1,000 people or an average household income below \$51,026, or both. Within Santa Cruz, limited areas meet either criteria and there are no neighborhoods that are considered by the state to be both park deficient and economically distressed.

Staff from the Departments of Parks and Recreation, Public Works, and Economic Development previously collaborated and submitted two applications to the third cycle of SPP Grants. While neither of those applications was successful, staff has worked with program staff to identify ways to strengthen the applications and seeks to resubmit for the same projects. The proposed applications seek funding for the following two projects:

- 1) Rehabilitation of aging infrastructure on the Santa Cruz Riverwalk (Riverwalk) and upgrades to certain recreational areas and parklands with access to the Riverwalk; and
- 2) Construction of the Rail Trail Segment 7 Phase II, including the possible addition of public art and recreational features in adjoining public spaces.

The grant application requires one resolution per project application from City Council to authorize the applications and to express the City's intent to allocate funding and complete the projects on schedule. Resolutions for these projects were previously approved, but each round of this funding source requires a new resolution, hence this report. Staff recommends that City Council adopt the proposed authorizing resolutions.

DISCUSSION: Staff mapped all eligible project areas within the City and have identified several potential projects in city parks, trails, and proposed recreational facilities. Using the SPP grant scoring rubric as a guide, staff further evaluated opportunity sites for competitiveness, need, benefits to the community at large, and the feasible delivery of a completed project within the rigorous two year schedule outlined in the grant. From this analysis, two projects looked to be most competitive and feasible: the rehabilitation of the Santa Cruz Riverwalk and parklands and the construction of the Rail Trail Segment 7 – Phase 2.

1) Project elements proposed for the Riverwalk grant application will be guided by the San Lorenzo Urban River Plan (SLURP 2002), Ideas to Activate the San Lorenzo Riverway (Activate SLR 2007), and the Public Art Master Plan for the San Lorenzo Riverway (2005). SPP grant guidelines also provide maximum scoring for projects that effectively ground truth existing plans with residents of the critically underserved communities in the project area and encourage the City to incorporate their ideas and feedback in the proposed scope of work and project design. The project will also seek to improve the universal accessibility of the Riverwalk.

2) The Rail Trail Segment 7 Phase 2 is a shovel ready project, with all preconstruction phases complete. Within the scope of the approved project, most design changes and art elements may be factored in to the project scope following community outreach.

Staff conducted extensive outreach during the months of June and July 2019 to solicit feedback from residents of the Beach area, Downtown, and Lower Ocean, as well as the general public. Together with community partners, including the Coastal Watershed Council and Nueva Vista, as well as health organizations like the Santa Cruz County Health Services Agency, staff presented opportunity sites and sought community ideas and input for recreational features from such diverse groups as the Nueva Vista children's summer camp, Second Harvest Food Bank monthly food distribution site, Meals on Wheels Senior Lunch, Downtown Streets Team, Friends of Parks and Recreation (FOPAR), the Teen Center, and the Veteran's Hall. Additionally, pop-up outreach was conducted at the Ebb N Flow Festival, Juneteenth, at Neary Lagoon Park, and at Depot Park. Staff sought community ideas of what improvements would most improve the health and well-being of those in CUCs. Project budgets will not exceed the amount of grant funds requested (up to \$8,500,000), as combined any existing appropriations for these projects.

Due to the rigorous project delivery timeline, the focus will be on opportunity sites on or around the trail and on the outward side of the trail and levee. Improvements within the river channel are likely to require additional state and federal permitting that would endanger overall project success so are not included in the application.

FISCAL IMPACT: There is no impact to the General fund. The SPP grant does not require local matching funds. The City and SCCRTC have each committed \$1 million in Measure D funding for Rail Trail Segment 7 phase 2 and this funding shall be available as needed for that application or other Rail Trail projects if not needed for this one.

Prepared By:
Claire Gallogly
Transportation Planner

Submitted By:
Mark R. Dettle
Director of Public Works

Approved By:
Martin Bernal
City Manager

Noah Downing
Parks Planner

ATTACHMENTS:

1. RESOLUTION (RIVERWALK).DOC
2. RESOLUTION (RAIL TRAIL).DOC

RESOLUTION NO. NS-XX,XXX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AUTHORIZING THE CITY MANAGER TO APPLY FOR, ACCEPT, AND APPROPRIATE FUNDS FROM THE STATE OF CALIFORNIA DEPARTMENT OF PARKS AND RECREATION FOR THE SANTA CRUZ RIVERWALK REHABILITATION PROJECT, AND TO EXECUTE ANY ADMINISTRATIVE ACTIONS AND DOCUMENTS FOR THE APPLICATION, ACCEPTANCE, AND IMPLEMENTATION FOR PROJECT

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Statewide Park Development and Community Revitalization Grant Program, setting up necessary procedures governing the application; and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the Applicant to certify by resolution the approval of the application before submission of said application to the State; and

WHEREAS, successful Applicants will enter into a contract with the State of California to complete the Grant Scope project;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz approves the filing of an application for the San Lorenzo Riverwalk Revitalization Project and

1. Certifies that said Applicant has or will have available, prior to commencement of any work on the project included in this application, the sufficient funds to complete the project if the grant is awarded; and
2. Certifies that if the project is awarded, the Applicant has or will have sufficient funds to operate and maintain the project, and
3. Certifies that the Applicant has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Grant Administration Guide; and
4. Delegates the authority to City Manager to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the Grant Scope; and
5. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines.
6. Will consider promoting inclusion per Public Resources Code §80001(b)(8 A-G).

PASSED AND ADOPTED this 27th day of October, 2020, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

RESOLUTION NO. NS-XX,XXX

APPROVED: _____
Justin Cummings, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

RESOLUTION NO. NS-XX,XXX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AUTHORIZING THE CITY MANAGER TO APPLY FOR, ACCEPT, AND APPROPRIATE FUNDS FROM THE STATE OF CALIFORNIA DEPARTMENT OF PARKS AND RECREATION FOR THE RAIL TRAIL SEGMENT 7 PHASE II PROJECT, AND TO EXECUTE ANY ADMINISTRATIVE ACTIONS AND DOCUMENTS FOR THE APPLICATION, ACCEPTANCE, AND IMPLEMENTATION FOR PROJECT

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Statewide Park Development and Community Revitalization Grant Program, setting up necessary procedures governing the application; and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the Applicant to certify by resolution the approval of the application before submission of said application to the State; and

WHEREAS, successful Applicants will enter into a contract with the State of California to complete the Grant Scope project;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz approves the filing of an application for the Rail Trail Segment 7 Phase 2 Project and

1. Certifies that said Applicant has or will have available, prior to commencement of any work on the project included in this application, the sufficient funds to complete the project if the grant is awarded; and
2. Certifies that if the project is awarded, the Applicant has or will have sufficient funds to operate and maintain the project, and
3. Certifies that the Applicant has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Grant Administration Guide; and
4. Delegates the authority to City Manager to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the Grant Scope; and
5. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines.
6. Will consider promoting inclusion per Public Resources Code §80001(b)(8 A-G).

PASSED AND ADOPTED this 27th day of October, 2020 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

RESOLUTION NO. NS-XX,XXX

APPROVED: _____
Justin Cummings, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

Rosemary Balsley

From: A Webb <webbheart@gmail.com>
Sent: Friday, October 23, 2020 2:49 PM
To: City Council
Subject: 10.27.20 Agenda Item #18 - Grant for Rail Trail Segment 7 "improvements" to project
Attachments: 9.10.19 City Council agenda - update on Rail Trail Seg 7 - Phase II project.PDF

I see the same project information is being submitted for Grant applications on the RailTrail Segment 7 - Phase II.

What strikes me is that no input was sought on the added park interactive features to the rail project from those that live along this segment, including any kind of notice or invitation for input by residents of ClearView Court or the condos on both sides of ClearView. It was by chance that I came across these plans on a City Agenda item last year where it was buried under a Grant application item. I did not know till reading THIS agenda that it was the 2nd grant application effort, and here is the 3rd effort, which I assume again includes these two troublesome features. The Rail Trail itself and removing so much of natural habitat and hillside is a major change that will have impacts enough.

I had several emails with the Planner Noah Downing and others on this project plan once discovered (it was not part of the Rail Trail plans), with requests for relocating two proposed public interactions stations G and H: the bouldering and rock climbing station going up our hillside directly beneath our homes, and another gathering/exercise area near it, again beneath our homes. He cited the similarity to existing Riverwalk stations, which I'm very familiar with having used the riverwalk paths for more than 35 years - none are set directly beneath homes, nor in a canyon-like setting, nor with potential for same high use.

Obviously the existence of residents and the cumulative noise impacts along this section was not considered. Adding such public attraction/gathering areas beneath ClearView Court would significantly increase new noise impacts, sounds of which are amplified in this canyon-like setting, and will be compounded by the fact that more than 45 sound-absorbing trees and mature shrubs along this rail segment will be removed, replaced with concrete pathway and walls (bounces sound), and the cumulative noise impacts of the new Trail use itself. Also not considered was **the obvious need for sound dampening efforts** with this new project **as called for in the General Plan, which I previously submitted to Noah Downing and others:**

"some sort of **sound absorption materials on the path, walls, and underneath the trestle bridge should be incorporated** in this design as what is left of our natural barriers will be taken away. This is still a residential neighborhood!

Please note goals of the General Plan 2030 that appear to apply here:

Page 94:

Goal HZ3 Noise levels compatible with occupancy and use -

HZ3.1.1 Require land uses to operate at noise levels that do not significantly increase surrounding ambient noise.

HZ3.1.2 Use site planning and design approaches to minimize noise impacts from new development on surrounding land uses.

HZ3.1.6 Require evaluation of noise mitigation measures for projects that would substantially increase noise.

HZ3.1.10 Where noise reduction would be beneficial, consider installing quiet pavement surfaces as part of repaving projects. HZ3.1.11 Require soundwalls, earth berms, setbacks, and other noise reduction techniques for new development, when appropriate and necessary, as conditions of approval.

Page 96:

Goal HZ5 Minimal light pollution -

HZ5.1.2 Develop lighting design guidelines that reduce light spillage both upward and onto adjoining properties.

HZ5.1.3 Consider appropriateness of lighting when reviewing proposed development or renovation of parks and recreation facilities."

We have mostly senior low income homeowners, some are homebound, in ClearView Court and others who are sensitive to noise impacts - particularly when there is **possibility for round-the-clock use of trail**. There are condos next to us on both sides that will suffer the same consequences.

Choosing this particular location for these two public gathering/inertactive places on the Rail Trail, **when there are no homes above the entire La Barranca park stretch of it which is better suited for added noise/activity, is unacceptable. See G and H on page 4 of 4 in the attachment from last Sept 2019.** Also, there is the park area near Depot Park where such features (if needed) can be located where the canyon-like amplifications of noise could be lower.

The idea that specific plans are submitted for Grants, with public outreach to be done after Grants are received as stated in the report, is backwards, don't you think? It sounds like lip service on intentions and plans already made by city personnel - and here for a 3rd effort. Upsetting.

Anita Webb
ClearView Court
170 W. Cliff Dr.



INFORMATION REPORT

COUNCIL MEETING

9/10, 2019

DATE: August 14, 2019

TO: City Manager

DEPARTMENT: Parks and Recreation, Economic Development, Public Works

SUBJECT: Statewide Park Development and Community Revitalization Program
Grant Application Update

APPROVED:

DATE:

08.27.19

On June 11, 2019, the City Council authorized staff to apply for Prop 68 Statewide Park Development and Community Revitalization Program grant funding to improve the Santa Cruz Riverwalk and construct the Rail Trail Segment 7 – Phase II project. Staff is pleased to inform you that both applications have been submitted.

Staff from Public Works, Parks and Recreation, and Economic Development worked diligently to ensure the grant applications are as competitive as possible. Outreach was conducted at 14 meetings and events in June and July and was tailored to meet grant application criteria, including holding meetings within a critically underserved neighborhood, collecting feedback to ground truth existing plans, and receiving input from a broad representation of residents. The outreach builds upon past outreach efforts which have already been conducted by the City and project partners.

From the feedback received, staff developed conceptual site plans for each area as specified in the grant criteria (attached). If the grant award is received, a portion of the funding will allow for the City to hire a consultant to develop more specific design treatments for the projects. There would be additional opportunities for community members to provide input during the design phase. Given that the Rail Trail Segment 7 – Phase II is already designed, only minor modifications would be necessary to the existing plans.

This grant funding opportunity does not require a match from the City and allows for up to 8.5 million dollars to be requested for each project. The City is requesting a total of 17 million dollars in funding. The grant award decisions are anticipated to be released at the beginning of next year.

Prepared by:

Noah Downing
Park Planner

Submitted by:

Tony Elliot
Director of Parks &
Recreation

Submitted by:

Bonnie Lipscomb
Director of Economic
Development

Submitted by:

Mark Dettle
Director of Public
Works

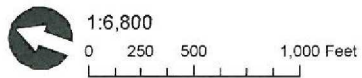
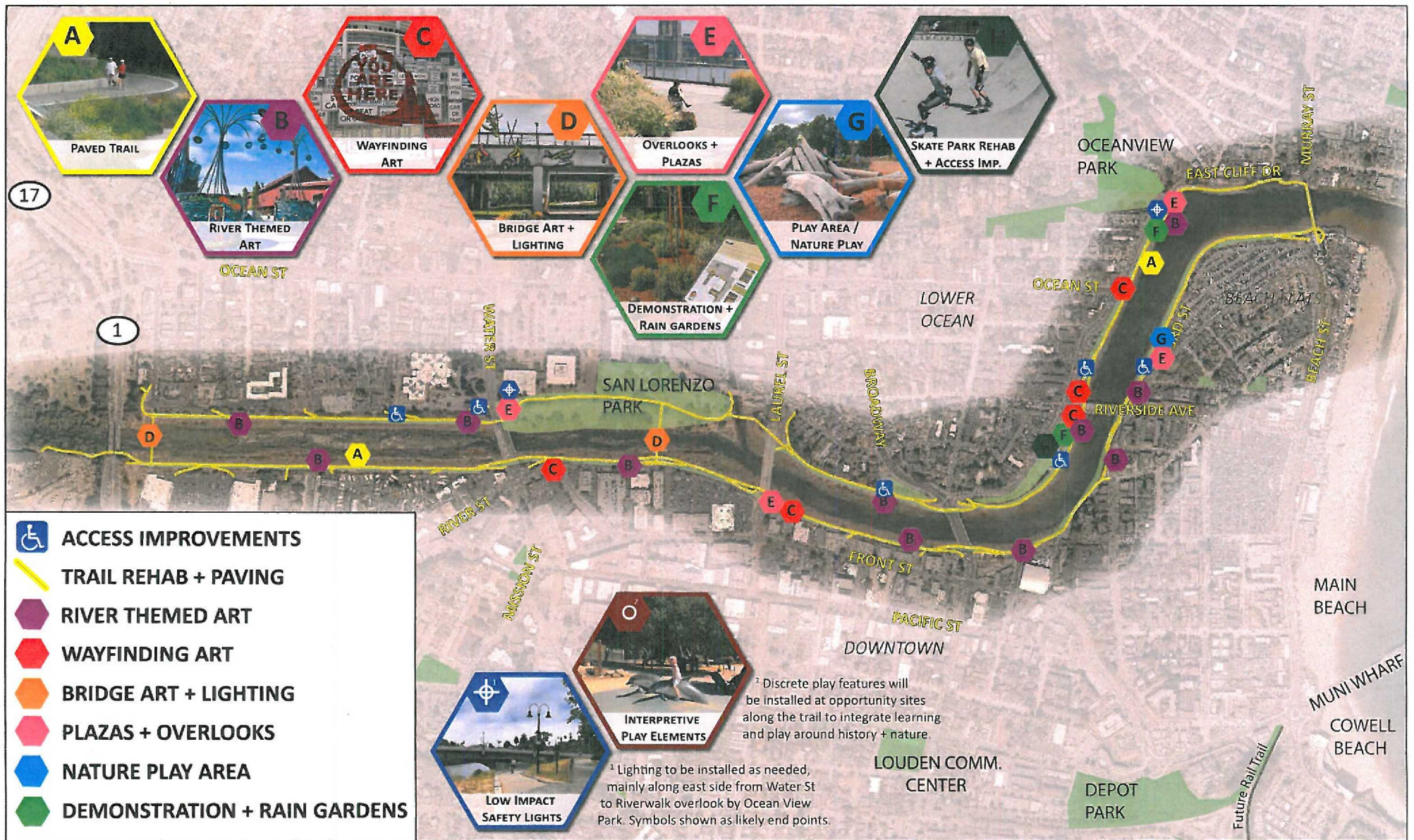
ATTACHMENTS:

Conceptual Site Plans

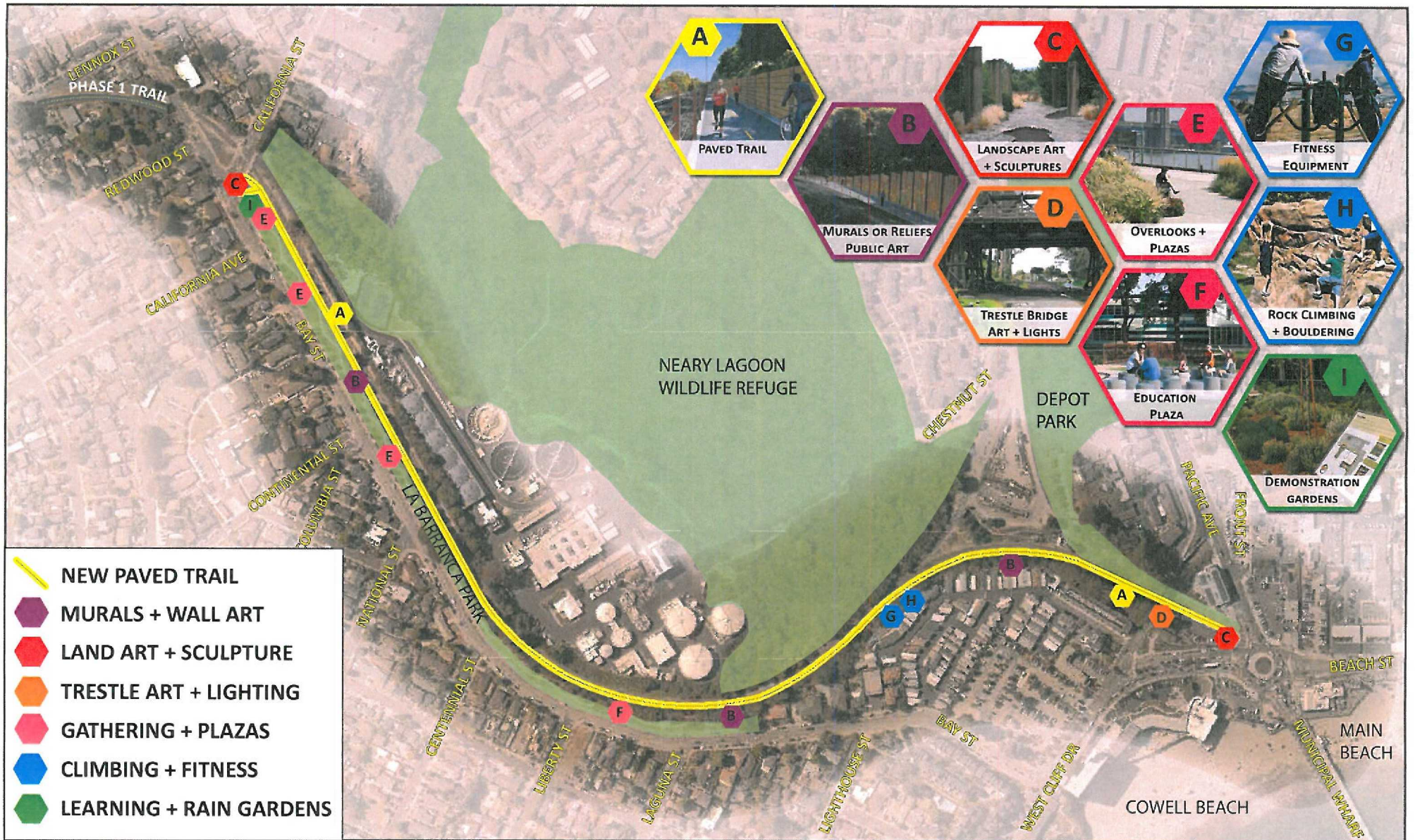
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SUBJECT:
PAGE 2

Hard copies of the applications are available for public review at the Department of Parks and Recreation.



SANTA CRUZ RIVERWALK Concept Site Plan



RAIL TRAIL - SEGMENT 7 - PHASE 2
Concept Site Plan

Rosemary Balsley

From: Philip Boutelle <philboutelle@gmail.com>
Sent: Monday, October 26, 2020 5:39 PM
To: City Council
Subject: 10/27/2020 Consent Agenda item 18

Mayor, Council:

Please proceed with the staff recommendation on item 18 from the 10/27/2020 consent agenda, *Statewide Park Development and Community Revitalization Program – Grant Application for Improvements to the Santa Cruz Riverwalk Project and the Rail Trail Segment 7 – Phase II Project (c401413)*.

City residents are ready for this next phase of the rail trail. This segment will provide a crucial car-free link between the lower westside and the beach area, which is widely used by kids going to junior guards in the summer, commuters on their way to the westside industrial park after they cross the trestle, and tourists alike. Thank you for many years of consistent support and leadership for trail and transit on the rail corridor, and for your support for the grant application to complete this important link.

The riverwalk is also included in this grant application, and is equally deserving of your support. In addition to the riverwalk providing a direct connection to the heart of our watershed, the levee path is the safest N-S bikeway between the trestle/rail trail, downtown, and the job-rich Harvey West neighborhood. Any improvements that the City can support here will only increase the number of people who chose to ride their bike instead of drive a car, especially for short trips.

Please feel free to contact me with any questions regarding these comments.

Sincerely,
-Philip Boutelle
(831) 359-5268



City Council AGENDA REPORT

DATE: 10/15/2020

AGENDA OF: 10/27/2020

DEPARTMENT: Public Works

SUBJECT: Police Department's Energy Efficiency Advanced Building Controls (c401814) – Advertise Request for Qualifications and Award Contract (PW)

RECOMMENDATION: Motion to authorize staff to advertise the Police Department Energy Efficiency Advanced Building Controls (c401814), to authorize the City Manager to execute a contract in a form acceptable to the City Attorney, and authorize the Director of Public Works to execute change orders within the approved budget project.

BACKGROUND: In 2015, the state instituted new ambitious goals through California Senate Bill (SB) 350 which included requiring the State to double statewide energy efficiency savings in electricity and natural gas by 2030. The City of Santa Cruz (City) established its own aggressive energy efficiency goals defined in the City's Climate Action Plan, adopted in 2012. The plan outlines twelve climate action milestones. The first milestone aims to "reduce energy use in municipal buildings 40% from 2008 by 2020." Since adopting this goal, the City has made substantial gains in reducing its energy consumption at City buildings and facilities, achieving a 27% reduction in energy use since 2008. This reduction was achieved through the completion of lighting upgrades (e.g. LED replacement, occupancy and daylight sensors), mechanical upgrades (e.g. air handling equipment, furnace, boiler, and electric motor replacements), full building audits, retro-commissioning and building energy use bench marking.

On August 21, 2017 the California Energy Commission (CEC) awarded the City with a \$633,108 grant agreement that includes a \$523,672 reimbursable amount and \$106,436 match share of City staff time for the energy efficiency project at City Hall, City Hall annex and the Police Department. The remaining grant funds of \$372,371 will be used to design and install a Building Automation System (BAS) controls at the police station. The BAS are the automatic centralized control of a building's heating, ventilation and air conditioning (HVAC) systems. The Police Department project will fix failing and aged equipment and save energy, thereby completing the installation portion of the grant. With the previously completed City Hall Annex building, the City expects to save energy in two of the City's highest energy use buildings: the police station and City Hall annex. Together, these buildings account for over 28% of total building and facility energy load.

DISCUSSION: This project will be completed via a request for qualifications (RFQ) due to complexities of the project. The BAS controls all the major mechanical systems and has thousands of input, outputs, digital and analog hardware and software points. The boiler and air

handling system are included in the equipment design and replacement. The selected proposal will take into account the overall scope and proposed equipment. The proposals will be evaluated on the merits of the design, equipment and cost. City staff and a consultant (Facility Dynamics Engineering) will be evaluating and selecting a proposal for award. This third party has the expertise to understand any deficiencies in the proposals.

FISCAL IMPACT: For FY 2021, the project is fully funded in the CEC Grant – Building Energy Efficiency Advance project (c401814) in the amount of \$372,371 and there is no impact to the general fund.

Prepared By:
Andy Shatney
Energy Projects Coordinator

Submitted By:
Mark R. Dettle
Director of Public Works

Approved By:
Martin Bernal
City Manager

ATTACHMENTS:

1. REQUEST FOR QUALIFICATIONS.PDF

City of Santa Cruz
Request For Qualifications for SCPD ALC BAS Controls Upgrade

**NOTICE INVITING STATEMENT OF QUALIFICATIONS FOR: Police Department Energy Efficiency
Advanced Building Controls - Installation of ALC BAS Controls at the City of Santa Cruz Police Station**

Statement of Qualifications (SOQ) Due: Tuesday, November 17th, 2020 at 2:00 PM

Deliver SOQ to:

Andy Shatney
Santa Cruz Public Works
1125 River Street
Santa Cruz, CA 95060

It is the Consultant's responsibility to verify that the statement of qualifications is received on time.

Project Description:

The Public Works Department of the City of Santa Cruz is soliciting sealed bids for a Building Automation System (BAS) for the Santa Cruz Police Station. The Santa Cruz Police Station was constructed in 1999, and is located at 115 Center Street, Santa Cruz, California, 95060. The Building is two stories and 31,881 SQFT. This project consists of replacing the existing Allerton BAS with Automated Logic Corporation (ALC) and integrating the Police Station into the City's existing ALC server. There are no substitutions for this solicitation. Bids will **ONLY** be taken from authorized ALC dealers. To find out if you are an authorized ALC dealer please visit <http://branches.automatedlogic.com/find-a-dealer/> and enter 95060 for the zip code. The intent of this process is to create a competitive and fair process while ensuring the City of Santa Cruz receives the best proposal.

For More Information:

The Request for Qualifications (RFQ) document, November 17th, 2020, may be downloaded from the City's website <http://www.cityofsantacruz.com> under Bidding Information.

For additional information or assistance, contact Andy Shatney, Energy Project Coordinator, at 831-420-5598, email: ashatney@cityofsantacruz.com.

The City reserves the right to reject any or all SOQs and waive any informality or minor defects in SOQs received.

Questions:

Questions regarding the RFQ must be submitted by Tuesday, November 17th, 2020 at 2:00 PM.

City of Santa Cruz
Request For Qualifications for SCPD ALC BAS Controls Upgrade

1.1 Organization of this RFQ Document

The Request for Qualifications (RFQ) is organized in these sections:

Section 1- General Information to Consultants: Contains summary scope of work, contact information, proposal due date, and general background information.

Section 2- Process Instructions: Contains the tentative RFQ schedule, explains how the SOQs will be evaluated, and presents administrative information on the conduct of the RFQ process.

Section 3- Terms and Conditions: Details the City's contract terms and conditions, Sample Professional Services Agreement

Attachment A – Sample Professional Services Agreement

City of Santa Cruz
Request For Qualifications for SCPD ALC BAS Controls Upgrade

SECTION 1: GENERAL INFORMATION

1.2 Summary Scope of Work

- A. The purpose of the upgrade is to provide advanced control sequences and operation of the building's BAS system both for improved functionality and energy efficiency.
- B. The new BAS will provide local and remote control, while integrating the BAS into the existing ALC server for remote monitoring, trending, control and troubleshooting.
- C. The building's main AHUs (AC2 and AC3) are York Series 40 (DX cooling only).
- D. Heating is provided through a primary (boiler loop)/secondary (distribution loop) closed loop boiler system made up of two non-condensing Boilers (B1 and B2), and two circulating Pumps (CP1 & CP2)
- E. Exhaust is provided by EF1 and EF2
- F. Zone level control is distributed through 52 VAV boxes with terminal reheat
- G. The community room which is separate from the main building AHUs have one York Series 10 (7.5-ton) RTU (AC4) and one York Affinity (2-ton) RTU (AC5).
- H. The gun range has a Reznor Direct Gas-fired make-up air unit w/evap. cooling (MAU1).
- I. The evidence room has one York Series 10 (3-ton) Roof Top Unit (AC1)
- J. The City will provide all documentation it has, such as: existing As-Built; floor plans; system diagrams; control schematics; and CAD drawings
- K. The BAS graphics, trends, and alarms (etc.) will be done by the contractor. The contractor will verify that all points, hardware, sensors, graphics, alarms and trends work properly. The contractor will work with the City's third party CxA to commission the system; this will include, but is not limited to: point to point testing, setpoint overrides, etc.

1.3 Background

The California Energy Commission (CEC) awarded the City a grant to replace the existing BAS. The current BAS is in a state of decay and is unable to perform advanced control sequences. The City is collecting data from this project to help calculate energy efficiency measures associated with advanced control system sequences. The City is doing this by sub-metering every critical load in the building which will be used to calculate actualized savings from the various measures using the pre and post energy use data. The City will issue those findings to the CEC.

In short, the main purpose of this project is: (1) fix and update the current controls system; (2) save energy with advanced control sequences; and (3) report those findings to the CEC.

1.4 City's Point of Contact

All communications shall be submitted by email and shall specifically reference this RFQ. Oral communications from the City Contact or other individuals will not be binding. If you have any questions concerning this solicitation, please contact Andy Shatney, Energy Project Coordinator, at 831-420-5598, email: ashatney@cityofsantacruz.com .

City of Santa Cruz
Request For Qualifications for SCPD ALC BAS Controls Upgrade

1.3.1 City not Responsible for Assumptions Made by Respondent

Each Respondent shall represent that they have incorporated their own understanding and assumptions into its Statement of Qualifications. Neither City's participation in the Collaboration Process, any clarification meetings, nor subsequent award, shall in any way be interpreted as agreement or approval that Respondent's assumption to be reasonable or correct. The City disclaims any responsibility or liability for Respondent's independent assumptions in preparation and submittal of its Statement of Qualifications.

Questions regarding the RFQ must be submitted by November 17th, 2020.

1.4 Statement of Qualifications Deadline

SOQs are due by **2:00PM on November 17th, 2020**. All proposals must be delivered to the Santa Cruz Public Works, 809 Center Street room 201, Santa Cruz, California, 95060 before the due date and time. **Late proposals shall not be considered. It is the consultant's responsibility to verify that the SOQ is received on time.**

Respondents will deliver 3 unbound copies (one [1] original and two [2] copies) of the Statement of Qualifications in a sealed envelope. Respondents will deliver 1 electronic copy (PDF format) of the Statement of Qualifications to ashatney@cityofsantacruz.com. Respondents will deliver one [1] preliminary cost proposal in a separate sealed envelope. The original paper copy shall be clearly marked "Original" and must bear the original signatures. The City prefers for Statement of Qualifications to be printed on recycled and recyclable paper. Plastic covers, inserts and bindings are not allowed. Late proposals may be considered at the City's discretion.

1.5 SOQ Evaluation and Award

A contract for Police Department Energy Efficiency Advanced Building Control Project will be awarded based on the following criteria:

1. Responsive Proposal received on time and completed per instructions,
2. Compliant Proposal in accordance with specifications and industry standards,
3. Responsible Consultant based on the City's consideration of the following:
 - a. Cost
 - b. Consultant Background and Qualifications
 - c. Consultant's Firm experience with similar projects
 - d. Consultant's Key Staff experience with similar projects
 - e. Consultant's familiarity and experience with BAS Systems and like projects.
 - f. Consultant's experience performing ALC installations.
 - g. Consultant's experience troubleshooting various control and mechanical problems.
 - h. Past experience working with the City of Santa Cruz
 - i. References

The City intends to solicit project proposals and then select the most qualified firm. The firm deemed to be the most qualified will be engaged with negotiations of a contract to follow. The preliminary cost proposal shall be itemized correlating to tasks identified in Section 2 of this document. If an agreement cannot be reached with the first consultant selected, negotiations will be terminated, and the next consultant in order of ranking will be asked to negotiate.

City of Santa Cruz
Request For Qualifications for SCPD ALC BAS Controls Upgrade

Consultants have the right to take exception to the specifications or terms to this solicitation. Any exceptions taken must be explained in the proposal. Any exceptions that contradict the City's terms and conditions, or contain provisions not in the best interest of the City will disqualify the consultant. If exceptions are not explained, the Consultant will comply with the specifications as stated in this solicitation.

The City reserves the right to reject any or all proposals and waive any informality or minor defects in proposals received. The City is not liable for any cost incurred in the preparation of the proposals.

1.5 Reference Standards

- A. Nothing in Contract Documents shall be construed to permit Work not conforming to applicable laws, ordinances, rules, and regulations. When Contract Documents differ from requirements of applicable laws, ordinances, rules and regulations, the Consultant must comply with documents establishing the more stringent requirement.
- B. The latest published or effective editions, including approved addenda or amendments, of the following codes and standard shall apply to the BAS design and installation as applicable.
- C. State, Local, and City Codes
 - 1. CBC – California Building Code
 - 2. CMC – California Mechanical Code
 - 3. CEC – California Electrical Code
 - 4. Local City and County Codes
- D. American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE)
 - 1. ANSI/ASHRAE 135 – BACnet - A Data Communication Protocol for Building Automation and Control Networks.
 - 2. ANSI/ASHRAE Standard 15 – Safety Standard for Refrigeration Systems.
- E. Electronics Industries Alliance
 - 1. EIA-232 – Interface Between Data Terminal Equipment and Data Circuit-Terminating Equipment Employing Serial Binary Data Interchange.
 - 2. EIA-458 – Standard Optical Fiber Material Classes and Preferred Sizes.
 - 3. EIA-485 – Standard for Electrical Characteristics of Generator and Receivers for use in Balanced Digital Multipoint Systems.
 - 4. EIA-472 – General and Sectional Specifications for Fiber Optic Cable.
 - 5. EIA-475 – Generic and Sectional Specifications for Fiber Optic Connectors and all Sectional Specifications.
 - 6. EIA-573 – Generic and Sectional Specifications for Field Portable Polishing Device for Preparation Optical Fiber and all Sectional Specifications.
 - 7. EIA-590 – Standard for Physical Location and Protection of Below-Ground Fiber Optic Cable Plant and all Sectional Specifications.
- F. Underwriters Laboratories
 - 1. UL 916 – Energy Management Systems.
- G. National Electrical Manufacturers Association
 - 1. NEMA 250 – Enclosure for Electrical Equipment.
- H. Institute of Electrical and Electronics Engineers (IEEE)
 - 1. IEEE 142 – Recommended Practice for Grounding of Industrial and Commercial Power Systems.

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2. IEEE 802.3 – CSMA/CD (Ethernet – Based) LAN.
3. IEEE 802.4 – Token Bus Working Group (ARCNET – Based) LAN.

1.6 Quality Assurance

A. Materials and Equipment

1. Manufacturer's Qualifications: See 2.1 for approved manufacturers.
2. Product Line Demonstrated History: The direct digital control equipment product line being proposed for the Project must have an installed history of demonstrated satisfactory operation for a length of one year since date of final completion in at least 10 installations of comparative size and complexity.
3. All products used in this Project installation shall be new, currently under manufacture, and shall have been available from the manufacturer for a minimum of 6 months prior to date of proposal and previously installed and proven effective in installations of similar nature, not including test sites. This installation shall not be used as a test site for any new products unless explicitly approved by the Owner in writing. Spare parts shall be available for at least five years after completion of this contract.
4. All BACnet devices must either be certified as compliant with the BACnet standard through a listing by the BACnet Testing Laboratory (BTL) or the vendor must supply proof of having submitted the device for testing by BTL.
5. The BAS and components shall be listed by Underwriters Laboratories UL 916 as an Energy Management System.
6. Manufacturer shall be ISO 9001 registered.

B. Installer

1. BAS Contractor's Project Manager Qualifications: Individual shall specialize in and be experienced with direct digital control system installation for not less than 3 years. Project Manager shall have experience with the installation of the proposed direct digital control equipment product line for not less than 2 projects of similar size and complexity. Project Manager must have proof of having successfully completed the most advanced training offered by the manufacturer of the proposed product line.
2. BAS Contractor's Programmer Qualifications: Individual(s) shall specialize in and be experienced with direct digital control system programming for not less than 3 years and with the proposed direct digital control equipment product line for not less than 1.5 years. Programmers must show proof of having successfully completed the most advanced programming training offered by the vendor of the programming application on the proposed product line.
3. BAS Contractor's Lead Installation Technician Qualifications: Individual(s) shall specialize in and be experienced with direct digital control system installation for not less than 3 years and with the proposed direct digital control equipment product line for not less than 1.5 years. Installers must show proof of having successfully completed the installation certification training offered by the vendor of the proposed product line.
4. BAS Contractor's Service Qualifications: The installer must be experienced in control system operation, maintenance and service. BAS Contractor must document a minimum 5-year

City of Santa Cruz
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history of servicing installations of similar size and complexity. Installer must also document at least a 1-year history of servicing the proposed product line.

5. Installer's Response Time and Proximity
 - a. Installer must maintain a fully capable service facility within 50 miles of the subject Project. Service facility shall manage the emergency service dispatches and maintain the inventory of spare parts.
 - b. Installer must demonstrate the ability to meet the emergency response times listed in Paragraph 1.13B.1.
6. Electrical installation shall be by manufacturer-trained electricians.
 - a. Exception: Roughing in wiring and conduit and mounting panels may be subcontracted to any licensed electrician.

1.7 Contractor Proposals

- A. Contractor shall visit site prior to bid. Ascertain and check all conditions and take all measurements that may affect the work. No allowance shall subsequently be made for any additional expenses or claims due to the failure or neglect to make such examination, including examination of restricted working conditions or such other difficulties that can be visually observed during site visit.
- B. The system requirements described in this specification are generally performance based. Where requirements are prescriptive, the intent is to provide minimum quality, not to give unfair advantage to any given manufacturer or product.
- C. Where requirements are unclear, the contractor shall clarify the requirements with the PM before the bid due date. Where requirements continue to be unclear, the contractor's proposal must accurately describe what is included and excluded.
- D. This project is based on a design/build approach with the selected contractor bidding to this specification as the direct point of contact to the owner, and responsible party for overall project management and execution. No general contractor will be hired to oversee construction activities.
- E. The points list, point counts, sequences and project execution remains with the contractor in this design/build approach. Submittals shall include clear indications of differences between the criteria listed in this document and those found in the field, or determined to be a better overall solution. These will be reviewed by the Owner and Facility Dynamics for a final determination.
- F. All necessary sensors, hardware and software not explicitly called out in this proposal but necessary for the proper operation of the equipment is the responsibility of the winning bidder. All hardware connections, sensors and controllers will be installed via the contractor. All existing/reused wiring will be verified by the contractor. All software, programming, trending, alarms and programming will be the responsibility of the contractor. All hardware, software not explicitly called out will be in accordance with the general specifications and the BAS master specification. Verification and commissioning will be carried out by the installer and verified by the City and a third party CxA agent
- G. By submitting a proposal, contractor guarantees that their proposal is in full compliance with these specifications and is complete and turnkey, except as specifically excluded in their

City of Santa Cruz
Request For Qualifications for SCPD ALC BAS Controls Upgrade

proposal. Do not exclude work that is required – this is a turnkey project with no other contractors involved.

1.8 Scope of Work

All specifications will be in accordance with the City of Santa Cruz BAS Master Specifications. The point list and control system diagram will also be used for the proposal. Anything not explicitly called out in the Scope of Work but required for a properly running system will be the responsibility of the winner contractor.

The scope of work is as follows:

- A. AC-2 and AC-3 (AC-2 & AC-3 Main AHU (Two York Series 40 (40-ton) Rooftop Units) Model # V34AC04P6KBVAE0001), the main air handling units JCI Synthesys Controls (N2 Protocol) will be removed and replaced with ALC BACnet controls. Existing sensors will be replaced (e.g. outside air (OSA), return air (RA), supply air (SA) etc.). An averaging sensor will be added to the mixed air (MA) cabinet. A differential pressure sensor will be added to the filter section. All sensors will be replaced and situated in the correct places.

AC2 and AC3 SOO:

- 1. Run Conditions – Scheduled
 - a. The unit shall run based upon an operator adjustable schedule.
 - b. When unit is OFF, outside air shall be closed and return air damper open
 - c. Unit operates in unoccupied mode when ANY VAV generates a cooling or heating demand. Unit operation in unoccupied mode is same as occupied mode except that operation is outside of occupied schedule.
- 2. Shutdown
 - a. High static shut down on adjustable setpoint
 - b. Smoke detection hard wired shutdown
- 3. Optimal Start Warm Up
 - a. Unit shall start prior to scheduled occupancy based on the time necessary for the average of the zones to reach occupied zone setpoint.
 - b. During Optimal Start (Warm Up), economizer will be disabled and unit will operate in 100% return air mode
- 4. Supply Fan
 - a. The supply fan shall run anytime the unit is commanded to run, unless shutdown on safeties. To prevent short cycling, the supply fan shall have a user definable (adj.) minimum runtime (overridden by safety shutdown)
 - b. Modulate the supply fan VFD speed to maintain a duct static pressure setpoint (adj) of 1.5in H2O (adj.). The supply fan VFD speed shall not drop below 10% (adj.)

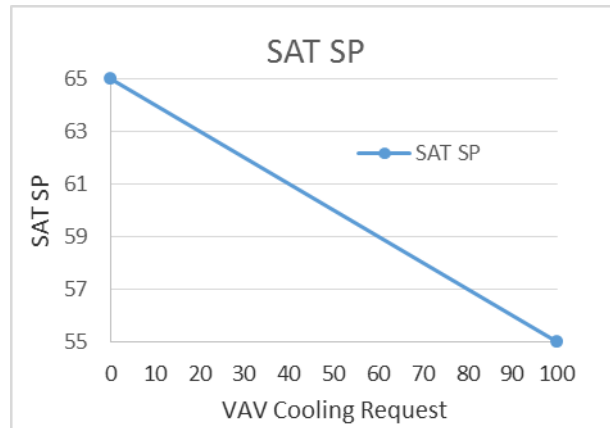
- 5. Relief Fan

City of Santa Cruz
Request For Qualifications for SCPD ALC BAS Controls Upgrade

- a. Relief fan shall turn ON when building static pressure is above SP (.05inWC adj) by 0.005inWC

6. Supply Air Temperature

- a. The supply air temperature will reset based on the average of the VAV cooling demand as shown below. Please see the VAV section for how the cooling demand is determined.



- b. The SAT SP will be updated once every 5 minutes.
- c. The controller shall measure the supply air temperature and stage the cooling to maintain its cooling setpoint. To prevent short cycling, there shall be a user definable (adj.) delay between stages, and each stage shall have a user definable (adj.) minimum runtime.
- d. Mechanical cooling should be enabled whenever:
 - i. Outside air temperature is greater than 60°F
 - ii. AND economizer is disabled or fully open
 - iii. AND supply fan is ON

7. Supply Air Temperature Economizer

- a. The controller shall measure the mixed air temperature and modulate the economizer dampers in sequence to maintain a setpoint 2°F (adj.) less than the supply air temperature setpoint
- b. Economizer will be enabled when:
 - i. Outside temperature is less than or equal to 70°F (adj)
 - ii. AND Supply fan is ON
 - iii. AND unit is not in Warm Up mode
- c. Economizer is disabled when:
 - i. Outside air temperature is greater 70°F
 - ii. OR Outside air temperature is less than 25°F
 - iii. OR Supply fan is OFF

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8. Minimum Outside air
 - a. The outside air damper shall have a minimum outside air position corresponding to the supply fan at high speed and a minimum maximum corresponding to the supply fan at low speed. The damper should modulate between the two and only change once every 15 minutes with regard to supply fan speed.
9. Alarms:
 - a. The following alarms shall be generated for conditions:
 - i. Supply fan failure. Commanded ON and status is OFF
 - ii. Supply Fan VFD fault from the VFD
 - iii. High duct static pressure (adj) SP of 1.5inWC
 - iv. High Supply Air temperature. If SAT is greater than 5°F above SP. Only when the supply fan is ON
 - v. Filter Change Required. When filter differential pressure is greater than .75inWC (adj)
 - vi. Economizing when should not be economizing
 - vii. Not economizing when should be economizing
- B. Heating Water Control - Boiler B-1, B-2 (Lochinvar Copper-Fin 2 boilers, Boiler Model #: CHN0652)) & HW Pump P-1 (Bell & Gossett Model: ecocirc XL 65-130)

The scope will ensure the boiler system is working properly from both a mechanical and controls standpoint. Currently, the boiler set points are rudimentarily controlled by the supply and return temperatures. The new system will require monitoring of other points (please see point list) to insure the system operates without failure. Some items to consider are: the inlet and outlet pressures of the circulation pumps; making sure the system pressure matches the expansion tank (reference point of the system); interlocking pressures to the on/off function of the boiler. This part of the job is not a simple plug and play it will take engineering and understanding of the current problems and how to fix them. All bidders will have equal opportunity to make the necessary site visit/s to submit a complete proposal prior to the deadline. The City will provide any and all information it has.

SOO HHWS

1. Run Conditions –
 - a. Whenever there is a heating demand from a VAV box (heating loop signal above 10% - see VAV sequence)
 - b. AND outside air temperature is below 65°F (adj)
 - c. Boiler internal controls will control boilers and boiler circulation pumps to maintain hot water supply setpoint
 - d. Boilers will operate in a lead/standby fashion. Upon failure of lead boiler, standby boiler shall run and lead boiler no longer be enabled until fault is cleared.
 - e. Lead boiler shall rotate weekly (occurs at noon on first workday of week)

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2. Boiler Hot Water Loop Setpoint

- a. Boiler supply temperature setpoint will reset on the following schedule:

Supply Temperature SP	Outside Air Temperature
185°F (adj)	50°F or less (adj)
160°F (adj)	65°F and above (adj)

- b. As OSA temperature goes from 50°F (adj) to 80°F (adj) the HWS Set Point goes from 185°F (adj) to 160°F (adj)

3. Distribution (Circulation Pumps CP1, CP2) Pump Control

- a. Measure hot water differential pressure and modulate the hot water pump VFDs in sequence to maintain its hot water differential pressure setpoint.
- b. The controller shall modulate hot water pump speeds to maintain a hot water differential pressure of 15psi (adj)
- c. Modulate the lead VFD to maintain setpoint.
- d. If the lead VFD speed is greater than a setpoint of 90% (adj) for 10 minutes, then stage ON the lag VFD and operate both in parallel.
- e. Once the speeds drop back to 45% (adj) for 10 minutes, than stop lag VFD. Lead VFD continues to run to maintain setpoint.

4. Safety Interlocks

- a. Expansion tank interlock - Expansion tank less than 8 PSI boiler system disabled.
- b. CP1 and/or CP2 interlock - Inlet pressure (in run condition) below 8 PSI boiler system disabled
- c. OSA lockout - If OSA temperature is equal to or above 75°F boiler system is disabled
- d. Low Pressure interlock – if the HWR is below 10 PSI boiler system is disabled
- e. High Pressure interlock – if the HWS is above 50 PSI boiler system is disabled
- f. Interlock for Flow Switch failure boiler disabled
- g. Differential pressure of CP1 or CP2 below ? disable pump
- h. GPM monitors for booster pumps and Circulation pumps
- i. What is the function of the additional temp sensors (e.g. between boilers and end of the 1st and 2nd floor lines). How do we use this information?

5. Alarms:

- a. The following alarms shall be generated for conditions:
 - i. Failure of CP1 or CP2.
 - ii. Boiler alarm. Any alarm from the boiler controller
 - iii. Failure of primary boiler circulation pump
 - iv. Low pressure CP1 and CP2
 - v. HWR is below 12 PSI
 - vi. HWS is above 40 PSI
 - vii. Low pressure at the expansion tank (less than 12 PSI)
 - viii. Water meter detecting makeup water being introduced into the system.

City of Santa Cruz
Request For Qualifications for SCPD ALC BAS Controls Upgrade

C. VAV System

1. Conversion of existing controls system to ALC as specified herein.
2. The quantities of VAV boxes shown below are to be used for the base bid.
3. There are 52 VAV boxes, 51 with terminal reheat. The upgraded T-Stats shall have CO2 and occupancy sensors. For bid purposes, the final count shall be confirmed by the bidder in the pre-bid field verification. It is understood that a few (2-3 boxes) VAVs are hard to access. It is up to the bidder to account for that.
4. The VAV boxes velocity sensors may or may not have to be replaced in whole or in part. It is up to the winning bidder to figure out the best solution.
5. All existing Allerton VAV box controllers will be replaced with ALC controllers with integrated damper actuators. All hot water valve actuators will be replaced. All wiring will be replaced. All damper actuators, and hot water valve actuators will be balanced to the current codes and standards (e.g. min/max reheat). All point/functions and current logic will be implemented across the VAV system.

VAV SCHEDULE			BOX INFO			REHEAT VALVE					
UNIT	AREA	ROOM #	BOX SIZE	MAX CFM	MIN CFM	MIN GPM	CV	ΔP	CALCULATED GPM	2W/3W	SIZE
VAV 2-1	LOBBY WEST	P100	11	550	520	1.9	2	3	3.5	3	1/2"
VAV 2-2	LOBBY EAST	P100	3	210	210	2.4	2	3	3.5	3	1/2"
VAV 2-3	LOBBY INTERVIEW	P101	6	320	190 (48)	1.5	1	3	1.7	2	1/2"
VAV 2-4	LOBBY INTERVIEW	P102	3	180	110 (27)	0.2	1	3	1.7	2	1/2"
VAV 2-5	RECORDS WEST	R115	11	1280	790 (190)	0.4	1	3	1.7	2	1/2"
VAV 2-6	RECORDS WINDOWS	R115	6	450	270	1.8	1	3	1.7	2	1/2"
VAV 2-7	ELEVATOR LOBBY	CA123	12	1220	1220	2.6	2	3	3.5	3	1/2"
VAV 2-8	PUBLIC COUNTER	T121	6	600	360 (90)	0.4	1	3	1.7	2	1/2"
VAV 2-9	RECORDS MANAGER	R117	6	360	220 (54)	1.0	1	3	1.7	2	1/2"
VAV 2-10	TRAFFIC	P103	3	250	160 (38)	0.2	1	3	1.7	2	1/2"
VAV 2-11	RECORDS PURCHASING	R118	3	190	120 (2)	0.2	1	3	1.7	2	1/2"
VAV 2-12	RECORDS WORKROOM	R116	6	480	320 (72)	0.2	1	3	1.7	2	1/2"
VAV 2-13	COMMUNITY SERVICE	OP138	11	620	400 (93)	0.3	1	3	1.7	2	1/2"
VAV 2-14	PARKS SERGEANT	OP135	6	520	320	2.3	2	3	3.5	2	1/2"
VAV 2-15	PUBLIC RESTROOMS	P108/9	6	380	380 (57)	0.2	1	3	1.7	2	1/2"
VAV 3-1	COMPUTER	CA125	3	400	230	-	-	-	-	-	-
VAV 3-2	PARK RANGER'S OFFICE	OP139	6	230	170	0.2	2	3	3.5	2	1/2"
VAV 3-3	MAIN CORRIDOR	CA127	11	1280	760	0.4	1	3	1.7	2	1/2"
VAV 3-4	FTO OFFICE	OP140	3	230	170	0.2	1	3	1.7	2	1/2"
VAV 3-5	OPPS ADMIN OFFICE	OP141	3	240	145	1.9	2	3	3.5	2	1/2"

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VAV 3-6	ROLL CALL	OP145	6	680	410	0.2	1	3	1.7	2	1/2"
VAV 3-7	LIEUTENANT/DC'S OFFICE	OP144	11	740	480	1.8	2	3	3.5	2	1/2"
VAV 3-8	PRISONER INTERVIEW	OP158	11	790	480	1.8	2	3	3.5	2	1/2"
VAV 3-10	REPORT WRITING	OP154	6	500	300	0.5	1	3	1.7	2	1/2"
VAV 3-11	SERGEANTS/CONFERENCE	OP155	11	1070	640	1.8	2	3	3.5	2	1/2"
VAV 3-12	EMPLOYEE ENTRY	OA152	6	750	480	1.8	2	3	3.5	2	1/2"
VAV 3-13	CRIME LAB	E165	17	1080	700	2.6	2	3	3.5	3	1/2"
VAV 3-14	FIRING RANGE VIEWING	FR150	3	300	300	0.2	1	3	1.7	2	1/2"
VAV 2-16	ANALYST/ COMM RELATIONS	A213	6	460	300 (70)	0.4	1	3	1.7	2	1/2"
VAV 2-17	PROFESSIONAL STANDARDS	A215	3	330	200 (50)	1.2	2	3	3.5	3	1/2"
VAV 2-18	CHIEF OF POLICE	A201	6	600	360 (90)	2.9	2	3	3.5	2	1/2"
VAV 2-19	ADMIN III/COP	A202	3	200	180 (30)	0.4	1	3	1.7	2	1/2"
VAV 2-20	ADMIN CONFERENCE RM	A203	11	640	490 (96)	1.5	1	3	1.7	2	1/2"
VAV 2-21	ADMIN II/FRONT COUNTER	A206	6	440	330	0.2	1	3	1.7	2	1/2"
VAV 2-22	UPSTAIRS ELEV LOBBY	CA211	11	960	760	2.8	2	3	3.5	3	1/2"
VAV 2-23	DEPUTY CHIEF	A204	6	550	330 (83)	1.9	2	3	3.5	2	1/2"
VAV 2-24	ADMIN WORKROOM	A208	11	640	500	0.3	1	3	3.5	2	1/2"
VAV 2-25	STORAGE SPACE	IN226	3	260	170 (42)	0.2	1	3	1.7	2	1/2"
VAV 2-26	INVESTIGATIONS LIEUTENANT	IN224	3	270	1170 (40)	0.4	1	3	1.7	2	1/2"
VAV 2-27	INVESTIGATION EAST	IN229	11	870	520	2.3	2	3	3.5	2	1/2"
VAV 2-28	BRIEFING	IN231	11	800	400	1.0	1	3	1.7	2	1/2"
VAV 2-29	BY SERGEANT RM	IN228	11	630	390	1.0	1	3	1.7	2	1/2"
VAV 2-30	INVESTIGATION LOBBY	IN216	6	410	250 (62)	0.2	1	3	1.7	2	1/2"
VAV 2-31	SOFT INTERVIEW ROOM	IN217	11	500	300 (75)	1.0	1	3	1.7	2	1/2"
VAV 3-15	SLEEPING ROOMS	OP236	3	330	250	0.2	1	3	1.7	2	1/2"
VAV 3-16	MEN'S LOCKERS	CA244	17	1175	200	2.6	2	3	3.5	2	1/2"
VAV 3-17	SPECIAL OPPS/HIS	IN232	6	330	190	0.4	1	3	1.7	2	1/2"
VAV 3-18	WOMEN'S LOCKER	CA240	6	630	200	0.3	1	3	1.7	2	1/2"
VAV 3-19	INVESTIGATIONS WEST	IN229	11	970	560	0.5	1	3	1.7	2	1/2"
VAV 3-20	GYM	CA247	12	1620	970	2.1	2	3	3.5	3	1/2"
VAV 3-21	CORRIDOR	CA249	11	690	430	1.8	2	3	3.5	3	1/2"
VAV 3-22	LOUNGE	CA252	6	550	430	1.0	1	3	1.7	2	1/2"

VAV SOO:

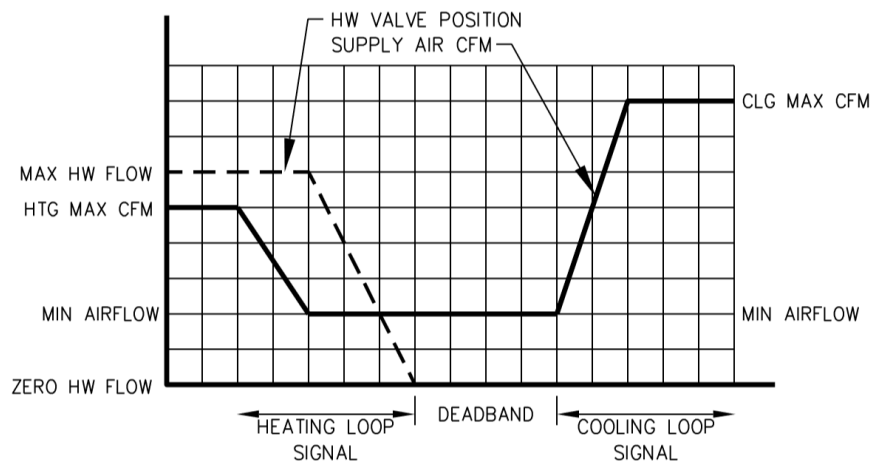
1. Run Conditions – Scheduled
2. Cooling Mode
 - a. When zone is in cooling mode, the cooling loop output is mapped to the airflow setpoint from the minimum to cooling maximum. The hot water valve is closed or in bypass for 3-way valves.

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- b. When zone is in deadband, the airflow setpoint is the minimum airflow setpoint. The hot water valve is closed or in bypass for 3-way valves.

3. Heating Mode

- a. When the zone is in heating mode, the heating loop shall maintain space temperature at the heating setpoint as follows:
- From 0% to 50% loop signal, the heating loop output shall reset the discharge temperature from AC unit supply air temperature setpoint (55°F adj) to 90°F. The airflow setpoint will remain at the minimum airflow setpoint
 - From 50% to 100% loop signal, the heating loop shall reset the airflow setpoint from minimum to heating maximum. The discharge air temperature setpoint remains at 90°F
 - The hot water control valve shall be modulated using a PI control loop to maintain discharge air temperature setpoint.
 - The VAV damper shall be modulated using a PI loop to maintain the airflow setpoint (minimum, cooling maximum, or heating maximum, or in between)



4. Building Warm-up

- a. During building warm up, VAV damper shall be fully opened and heating coil control valve is opened to allow full flow through coil. Once space setpoint is reached, VAV unit damper and heating coil control valve control return to local thermostat.

5. Override

- a. Local thermostat override is for 60 minutes (adj)

6. Zone setpoints

- Occupied Cooling SP: 75°F (adj)
- Occupied Heating SP: 68°F (adj)
- Unoccupied Cooling SP: 85°F (adj)
- Unoccupied Heating SP: 55°F (adj)

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- e. SP is adjustable from local TSTAT and will initiate a 1hr timer for new SP
- 7. Alarms:
 - a. The following alarms shall be generated for conditions:
 - i. High discharge air temperature. If discharge air temperature is greater than or equal to 120°F (adj) Supply fan failure. Commanded ON and status is OFF
- D. Make-Up Air Unit MU-1 Control, and exhaust fans (EF1 and EF2) for Firing Range MU-1 is a Reznor ADF Series direct-fired heating/makeup air system with evaporative cooling. MU-1 has a VFD which is set to a constant and not controlled by the BAS. The VFD can be added to the BAS, this is at the discretion of the contractor based on what they think is best for the City. The exhaust fans are interlocked with MU-1 mechanically through relays and not controlled by the BAS, changing that to BAS control is preferred. The unit is scheduled on manually when the Police use the range. MU-1 will have all points/functions integrated into the BAS. Additionally EF-1/EF-2 the exhaust fans for the range will be added to the BAS with on/off control and interlocked to MU-1.

MU-1 SOO:

- 1. Run Conditions – Local Switch
- 2. Cooling Mode
 - a. When zone is in cooling mode, the unit controller stages on the spray pump until zone temperature is below cooling setpoint.
- 3. Heating Mode
 - a. When the zone is in heating mode, the unit controller stages the 2 gas heating stages to maintain zone temperature setpoint.
- 4. Deadband Mode
 - a. When the zone is in deadband, neither cooling nor heating is provided and the supply fan runs.
- 5. Zone setpoints
 - a. Occupied Cooling SP: 75°F (adj)
 - b. Occupied Heating SP: 68°F (adj)
- 6. Alarms:
 - a. The following alarms shall be generated for conditions:
 - i. High discharge air temperature. If discharge air temperature is greater than or equal to 120°F (adj)
 - ii. Supply fan failure. Commanded ON and status is OFF
 - iii. Dirty Filter Alarm. If filter differential pressure is greater than or equal to - .75inWC (adj)

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- E. AC and AC5 (Community Room) are to be integrated into ALC. Economizer controller will be by new Honeywell 7220 Jade controller. New ALC controls to BAS.

AC-4 and 5 SOO:

1. Run Conditions – Scheduled
 - a. The unit shall run according to user defined schedule (adj).
2. Unit Operation
 - a. Unit shall maintain space temperature as:
 - i. Occupied Cooling SP: 75°F (adj)
 - ii. Occupied Heating SP: 68°F (adj)
 - iii. Unoccupied Cooling SP: 85°F (adj)
 - iv. Unoccupied Heating SP: 55°F (adj)
 - b. SP is adjustable from local TSTAT and will initiate a 2hr timer for new SP
 - c. A timed local override control shall allow an occupant to override the schedule and place the unit into an occupied mode for an adjustable period of time. At the expiration of this time, control of the unit shall automatically return to the schedule.
 - d. Unit will control cooling and heating stages from internal unit controller
 - e. Economizer controller by new Honeywell 7220 Jade controller to maintain MAT SP of 50°F (adj at 7220).
 - i. Economizer enabled when outside air temperature is below 70°F
 - ii. Relief fan energized when outside damper greater than 50% open (AC-4 only, from 7220 controller)
 - iii. Minimum outside air damper position set at 7220 controller
3. Alarms:
 - a. The following alarms shall be generated for conditions:
 - i. Supply fan failure. Commanded ON and status is OFF
 - ii. High Zone temperature. If zone temperature is greater than 10°F above SP
 - iii. High SAT if SAT is greater than 75°F when unit is ON and unit is in cooling mode

- F. AC-1 (Evidence Chambers) is to be integrated into ALC.

AC-1 SOO:

1. Run Conditions – Scheduled
 - a. The unit shall run 24/7 (adj).
2. Unit Operation
 - a. Unit shall maintain space temperature as:
 - i. 75°F (adj) cooling SP
 - ii. 68°F (adj) heating SP
 - b. SP is adjustable from local TSTAT and will initiate a 2hr timer for new SP
 - c. Unit will control cooling and heating stages from internal unit controller
3. Alarms:
 - a. The following alarms shall be generated for conditions:

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- i. Supply fan failure. Commanded ON and status is OFF
 - ii. High Zone temperature. If zone temperature is greater than 10°F above SP
- G. Unit Heater UH-1 is to be integrated into ALC.
- H. Testing, Adjusting and Balancing (TAB) of the building (not a comfort balance but an actual TAB). TAB report at project completion.
- I. Full commissioning of BAS and all related parts.
- J. Review and selected audit of the commissioning with City CxA agent.
- K. Bid Alternates
- 1. Add IT room to the BAS
 - 2. Add VAV box with controls to Deputy Chief's office
 - 3. Baffling in the gun range exhaust to attenuate outgoing sound.
 - 4. Any proposed at Contractor's option

SECTION 2: PROCESS INSTRUCTIONS

2.1 RFQ Schedule

The City will make every effort to adhere to the following schedule:

Action	DATE
1. Issue RFQ	November 3rd 2020
2. Questions about RFQ must be submitted by	November 10th by 2pm
2. Statement of Qualifications due date	November 17th by 2pm
3. Consultant selection/Notice of Selection Letter	December 1st
4. Conclude Negotiations	December 8th
5. Award Contract	December 15th

2.2 Statement of Qualifications Format

SOQs are due by **2:00 PM, on November 17th 2020**. All proposals will be emailed to

ashatney@cityofsantacruz.com and fwarren@cityofsantacruz.com before the due date.

Respondents will send one electronic copy (PDF format) of the Statement of Qualifications to

ashatney@cityofsantacruz.com **with** a PDF of the preliminary cost proposal. **Late submittals shall not be considered.**

The City will not be liable for any expenses incurred by Consultants responding to this solicitation.

Statement of Qualifications should be organized as follows:

- a. **Introductory Letter** - A brief formal letter that provides information regarding the firm and its understanding of the services to be performed. The letter shall include the following:
 - i. Company name (as it should appear in the contract)
 - ii. Company address
 - iii. Contact person, telephone number, and e-mail address

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- iv. The letter must be signed by an individual authorized to bind the proposing entity
- b. Describe firm's capabilities and qualifications** – Your firm's capabilities and resources in relation to the scope of services. This should include:
- i. Provide a description of the firm, its qualifications, year the business was established, and number of employees.
 - ii. Describe your firm's capacity and ability to provide the required services in a timely manner; other on-going projects, accessibility of staff, flexibility and readiness to complete specified work.
- c. Identify key personnel and their qualifications**
- i. Identify the key personnel assigned to this contract (including sub-consultants when applicable and identify their expertise related to the required services) and describe their background, qualifications, credentials, recent similar experience, and responsibility on the required services. Provide resumes as appropriate.
- d. Demonstrate firm's experience**
- i. Describe methodologies, practices, process and standards used for accomplishing the work described in Section 2.
 - ii. Describe firm's experience doing similar work for (a) other public agencies and (b) for private industries.
 - iii. Describe firm's experience with other ALC installation for other public agencies
 - iv. Describe trouble shooting a similar retrofit project with similar challenges.
 - v. Describe firm's knowledge of local, state, federal codes, and standards.
 - vi. List and describe 3 similar projects recently completed including dates of service and client. **NOTE: At least two (2) clients must be an entity other than the City of Santa Cruz.** Provide a minimum of 3 unique client references, including contact person and current telephone numbers and email addresses.

2.3 RFQ Addenda

The City may determine it is necessary to revise any part of this solicitation. Revisions will be made by addenda. It is the bidder's responsibility to understand and comply with any addenda to this solicitation.

Addenda will be:

- Emailed to known interested Consultants, or
- Posted on the City's website, www.cityofsantacruz.com, under Bidding Information, or
- Consultants may contact Andy Shatney, at 831-420-5598 or email: ashatney@cityofsantacruz.com to determine whether addenda have been issued.

2.4 Proposal Evaluation

Proposals will be ranked according to following and will be available to the public after contract award.

<u>Criteria</u>	<u>Maximum Points</u>
a. Cost	40
b. Consultant's qualifications and references with similar kinds of work	20

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c. Key staff's applicable experience	20
d. The proposal that provides the best solution	20

Maximum Possible Points	100
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2.4.1 Proposal Evaluation Criteria Definitions

a. Cost (30 points)

Proposals will be evaluated by lowest cost. The graders of the proposals will take into consideration the itemized price of the proposed system. Meaning if one company proposes more expensive components the City will evaluate value opposed to overall cost. The City will do its best to grade the proposals in good faith because this project is funded by the CEC and tax payer monies.

b. Consultant's qualifications and references with similar kinds of work (20 points)

The criteria will also include an evaluation of the Consultant's longevity, ability and approach to provide the required services, and performance on similar contracts.

c. Key Staff's Applicable Experience (20 points)

Proposals will be evaluated based on Consultant's key staff on the project and applicable experience.

d. The proposal that provides the best solution (30 points)

Because this is a design/build project the City is looking for the most creative solution that updates and fixes the existing BAS. The best solution will understand the deficiencies of the current system and fix those. The best solution will choose software and hardware that fits the application regardless of price. The best solution will be thorough and complete. This is also a CEC grant that is looking to show actualized energy savings through advanced and modern controls and control sequences. The CEC (and the City) will showcase this project by presenting and publishing the results from this project to other public agencies, the State and the public. In the spirit of the California Energy Commission, AB 802 and SB 350 we are looking for a project that helps guide the State of California to achieve the goals of the aforementioned. Through this project the City and CEC wants to emphasize how important Building controls are to advancing the mandates of the State of California's energy efficiency and GHG reduction goals.

The City intends to interview Consultant teams prior to selecting the most qualified firm. The firm deemed to be the most qualified will be engaged with negotiations of a contract to follow. If an agreement cannot be reached with the first consultant selected, negotiations will be terminated, and the next consultant in order of ranking will be called to negotiate.

2.5 Contract Implementation

The contract resulting from this solicitation is tentatively scheduled to begin **November 17th, 2020 at 2:00 PM**. Upon award notification and prior to final contract approval, the successful proposer will be required to submit:

- a. Proof of insurance as specified in section 4.1 of this solicitation;
- b. Documentation of all credentials necessary to legally perform the services specified;
- c. A completed W-9 form and, if applicable, non-resident withholding exemption form, if not already on file with the City; and

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- d. Proof of a current City of Santa Cruz business tax certificate if the Consultant is located in, or performs services within, the city limits for more than 6 days annually.

The finalized contract will include the RFQ Section 2, the RFQ Section 4, the Consultant's Statement of Qualifications, the Fee Schedule, the City's standard terms as Exhibit A, and any negotiated modifications agreed to by the parties.

2.6 Public Record

Proposals received will become the property of the City. All proposals, evaluation documents, and any subsequent contracts will become public records subject to public disclosure per the "California Public Records Act," California Government Code, sections 6250 – 6270. Once discussions and negotiations with proposers have been fully completed and an award has been announced. Submission of a proposal will constitute an agreement to this provision for public records.

Appropriately identified trade secrets will be kept confidential to the extent permitted by law. Any proposal section alleged to contain proprietary information will be identified by the proposer in **boldface text** at the top and bottom as "PROPRIETARY." Designating the entire proposal as proprietary is not acceptable and will not be honored. Pricing information is not considered proprietary information.

2.7 Award Protests

The City desires to foster cooperative relationships with Consultants and to reach a fair agreement in a timely manner.

The City encourages Consultants to resolve issues regarding the solicitation requirements or the procurement process through written correspondence and discussions at least 5 business days prior to the proposal due date. This process will allow the City time to research the validity of the protest and either issue an addendum to the solicitation, cancel the solicitation, or determine the protest to be unfounded and proceed with the solicitation. In the event the protest of specifications is denied and the protester wishes to continue in the protest process, the protesting consultant must still submit a proposal in accordance with the proposal submittal procedures provided in this solicitation. Questions or concerns prior to the intent to award notice will be directed to:

Andy Shatney
Energy Project Coordinator
Phone: 831-420-5598
Email: ashatney@cityofsantacruz.com

Any Respondent who is unsuccessful as a result of the selection process (i.e., is not selected as a Consultant) may formally protest. Protest letters regarding a contract award will be directed to:

City of Santa Cruz
Mark R. Dettle, Director of Public Works
809 Center Street, Room 201
Santa Cruz, California 95060

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Protests regarding the consultant selection must be received no later than 5 business days after the written notice of selection of the most qualified respondent. The selection protest must be in writing and include:

- The name, address, and telephone number of the protester;
- The solicitation title and due date;
- A detailed statement of the legal and/or factual grounds for the protest; and
- The form of relief requested.

Protests regarding the selection resulting from this solicitation must be delivered to **Mark Dettle, City of Santa Cruz Director of Public Works**. The **Director of Public Works** will review the protest and issue a written response within 10 business days. The decision of the **Director of Public Works** will be final.

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SECTION 3: TERMS AND CONDITIONS

3.1 Insurance Requirements

Only the successful Consultant will be required to submit a certificate of insurance before commencement of work.

Prior to the beginning of and throughout the duration of the contract, the Consultant will maintain insurance in conformance with the requirements set forth below. The Consultant will insure the City against claims for injuries to persons or damages to property that may arise from or in connection with the performance of the work hereunder and the results of that work by the Consultant, his agents, representatives, employees or subcontractors.

3.1.1 Certificate Requirements

The City will be issued a Certificate of Insurance (a Memorandum of Understanding will not be accepted) with the following minimum requirements:

- Certificate(s) will show current policy number(s) and effective dates,
- Coverage and policy limits will meet, or exceed, requirements below,
- The Certificate Holder will be City of Santa Cruz, Risk Management, 809 Center St, Rm 7, Santa Cruz, CA 95060,
- Certificate will be signed by an authorized representative,
- An endorsement will be provided to show the City, its officers, officials, employees, and volunteers as additional insured.

3.1.2 Minimum Scope and Limits of Insurance

The Consultant acknowledges that the insurance coverage and policy limits set forth in this section constitute the minimum amount of coverage required. The City will be entitled to coverage for the highest limits maintained by the Consultant. Coverage will be at least as broad as:

- *Professional Liability (Errors and Omissions):* \$1,000,000 per occurrence or claim, \$2,000,000 aggregate.
The Consultant will maintain insurance appropriate to the Consultant's profession; with limit no less than \$1,000,000 per occurrence or claim, \$2,000,000 aggregate. Insurance must be maintained and evidence of insurance must be provided for at least five years after date of completion of the contract work. *Also see "Claims Made Policies" section below.*
- *Commercial General Liability (CGL):* Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than \$2,000,000 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
- *Automobile Liability:* Insurance Services Office Form Number CA 0001 covering Code 1 (any auto), with limits no less than \$1,000,000 per accident for bodily injury and property damage.

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- *Workers' Compensation insurance* as required by the State of California, with Statutory Limits, and Employers' Liability insurance with a limit of no less than \$1,000,000 per accident for bodily injury or disease. **The Workers' Compensation policy shall be endorsed with a waiver of subrogation** in favor of the City of Santa Cruz for all work performed by the Contractor, its employees, agents, and subcontractors.

3.1.3 Other Insurance Provisions

The insurance policies are to contain, or be endorsed to contain, the following provisions:

- *Additional Insured Status*
The City of Santa Cruz, its officers, officials, employees, agents, and volunteers are to be covered as additional insureds on the CGL and automobile liability policies with respect to liability arising out of work or operations performed by or on behalf of the Contractor including materials, parts, or equipment furnished in connection with such work or operations and automobiles owned, leased, hired, or borrowed by or on behalf of the Contractor. General liability coverage can be provided in the form of an endorsement to the Contractor's insurance (at least as broad as ISO Form CG 20 10 11 85 or, if not available, through the addition of **both** CG 20 10, CG 20 26, CG 20 33, or CG 20 38; **and** CG 20 37 forms if later editions are used).
- *Primary Coverage*
For any claims related to this contract, **Contractor's insurance coverage shall be primary** insurance coverage at least as broad as ISO 20 01 04 13 as respects the City of Santa Cruz, its officers, officials, employees, agents, and volunteers. Any insurance or self-insurance maintained by the City of Santa Cruz, its officers, officials, employees, agents, or volunteers shall be excess of the Contractor's insurance and shall not contribute with it.
- *Notice of Cancellation*
Each insurance policy required above shall provide that coverage shall not be canceled, except with notice to the City of Santa Cruz.
- *Waiver of Subrogation*
Contractor hereby grants to the City of Santa Cruz a waiver of any right to subrogation that any insurer of said Contractor may acquire against the City of Santa Cruz by virtue of the payment of any loss under such insurance. Contractor agrees to obtain any endorsement necessary to effect this waiver of subrogation, but this provision applies regardless of whether or not the City of Santa Cruz has received a waiver of subrogation endorsement from the insurer.

The Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the City of Santa Cruz for all work performed by Contractor, its employees, agents, and subcontractors.

- *Deductibles and Self-Insured Retentions*
Any deductibles or self-insured retentions must be declared to and approved by the City of Santa Cruz. The City of Santa Cruz may require Contractor to purchase coverage with a lower retention or provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention. The policy language shall provide,

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or be endorsed to provide, that the self-insured retention may be satisfied by either the named insured or the City of Santa Cruz.

- *Claims Made Policies*

If any coverage required is written on a claims-made coverage form:

1. The Retroactive Date must be shown, and this date must be before the execution date of the contract or the beginning of contract work.
2. Insurance must be maintained and evidence of insurance must be provided for at least five (5) years after completion of contract work.
3. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a Retroactive Date prior to the contract effective date or the start of work date, Contractor must purchase "extended reporting" coverage for a minimum of five (5) years after completion of contract work.
4. A copy of the claims reporting requirements must be submitted to the City of Santa Cruz for review.

- *Acceptability of Insurers*

Insurance is to be placed with insurers with a current A.M. Best rating of no less than A: VII, unless otherwise acceptable to the City of Santa Cruz.

- *Verification of Coverage*

Contractor shall furnish the City of Santa Cruz with original certificates and amendatory endorsements or copies of the applicable insurance policy language effecting coverage required by this contract. All certificates and endorsements are to be received and approved by the City of Santa Cruz before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive Contractor's obligation to provide them. The City of Santa Cruz reserves the right to require complete, certified copies of all required insurance policies, including declarations and endorsements required by these specifications, at any time.

The City's standard Certificate of Insurance requirements include the following:

1. The Certificate(s) will show current policy number(s) and effective dates;
2. Coverage and policy limits will meet, or exceed, the requirements above;
3. The Certificate Holder will be City of Santa Cruz, Risk Management, 877 Cedar Street, Suite 100, Santa Cruz, CA 95060;
4. The Certificate(s) will be signed by an authorized representative.

- *Subcontractors/sub-consultants*

Consultant shall require and verify that all subcontractors/sub-consultants maintain insurance meeting all the requirements stated herein, and Consultant shall ensure that City of Santa Cruz is an additional insured on insurance required from subcontractors/sub-consultants. For CGL

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coverage subcontractors/ sub-consultants shall provide coverage with a form at least as broad as CG 20 38 04 13.

- *Special Risks or Circumstances*
City of Santa Cruz reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

3.2 Indemnification

Consultant agrees to indemnify, defend, and hold harmless the City, its officials, officers, agents, employees, and volunteers from and against any and all claims, demands, actions, damages, or judgments, including associated costs of investigation and defense arising in any manner from Consultant's negligence, gross negligence, recklessness, or willful misconduct or patent or copyright violation in the performance of this agreement.

3.3 Governing Law

The contract will be construed and interpreted according to the laws of the State of California.

3.4 Assignment

The City reserves the right to cancel contract if the contract is assigned without written consent of the City.

3.5 Subcontractors/sub-consultants

Subcontractors/sub-consultants to be used must be listed in the Consultant's proposal. Subcontracting of work after contract award and without prior approval of the City, may result in contract termination. If at any time, the City determines any sub-contractor is incompetent or undesirable, Consultant will be notified and will be expected to immediately cancel the subcontract.

3.6 Termination of Contract

The City or the Consultant may terminate the contract for convenience by providing written notice to the other party not less than 30 calendar days prior to an effective termination date.

The City or Consultant may terminate the contract for material breach of contract by providing written notice to the other party not less than 14 calendar days prior to an effective termination date.

Upon notice of termination, the Consultant will immediately take action not to incur any additional obligations, costs, or expenses, except as may be reasonably necessary to terminate its activities. The City's only obligation to the Consultant will be just and equitable payment for materials and/or services authorized by, and received to the satisfaction of, the City up to and including the effective date of termination. All finished or unfinished materials, supplies, goods, or documents procured or produced under the contract will become property of the City upon the termination date. The City reserves the right to purchase or obtain the supplies or services elsewhere, and the defaulting Consultant will be liable for the difference between the prices set forth in the terminated order and the actual cost to the

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City. In no event will the City be liable for any loss of profits on the resulting order or portion thereof so terminated. After the effective date of termination, Consultant will have no further claims against the City under the contract. Termination of the contract pursuant to this paragraph may not relieve the Consultant of any liability to City for damages sustained by City because of any breach of contract by Consultant, and City may withhold any payments to Consultant for the purpose of set-off until such time as the exact amount of damages due City from Consultant is determined

The rights and remedies provided in this section will not be exclusive and are in addition to any other rights and remedies provided by law or under the contract.

3.7 Safety

All service(s) and item(s) provided will comply with applicable safety laws, regulations, and standards. Consultant will provide proof of compliance, if requested by the City.

3.8 Government Regulations

Consultant will comply with all federal, state, and local laws, standards, regulations, licenses, and permits related to the Police Department Energy Efficiency Advanced Building Controls.

3.8.1 City of Santa Cruz Business Tax Certificate

Consultant will maintain a current City of Santa Cruz business tax certificate if:

- a. Consultant is located in the City of Santa Cruz;
- b. Will perform physical work in the City of Santa Cruz for six or more days annually; or
- c. Will use company vehicles to deliver within the City of Santa Cruz for six or more days annually.

For additional information and licensing requirements, please call the Revenue and Taxation division at 831-420-5070.

3.9 Payment

For the services performed, the City will pay the Consultant on a time-charge plus expense basis, monthly as charges accrue. Consultant's salary expenses and non-salary expenses will be compensated at the rates set forth in the fee schedule and in accordance with any terms set forth therein. Payment for the Consultant's services in carrying out the entire Scope of Work shall be made within the budget limit. Such payment shall be considered the full compensation for all personnel, materials, supplies, and equipment used by Consultant in carrying out the work.

Where conflicts may occur, the provisions of this section apply.

Salary expenses include the actual pay of personnel assigned to the project plus payroll taxes, insurance, sick leave, holidays, vacation, other fringe benefits, overhead costs, and fees. Chargeable time does not include time for meals or other personal time. Consultant shall not charge the City for personnel overtime salary at rates higher than those set forth in the fee schedule without the City's prior written authorization.

Non-salary expenses include travel, meals and lodging while traveling, materials (other than normal office supplies), shipping and reproduction costs, equipment rental, services of sub-consultants and

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subcontractors, and other direct, identifiable project related expenses. Markups shall not be charged for non-salary expenses, sub-consultants, or subcontractors.

The use of vehicles for travel, including rental vehicles, shall be paid at the current standard business mileage rate as established by the U.S. Internal Revenue Service. Commercial airline travel shall be pre-approved and will be reimbursed at coach class rates. Lodging, meals, and incidental expenses shall be reimbursed at the current per diem rates established by the U.S. General Services Administration for Santa Cruz County. Receipts must be provided for any single authorized expense incurred costing over \$75. Consultants shall be entitled to 75% of the prescribed meals and incidental expenses for the first and last day of travel and for one day travel if it is longer than 12 hours. It is expected that all expenses associated with travel incurred by the Consultant, while conducting activities on behalf of the City, will be at reasonable rates and that the Consultant will exercise prudence in incurring such expenses.

Variations from the budget for each task are allowed only with City approval and only when such variations are justified by statements indicating personnel time expended and submittal of a revised budget; however, in no event shall the total fee charged for the Scope of Work set forth exceed the budget limit without advance written City authorization in the form of a contract amendment or change order.

Unless otherwise specified in the fee schedule, Consultant's fees shall be payable on monthly invoices. Invoices shall detail the time worked by each employee and class of employee on each task and the expenses incurred for which billing is made. Invoices shall indicate the percent completion of each work task as identified in Scope of Work and the overall percent completion of the total required services. The monthly invoices shall contain the following affidavit signed by a principal of the Consultant's firm:

"I hereby certify as principal of the firm of (Insert Firm Name), that the charge of (Insert invoice amount) as summarized above and shown in detail on the attachments, is fair and reasonable, is in accordance with the terms of Agreement dated (Insert Agreement Date), and has not been previously paid."

3.10 Equal Employment Opportunity

The City of Santa Cruz strongly supports equal employment opportunities for all and requires its Consultants to ensure that effective policies and procedures concerning the prevention of illegal discrimination and harassment exist in their companies. In addition, all Consultants must be in compliance with all applicable Federal and State and local equal employment opportunity acts, laws, and regulations. The City's current Equal Employment Opportunity and Anti-Discrimination policies to which this provision applies may be viewed at

<http://www.codepublishing.com/CA/SantaCruz/?SantaCruz09/SantaCruz0983.html>.

4.11 MacBride Principles and the Peace Charter

City of Santa Cruz Resolution NS-19,378 (7/24/90) encourages all companies doing business in Northern Ireland to abide by the MacBride Principles and Peace Charter.

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3.12 Sample Professional Services Agreement

See Attachment A.



City Council AGENDA REPORT

DATE: 10/05/2020

AGENDA OF: 10/27/2020

DEPARTMENT: Public Works

SUBJECT: Electrical Power System Reconfiguration at the Wastewater Treatment Facility (c401405) – Professional Services Agreement (PW)

RECOMMENDATION: Motion authorizing the City Manager to execute an agreement with Arcsine Engineering (Redding, CA) in the amount of \$320,500 to provide professional design services for the Electrical Power Reconfiguration Project (c401405) and authorize the Director of Public Works to execute contract amendments within the approved department budget in a form acceptable to the City Attorney.

BACKGROUND: The City of Santa Cruz Wastewater Treatment Facility (WWTF), originally built in 1928, has been periodically expanded and upgraded. The existing electrical infrastructure at the facility is showing signs of aging with potential for failure. There are several components of the electrical distribution system that are in need of repair, upgrade or replacement. Several of these components have been very problematic for maintenance staff.

The Soquel Creek Water District is in the design phase of a project to construct tertiary treatment plans at the WWTF as a part of the Pure Water Soquel (PWS) project. This project will require an independent electrical feed from PG&E and PWS will coordinate with the City's electrical project to minimize disruption to the facility's operation and share conduit duct banks for new cabling.

A professional services request for proposal (RFP) was issued in July 2020 to study and assess the WWTF's electrical infrastructure and equipment. Proposals were received from Brown and Caldwell (Walnut Creek, CA), Arcsine Engineering (Redding, CA), and Kennedy/Jenks Consultants (San Francisco, CA). Proposals were evaluated based on the criteria listed in the solicitation and the evaluation committee selected Arcsine Engineering.

DISCUSSION: The consultant has provided the City with a proposal to perform preliminary engineering tasks related to the project. The proposal includes a scope of services to assess the existing electrical infrastructure and provide a conceptual design for upgrades and replacement. The consultant will also provide design alternatives and lifecycle cost analyses of the proposed options.

The schedule of this design will coincide with the design of the Pure Water Soquel Tertiary Treatment Facility. This will allow for efficiency of construction and PG&E coordination for new electrical services.

FISCAL IMPACT: The cost of the Electrical Power System Reconfiguration project (c401405) is funded in the FY 2021 Wastewater Capital Investment Program (CIP) budget. There is no impact to the General fund.

Prepared By:
Ryan Haley
Assistant Engineer II

Submitted By:
Mark R. Dettle
Director of Public Works

Approved By:
Martin Bernal
City Manager

ATTACHMENTS:

1. AGREEMENT.PDF

PROFESSIONAL SERVICES AGREEMENT FOR
**WASTEWATER TREATMENT FACILITY
ELECTRICAL POWER SYSTEM RECONFIGURATION PROJECT**

THIS AGREEMENT for professional services is made by and between the City of Santa Cruz ("City") and ArcSine Engineering. ("Consultant") (referred to individually as a "Party" and collectively, as the "Parties") as of October 13, 2020 (the "Effective Date").

NOW, THEREFORE, in consideration of each other's mutual promises, the Parties hereto agree as follows:

SECTION 1: SCOPE OF WORK

Consultant will furnish services as defined and described in the Scope of Work, attached hereto as Exhibit A and incorporated herein, and as further specified in the Request for Proposals for Engineering Services for the Electrical Power System Reconfiguration at the Wastewater Treatment Facility, dated June 19, 2020, incorporated herein.

SECTION 2: RESPONSIBILITIES OF CONSULTANT

All work performed by Consultant, or under Consultant's direction, shall be rendered in accordance with the generally accepted practices, and to the standards of, Consultant's engineering profession. Consultant represents and agrees that Consultant: (i) is fully experienced and properly qualified to perform the work and services provided for herein, (ii) has the financial capability required for the performance of the work and services, and (iii) is properly equipped and organized to perform the work and services in a competent, timely, and proper manner, in accordance with the requirements of Scope of Work set forth in Exhibit A

Consultant shall not undertake any work beyond the **Scope of Work** set forth in **Exhibit A** unless such additional work is approved in advance and in writing by City. The cost of such additional work shall be reimbursed to Consultant by City on the same basis as provided for in Section 4.

If, in the performing the work, it is necessary to conduct field operations, security and safety of the job site will be the Consultant's responsibility excluding, nevertheless, the security and safety of any facility of City within the job site which is not under the Consultant's control.

Consultant shall meet with Mark Dettle, Director of the Public Works Department, hereinafter called "Director", or other designated and authorized City personnel, or third parties as necessary, on all matters connected with carrying out of Consultant's services described in Exhibit A. Such meetings shall be held at the request of either Party. Review and City approval of completed work shall be obtained monthly, or at other intervals as may be mutually agreed upon during the course of this Agreement.

In providing opinions of cost, financial analyses, economic feasibility projections, and schedules for potential projects, Consultant has no control over cost or price of labor and material; unknown or latent conditions of existing equipment or structures that may affect operation and maintenance costs; competitive bidding procedures and market conditions; time or quality of performance of third parties; quality, type, management, or direction of operating personnel; and other economic and operational factors that may materially affect the ultimate project cost or schedule. Therefore, Consultant makes no warranty that the City's actual project costs, financial aspects, economic feasibility, or schedules will not vary from Consultant's opinions, analyses, projections, or estimates.

SECTION 3: RESPONSIBILITIES OF THE CITY

City shall make available to Consultant all necessary data and information in the City's possession and shall actively assist Consultant in obtaining such information from other agencies and individuals as needed. Consultant shall be entitled to use and rely upon all such data and information in completing the services required hereunder.

The Director may authorize a staff person to serve as his or her representative. The work in progress shall be reviewed at such intervals as may be mutually agreed upon between the parties. If the work is satisfactory, it will be approved. If the work is not satisfactory, City will inform Consultant of the changes or revisions necessary to secure approval.

City shall arrange for access to and make all provisions for Consultant to enter upon public and private property as required for Consultant to perform services hereunder.

SECTION 4: FEES AND PAYMENT

For services actually performed, the City will compensate Consultant at the rates set forth in the **Fee Schedule** detailed in **Exhibit B** and in accordance with the terms set forth therein. Payment for Consultant's services in carrying out the entire the Scope of Work shall be made within the budget limit, or limits shown, upon Exhibit B. Such payment shall be considered the full compensation for all personnel, materials, supplies, and equipment used by Consultant in the Scope of Work.

In addition to the compensation specified above, Consultant will be paid for actual reasonable expenses authorized and pre-approved by the City, and excluding administrative, clerical or other overhead costs. Vehicle mileage reimbursement, shall be paid at the rate of the applicable standard business mileage rate as set by the U.S. Internal Revenue Service. Approved commercial airline travel shall be reimbursed at coach class rates. Lodging, meals, and incidental expenses shall be reimbursed at the current per diem rates established by the U.S. General Services Administration. All expenses require submittal of acceptable substantiating documentation for each such expense to be reimbursable. It is expected that all expenses associated with travel incurred by the Consultant, while conducting activities on behalf of the City, will be at reasonable rates and that the Consultant will exercise prudence in incurring such expenses.

Consultant agrees that the payments to Consultant specified in this Section 4 will constitute full and complete compensation for all obligations assumed by Consultant under this Agreement. Where conflicts regarding compensation may occur, the provisions of this section apply.

Consultant may reallocate compensation between tasks; however, in no event shall the total fee charged for the Scope of Work set forth in Exhibit A exceed the budget of **\$320,500** without advance written City authorization in the form of an amendment or change order.

Invoices shall detail the time worked by each class of employee on each task and the expenses incurred for which billing is made. Invoices shall indicate the percentage completion of each work task as identified in the Scope of Work in Exhibit A and the overall percentage of completion of the total required services. Unless otherwise specified in the fee schedule, payments shall be made monthly by the City within 30 days based on itemized invoices from the Consultant which list the actual costs and expenses.

SECTION 5: CHANGES IN WORK

City may negotiate changes in the Scope of Work. No changes in the Scope of Work shall be made without the City's written approval. Any change requiring compensation in excess of the sum specified in Exhibit B shall be approved in advance in writing by the City. Only City's authorized representative(s) is authorized to approve changes to this Agreement on behalf of City.

SECTION 6: TIME OF BEGINNING AND SCHEDULE FOR COMPLETION

Consultant shall begin work upon its receipt of a written Notice to Proceed. The Notice to Proceed shall not be issued until after this Agreement has been approved and authorized by the City.

The **Work Schedule** for completion of the work shall be as shown upon **Exhibit C**. In the event that major changes are ordered, the schedule for completion as stated in Exhibit C will be adjusted by City so as to allow Consultant a reasonable period of time within which to complete any additional work which may be required as a result of the ordered changes.

Neither party will be held responsible for delay or default caused by declared emergencies, natural disasters, or any other cause which is beyond the party's reasonable control. Consultant will, however, make all reasonable efforts to remove or eliminate such a cause of delay or default and will, upon the cessation of the cause, diligently pursue performance of its obligations in this Agreement.

The City reserves the right to obtain the item(s) covered by this Agreement from another source during any on-going suspension of service due to the circumstances outlined above.

Consultant acknowledges that it is necessary for Consultant to complete its work on or before the completion date set forth in Exhibit C in order to allow the City to achieve its objectives for entering into this Agreement. The Parties therefore agree that time is of the essence in the performance of this Agreement.

SECTION 7: TERMINATION

The City or Consultant may terminate the Agreement for convenience by providing written notice to the other party not less than 30 calendar days prior to an effective termination date.

The City or Consultant may terminate the Agreement for material breach of agreement by providing written notice to the other party not less than 14 calendar days prior to an effective termination date.

Upon notice of termination, the Consultant will immediately take action not to incur any additional obligations, costs or expenses, except as may be reasonably necessary to terminate its activities. The City's only obligation to the Consultant will be just and equitable payment for services authorized by, and received to the satisfaction of, the City up to and including the effective date of termination. All finished or unfinished work or documents procured or produced under the Agreement will become property of the City upon the termination date. The City reserves the right to obtain services elsewhere, and the defaulting Consultant will be liable for the difference between the prices set forth in the terminated Agreement and the actual cost to the City. In no event will the City be liable for any loss of profits on the resulting agreement or portion thereof so terminated. After the effective date of termination, Consultant will have no further claims against the City under the Agreement. Termination of

the Agreement pursuant to this paragraph may not relieve the Consultant of any liability to City for damages sustained by City because of any breach of Agreement by Consultant, and City may withhold any payments to Consultant for the purpose of set-off until such time as the exact amount of damages due City from Consultant is determined.

The rights and remedies provided in this section will not be exclusive and are in addition to any other rights and remedies provided by law or under the Agreement.

SECTION 8: INSURANCE

Prior to the beginning of and throughout the duration of the Agreement, Consultant will maintain and comply with the **Insurance Requirements** as set forth in **Exhibit D**. Consultant will insure the City against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder and the results of that work by Consultant, Consultant's agents, representatives, employees or subcontractors.

SECTION 9: INDEMNIFICATION

- a. For professional services subject to a professional liability insurance policy, Consultant agrees, to the fullest extent permitted by law, to indemnify, defend, and hold harmless the City, its officials, officers, employees and agents ("Indemnified Parties"), from and against any and all claims, demands, actions, damages, or judgments, and expenses, including attorneys' fees and costs arising from the negligence, recklessness or willful misconduct by Consultant, Consultant's employees, agents, representatives, and subcontractors in any way related to the obligations or performance of the professional services under this Agreement except where caused by the sole negligence or willful misconduct of City.
- b. The costs to defend charged to the Consultant relating to any design professional services shall not exceed the Consultant's proportionate percentage of fault per Civil Code §2782.8.
- c. With respect to all matters other than covered by the foregoing paragraphs, Consultant agrees to indemnify, defend, and hold harmless the City, its officials, officers, employees and authorized agents to the fullest extent permitted by law from and against any and all claims, demands, actions, damages, or judgments, and expenses, including attorneys' fees and costs arising from the acts or omissions of Consultant, Consultant's employees, agents, representatives, and subcontractors in any way related to this Agreement, except where caused by the sole negligence or willful misconduct of City.

SECTION 10: EQUAL EMPLOYMENT OPPORTUNITY/NON-DISCRIMINATION POLICIES

City's policies promote a working environment free from abusive conduct, discrimination, harassment, and retaliation; and require equal opportunity in employment for all regardless of race, religious creed (including religious dress and grooming practices), color, national origin (including language use restrictions), ancestry, religion, disability (mental and physical), medical condition, sex, gender (including gender identity and gender expression), physical characteristics, marital status, age, sexual orientation, genetic information (including family health history and genetic test results), organizational affiliation, and military or and veteran status, or any other consideration made unlawful by local, State or Federal law. City requires Consultant to be in compliance with all applicable Federal and State and local equal employment opportunity acts, laws, and regulations and Consultant is responsible for ensuring that effective policies and procedures concerning the prevention of abusive conduct, discrimination, harassment, and retaliation exist in Consultant's business organization. The City's current Equal Employment Opportunity and Non-Discrimination policies to which this Section applies may be viewed at <http://www.codepublishing.com/CA/SantaCruz/?SantaCruz09/SantaCruz0983.html> and <http://www.cityofsantacruz.com/home/showdocument?id=59192>.

SECTION 11: LEGAL ACTION/ATTORNEYS' FEES

If any action at law or in equity is brought to enforce or interpret the provisions of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees in addition to any other relief. The laws of the State of California, with jurisdiction in the Santa Cruz County Superior Court, shall govern all matters relating to the validity, interpretation, and effect of this Agreement and any authorized or alleged changes, the performance of any of its terms, as well as the rights and obligations of Consultant and the City.

SECTION 12: AMENDMENTS

This Agreement may not be amended in any respect except by way of a written instrument which expressly references and identifies this particular Agreement, which expressly states that its purpose is to amend this particular Agreement, and which is duly executed by the City and Consultant. Consultant acknowledges that no such amendment shall be effective until approved and authorized by the Director. No representative of the City is authorized to obligate the City to pay the cost or value of services beyond the scope of services set forth in Exhibit A. Such authority is retained solely by the Director. Unless expressly authorized by the Director, Consultant's compensation shall be limited to that set forth in Exhibit B, Fee Schedule.

SECTION 13: MISCELLANEOUS PROVISIONS

1. Project Manager. Director reserves the right to approve the project manager assigned by Consultant to said work. No change in assignment may occur without prior written approval of the City.
2. Consultant Services Only. Consultant is employed to render professional services only and any payments made to Consultant are compensation solely for such professional services.
3. Independent Contractor. In the performance of its work, it is expressly understood that Consultant, including Consultant's agents, servants, employees, and subcontractors, is an independent contractor solely responsible for its acts and omissions, and Consultant shall not be considered an employee of the City for any purpose. Consultant agrees to comply with AB5, codified at Labor Code section 2750.3, and shall indemnify, defend and hold harmless the City, its officials, officers, and employees against any and all claims, demands, demands, actions, damages or judgments, including associated costs of investigation and defense arising in any manner related to this Agreement that an employee, agent or independent contractor of Consultant was misclassified.
4. Consultant Not an Agent. Except as City may specify in writing, Consultant shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent. Consultant shall have no authority, express or implied, pursuant to this Agreement to bind City to any obligation whatsoever.
5. Subcontractors. Subcontracting of work without prior approval of the City, may result in contract termination. If at any time, the City determines any subcontractor is incompetent or unqualified, Consultant will be notified and will be expected to immediately cancel the subcontract. Consultant shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Consultant shall ensure that City of Santa Cruz, its officers, officials, employees, agents, and volunteers are additional insureds on insurance required from subcontractors.
6. Assignment. This Agreement shall not be assigned without first obtaining the express written consent of the Director or after approval of the City Council. Neither party may assign this Agreement unless this Agreement is amended in accordance with its terms.
7. Conflicts of Interest. Consultant owes City a duty of undivided loyalty in performing the work and services under this Agreement. Consultant on behalf of itself, its employees and subcontractors, covenants that it presently has

no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services required to be performed under this Agreement. Consultant acknowledges that it is aware of and agrees to comply with the provisions of the Political Reform Act, Section 1090 of the Government Code, and the City's conflict of interest code. Consultant will immediately advise City if Consultant learns of a conflicting financial interest of Consultant's during the term of this Agreement. Consultant owes City a duty of undivided loyalty in performing the work and services under this Agreement.

8. City Property. The work, or any portion, of Consultant in performing this Agreement upon payment to Consultant shall become the property of City. The Consultant shall be permitted to retain copies or such work for information and reference in connection with the City's use. All materials and work product, whether finished or unfinished, shall be delivered to City upon completion of contract services or termination of this Agreement for any reason and payment to Consultant of undisputed amounts. Consultant agrees that all copyrights which arise from creation of project-related documents and materials pursuant to this Agreement shall be vested in the City and Consultant waives and relinquishes all claims to copyright or other intellectual property rights (except for preexisting intellectual property) in favor of City. Any work product related to this Agreement shall be confidential, not to be used by the Consultant on other projects or disclosed to any third party, except by agreement in writing by the City.
9. Confidentiality.
 - a. Consultant shall not acquire any ownership interest in data and information ("City Data") received by Consultant from City, which shall remain the property of the City. Certain information may be considered confidential ("Confidential Information"). Confidential Information shall mean all non-public information or proprietary materials (in every form and media) disclosed or made available directly or indirectly through any means of communication, either verbally or in writing, in connection with this Agreement. Consultant shall not, without City's written permission, use or disclose City Data and/or Confidential Information other than in the performance of its obligations under this Agreement. As between Consultant and City, all City Confidential Information shall remain the property of the City. Consultant shall not acquire ownership interest in the City's Confidential Information.
 - b. Consultant shall be responsible for ensuring and maintaining the security and confidentiality of City Data and Confidential Information, protect against any anticipated threats or hazards to the security or integrity of City Data and Confidential Information, protect against unauthorized access to or use of City Data and Confidential Information that could result in substantial harm or inconvenience to City or any end users; and ensure the proper disposal of City Data and Confidential Information upon termination of this Agreement. If the Consultant or its Subcontractors become involved in any litigation in relation to the Project, the Consultant may request that the City provide a copy of the Confidential Information as is relevant to the litigation
 - c. Consultant shall take appropriate action to address any incident of unauthorized access to City Data and Confidential Information, including addressing and/or remedying the issue that resulted in such unauthorized access, notifying City as soon as possible of any incident of unauthorized access to City Data and Confidential Information, or any other breach in Consultant's security that materially affects City or end users; and be responsible for ensuring compliance by its officers, employees, agents, and subcontractors with the confidentiality provisions hereof. Should confidential and/or legally protected City Data be divulged to unauthorized third parties, Consultant shall comply with all applicable federal and state laws and regulations, including but not limited to California Civil Code sections 1798.29 and 1798.82 at Consultant's sole expense. Consultant shall not charge City for any expenses associated with Consultant's compliance with these obligations.
 - d. Consultant shall defend, indemnify and hold harmless City, its officials, officers, employees and volunteers against any claim, liability, loss, injury or damage arising out of, or in connection with, the unauthorized use, access, and/or disclosure of City Data and/or Confidential Information by Consultant and/or its agents, employees or sub-contractors, excepting only loss, injury or damage caused by the sole negligence or willful misconduct of the City.
10. Consultant's Records. Consultant shall maintain accurate accounting records and other written documentation

pertaining to the costs incurred for this project. Such records and documentation shall be kept available at Consultant's office during the period of this Agreement, and after the term of this Agreement for a period of three years from the date of the final City payment for Consultant's services.

11. Compliance with Laws. All activities of Consultant, its employees, subcontractors and/or agents will be carried out in compliance with all applicable federal, state and local laws.
12. Licensure. Consultant agrees that Consultant, its subcontractors and/or agents (if any) has/have complied with applicable federal, state, and local licensing requirements and agrees to provide proof of a current City of Santa Cruz Business Tax Certificate if:
 - Consultant, its subcontractor(s) and agent(s) is/are located in the City of Santa Cruz;
 - Will perform physical work in the City of Santa Cruz for 6 or more days annually; or
 - Will use company vehicles to deliver within the City of Santa Cruz for 6 or more days annually.For additional information and licensing requirements, view the City's [Business Licenses and Permits webpage](#) or call the Revenue and Taxation division at 831/420-5070.
13. Living Wage. Every contract for services to the City for \$10,000 or more, is subject to City of Santa Cruz Living Wage Ordinance number 2000-25. The requirements of the Living Wage ordinance are provided in Santa Cruz Municipal Code Chapter 5.10.
14. Prevailing Wage. To the extent that the work or services to be performed under this Agreement may be considered a "public work" pursuant and subject to Labor Code section 1720 *et seq.*, Consultant (and any subconsultant performing the work or services) shall conform to any and all prevailing wage requirements applicable to such work/and or services under this Agreement. Consultant (and any subconsultant) shall adhere to the prevailing wage determinations made by the Director of Industrial Relations (DIR) pursuant to California Labor Code Part 7, Chapter 1, Article 2, applicable to the work, if any. All workers employed in the execution of a public works contract (as such term is defined California Labor Code section 1720 *et seq.* and section 1782(d)(1)) must be paid not less than the specified prevailing wage rates for the type of work performed. Reference: California Labor Code sections 1720, 1774 and 1782.

Consultant agrees to be bound by the prevailing wage requirements to the extent applicable to the scope of work and services under this Agreement, including, but not limited to, the following:

- a. If a worker is paid less than the applicable prevailing wage rate owed for a calendar day (or any portion thereof), Consultant shall pay the worker the difference between the prevailing wage rate and the amount actually paid for each calendar day (or portion thereof) for which the worker(s) was paid less than the prevailing wage rate, as specified in Labor Code section 1775;
- b. Consultant shall maintain and make available payroll and worker records in accordance with Labor Code sections 1776 and 1812;
- c. If Consultant employs (and/or is legally required to employ) apprentices in performing the work and/or services under this Agreement, Consultant shall ensure compliance with Labor Code section 1777.5;
- d. Consultant is aware of the limitations imposed on overtime work by Labor Code sections 1810 *et seq.* and shall be responsible for any penalties levied in accordance with Labor Code section 1813 for failing to pay required overtime wages;
- e. Consultant shall post a copy of the applicable wage rates at each jobsite at a location readily available to its workers.

Any failure of Consultant and/or its subconsultant to comply with the above requirements relating to a public work project shall constitute a breach of this Agreement that excuses the City's performance of this Agreement at the City's sole and absolute option, and shall be at the sole risk of Consultant. Consultant on behalf of itself, any subconsultant, agree to indemnify, defend and hold harmless the City and its officials, officers, employees, and agents from and against any and all claims, liabilities, losses, costs, expenses,

attorney's fees, damages, expenses, fines, financial consequences, interest, and penalties, of any kind or nature, arising from or relating to any failure (or alleged failure) of the Consultant and any subconsultant to pay prevailing wages or to otherwise comply with the requirements of prevailing wage law relating to a public work.

15. Registration with DIR. Consultant acknowledges that it and/ any subconsultant shall not be qualified to bid on, be listed in a bid proposal, subject to the requirements of section 4104 of the Public Contract Code, or engage in the performance of any contract for public work, unless currently registered with the DIR and qualified to perform public work pursuant to Labor Code section 1725.5 [with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a)]. A bid shall not be accepted nor any contract or subcontract entered into without proof of the Consultant or subconsultant's current registration to perform public work. Labor Code section 1771.1(b).
16. Dispute Resolution. The Parties agree to attempt in good faith to resolve through negotiation any dispute, claim or controversy arising out of or relating to this Agreement. Either party may initiate negotiations by providing written notice in letter form to the other party, setting forth the subject of the dispute and the relief requested. Promptly upon such notification, the Parties shall meet at a mutually agreeable time and place in order to exchange relevant information and perspective, and to attempt to resolve the dispute. In the event that no resolution is achieved, and if, but only if, the parties mutually agree, then prior to pursuing formal legal action, the parties shall make a good faith effort to resolve the dispute by non-binding mediation or negotiations between representatives with decision-making power, who, to the extent possible, shall not have had substantive involvement in the matters of the dispute. To the extent that the dispute involves or relates to a public works project, the Parties agree to attempt to resolve the dispute by complying with the claims process as set forth in Public Contract Code section 9204(e).
17. Force Majeure. Neither party hereto shall be considered in default in the performance of its obligation hereunder to the extent that the performance of any such obligation, except the payment of money, is prevented or delayed by any cause, natural disaster, or other peril, existing or future, which is beyond the reasonable control of the affected party and without the negligence of the respective Parties. Each party hereto shall give notice promptly to the other of the nature and extent of any Force Majeure claimed to delay, hinder or prevent performance of the services under this Agreement. Each Party will, however, make all reasonable efforts to remove or eliminate such a cause of delay or default and will, upon the cessation of the cause, diligently pursue performance of its obligations in this Agreement. In the event either party is prevented or delayed in the performance of its respective obligation by reason of such Force Majeure, there may be an equitable adjustment of the schedule and Consultant compensation based on City's sole discretion.
18. Complete Agreement. This Agreement, along with any attachments, is the full and complete integration of the parties' agreement with respect to the matters addressed herein, and that this Agreement supersedes any previous written or oral agreements between the parties with respect to the matters addressed herein.
19. Severability. The unenforceability, invalidity or illegality of any provision(s) of this Agreement shall not render the other provisions unenforceable, invalid or illegal.
20. Waiver. Waiver by any party of any portion of this Agreement shall not constitute a waiver of the same or any other portion hereof.
21. Governing Law. This Agreement shall be governed by and interpreted in accordance with California law.
22. Contract Interpretation. Each party acknowledges that it has reviewed this Agreement and that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Agreement.
23. MacBride Principles/Peace Charter. City of Santa Cruz Resolution NS-19,378 (7/24/90) encourages all companies doing business in Northern Ireland to abide by the MacBride Principles and Peace Charter.

24. Storm Water Requirements. To the extent applicable to the Scope of Work under this Agreement, Consultant, and all subcontractors, are required to abide by the applicable City of Santa Cruz Storm Water Best Management Practices (BMPs) for the duration of the work. The City's mandatory Storm Water BMPs, which are listed according to the type of work, operations, or business, are located on the City website at: <http://www.cityofsantacruz.com/index.aspx?page=138>.
25. Notices. If either party shall desire or is required to give notice to the other such notice shall be given in writing, via email or facsimile and concurrently by prepaid U.S. certified or registered postage, addressed to recipient as follows:

To CITY:

City of Santa Cruz Public Works Department
ATTN: Steve Wolfman
809 Center Street, Room 201
Santa Cruz, CA 95060_
SWolfman@cityofsantacruz.com
(831) 420-5428

To CONSULTANT:

ArcSine Engineering
ATTN: Doug McHaney
950 Executive Way
Redding, CA 96002
dmchaney@arc-sine.com
(530) 842-4188

Changes to the above information shall be given to the other party in writing ten (10) business days before the change is effective.

26. Counterparts. The parties may execute this Agreement in two or more counterparts, which shall, in the aggregate, be deemed an original but all of which, together, shall constitute one and the same instrument. A scanned, electronic, facsimile or other copy of a party's signature shall be accepted and valid as an original.

27. Warranty of Authority. The signatories to this Agreement warrant and represent that each is authorized to execute this Agreement and that their respective signatures serve to legally obligate their respective representatives, agents, successors and assigns to comply with the provisions of this Agreement.

28. Third Parties. The services to be performed by Consultant are intended solely for the benefit of the City. No person or entity not a signatory to this Agreement shall be entitled to rely on Consultant's performance of its services hereunder, and no right to assert a claim against Consultant by assignment of indemnity rights or otherwise shall accrue to a third party as a result of this Agreement or the performance of Consultant's services hereunder.

SECTION 14: DOCUMENT OWNERSHIP

Consultant's instruments of service hereunder are the printed hard copy drawings and specifications issued for the Project, whereas electronic media, including CADD files, are tools for their preparation. As a convenience to the City, Consultant shall furnish to the City both printed hard copies and electronic media. In the event of a conflict in their content, the printed hard copies shall take precedence over the electronic media. Because data stored in electronic media form can be altered, inadvertently, it is agreed that the City shall hold Consultant harmless from liability arising out of changes or modifications to Consultant's data in electronic media form in the City's possession or released to others by the City.

SECTION 15: SERVICES DURING CONSTRUCTION

The parties agree that Consultant shall be indemnified to the fullest extent permitted by law by the construction contractor for all claims, damages, losses and expense including attorney's fees arising out of or resulting from the construction contractor's performance of work including injury to any worker on the job site. Additionally, Consultant shall be named as additional primary insured(s) by the construction contractor's General Liability and Builders All Risk insurance policies without offset and be included in any waivers of subrogation, and all Construction Documents and insurance certificates shall include wording acceptable to the parties herein with reference to such provisions.

Consultant shall not be responsible for the means, methods, techniques, sequences, or procedures of construction selected by construction contractors or the safety precautions and programs incident to the work of construction contractors and will not be responsible for construction contractors' failure to carry out work in accordance with the Contract Documents.

Approved As To Form:

By Barbara H Choi

Date: September 28, 2020

City Attorney

CONSULTANT

By: _____

Date: _____

Printed: _____

Title: _____

CITY OF SANTA CRUZ

By: _____

Date: _____

Martín Bernal
City Manager

EXHIBIT A: SCOPE OF WORK

[Fill in individually for each agreement or insert from Consultant's proposal.]



**EXHIBIT A
CITY OF SANTA CRUZ
WASTEWATER TREATMENT FACILITY
ELECTRICAL ASSESSMENT/CONCEPTUAL DESIGN
SCOPE OF WORK**

ArcSine Project: 2027

**September 4, 2020
Revised September 23, 2020**

INTRODUCTION

The City of Santa Cruz desires power distribution system improvements at the City's Wastewater Treatment Facility (WWTF) to address aging infrastructure, future capacity, and support the Soquel Creek Water District's construction of a tertiary treatment facility at the WWTF (Pure Water Soquel, PWS). PWS project construction is anticipated to begin late 2020.

This Scope includes an assessment and definition of optimal project(s), expected to cover the following:

1. Replace the 21kV PG&E electric service, including service lateral, service entrance equipment, and downstream cabling. Evaluate location(s) for replacement service entrance equipment (coordinate candidate locations with PG&E during Task 1)
2. Evaluate condition and adequacy of 21kV feeders, Plant-wide.
3. Evaluate three standby generator systems including review of existing permitting.
 - a. Generator 1 (IPS, 500kW, ±1965)
 - b. Generator 2 (IPS, 450kW, ±1988)
 - c. Generator 3 (Admin., 1MW, ±2006)
4. Evaluate two cogeneration generator systems, including review of existing permitting.
 - a. Cogen #1 (1MW, ±2002)
 - b. Cogen #2, 500kW

The evaluation will include a high-level review of capacities of gas supply and piping, conditioning, boiler system(s), and heat exchanger/recovery unit to support larger cogeneration generator(s), as warranted by the assessment.

5. Evaluate each of eight medium-voltage (MV) substations (SUBs 1-8), including associated switchgear and transformers.
6. Evaluate 480-volt power distribution equipment (distribution & power panelboards, MCC's, etc.), plantwide. Following is a preliminary list:

DP 101	MCC D	MCC 401	MCC 501	MCC 901
DP 161	MCC F1	MCC 402	MCC 741	MCC 902
PP 437	MCC F2	MCC 431	MCC 801	MCC 903
PP 439	MCC 301	MCC 432	MCC 803	MCC 904
PP 3954	MCC 302	MCC 433	MCC 805	MCC 911
		MCC 434	MCC 806	

480-volt equipment identified by the City beyond that listed above will be evaluated/assessed as part of the field investigations.



7. Evaluate conversion of existing 2,400V equipment to 480V.
 - a. Equipment includes Substation No. 5, interstage pumping, aeration blower equipment, and Generator 3.
 - b. Eliminating the use of 2,400-volt equipment will necessitate changes in the driven equipment. Evaluating whether to change the process arrangement, modify existing equipment, and/or replace equipment altogether is worthy of study. However, this Scope does not include resources to investigate and estimate options. (The need to modify or replace process equipment will be noted.)

This Scope of Work outlines work items for preparation of an Assessment(s) and developing a Conceptual Design for the City. Data assembled during the Assessment(s) will be presented to the City in a series of technical memoranda (TM), described herein. Follow-on tasks, such as development of construction documents and Services During Bid/Construction will be scoped following Conceptual Design development.

TASK 1 - ASSESSMENT

1.1 Assemble background documents:

- Request background information from the City, including as-built/record drawings, maintenance and testing records for the switchgear, generators, motor control centers, and conductors, evaluations/TM's prepared by other consultants, etc.
- Request electric load information, other operating information (available SCADA data, PG&E demand records, operating records, etc.).
- Receive/organize available documentation; review.
- Assess statuses, information needs, decisions made, decisions needed associated with the PWS TTF project.
- Review background information.

1.2 Workshop #1 - Project Visioning

- Prepare for workshop, distribute agenda.
- Attend a videoconference with Project stakeholders to discuss early findings and establish project vision; assume 2 people, 4 hours each.
- Prepare meeting minutes, distribute.

1.3 Field Investigations

Perform detailed field investigations, including requesting shutdowns where needed, to assess equipment condition and gather data relevant to relocation of the electric service entrance. Allocate the scoped resources in the project areas best serving the project. Prepare for field investigations.



- Perform field investigations, allow two people, eight (8) long days (two separate trips).
 - ❖ Document the existing utility service entrance and power distribution system, including conduits and ductbanks. Where items are not readily visible, use existing drawings, inferences where needed.
 - ❖ Assess condition of plant power distribution equipment down to the 480-volt level including: Eight substations and related switchgear and transformers; Three generators; Two co-generators; Approximately 27 480-volt motor control centers and distribution panelboards; 2,400V equipment, including interstage pumping and aeration blower equipment, and motor control centers (for the purpose of converting to 480V); and conduits and ductbanks. Where items are not readily visible, use existing drawings, inferences where needed.
 - ❖ Correlate power distribution observations with available maintenance records.
 - ❖ Sketch process and instrumentation diagrams (P&ID's) for the following processes, to allow for consideration of the possible process changes which would be warranted associated with electrical changes;
 - Interstage pumping (2,400-volt systems)
 - Aeration Blowers (2,400-volt systems)
 - Cogeneration gas supply system, conditioning, heat exchanger/recovery
- After conclusion of field investigations, debrief and organize field notes.

1.4 Planning-Level Electrical Load Analyses

Using existing documentation and results of field investigations, assemble a planning-level load analyses. The goal will be to assess connected load versus actual operating (demand) load, under normal and standby power conditions. Submit as an informal summary, with assumptions/questions annotated to solicit the opinions of City staff.

1.5 2,400-Volt Analyses And Workshop

For the 2,400-volt equipment change to 480-volt equipment, this Scope includes preparations and conducting a workshop to do the following:

- ❖ Present preliminary findings and first thoughts on options
- ❖ Invite discussion on process-related changes

Workshop #2 - 2,400-Volt Analyses

- Prepare for workshop, distribute agenda.
- Attend a videoconference with Project stakeholders; assume 2 people, 4 hours each.
- Prepare meeting minutes, distribute. The minutes will become a TM-1 attachment.

The Base Scope assumes that the process will remain as-is, and driven equipment be ultimately modified or replaced in kind. See Optimal Task 2.2, which includes resources to expand the Scope to contemplate process changes.



1.6 Cogen Analyses And Workshop

One goal, if practical, is to change the sizing of the cogen system(s) to better match overall Plant load. Considerations extend beyond electrical, to auxiliary mechanical systems including gas supply, gas conditioning, heat exchanger and recovery, emissions, etc. This Scope includes preparations and including a workshop to accomplish the following:

- ❖ Present preliminary findings and first thoughts on options.
- ❖ Discuss mechanical capacities, ramifications of cogen electrical capacity changes.
- ❖ Discuss construction implications, downtimes, and potential options (if any) to replacing in the same location.

In preparation for the workshop, do the following:

- ❖ Assemble one-line diagrams (sketches, drawings).
- ❖ Assemble P&ID's (sketches, drawings).
- ❖ Assemble plan views.
- ❖ To the extent applicable, submit an information request to the City in advance on gas system capacities and other capacities (ratings, load/production data, gas usage data. and other functional information).
- ❖ Perform preliminary sizing and seek out physical sizing and other information on alternatives.

Workshop #3 - Cogen Analyses

- Prepare for workshop, distribute agenda.
- Attend a videoconference with Project stakeholders; assume 2 people, 4 hours each.
- Prepare meeting minutes, distribute. The minutes will become a TM-1 attachment.

The base scope assumes that the cogen auxiliaries will remain as-is. However, since it appears likely that those auxiliaries will warrant some changes, with the optimal scope to be determined. Beyond the preparation and workshop above, see Optional Task 4, which includes resources to expand the scope to contemplate changes to the cogen auxiliaries.

1.7 Prepare TM-1 – Assessment

Following field investigations and preliminary load analyses, prepare TM-1 – Assessment. The assessment will comprise the cornerstone of an alternative's evaluation. Author draft TM, analyze and summarize findings of existing conditions. Preliminary contents:

- ❖ Executive Summary.
- ❖ Introduction.
- ❖ Evaluation Criteria.
- ❖ Area-by-area (or system-by-system) assessments, lifespans, loading, etc.
- ❖ Attachments:
 - Plant drawings (one-line diagrams, site plans, etc.). Assume 15 drawings.
 - Other attachments



- ❖ Planning-level load analyses.
- ❖ 2,400-volt systems evaluation.
- ❖ Cogen evaluation.
- During development of TM-1, coordinate with PG&E to coordinate new service entrance location and required service lateral modifications. PG&E typically requires 85% design submittals before commencing engineering for new services. Plan on preparing a 'faux' submittal to engage PG&E in location discussions.
- Undergo internal review.
- Finalize draft TM, submit to the City for review.
- Receive review comments

Workshop #4 – TM-1 Review

- ❖ Prepare for workshop, distribute agenda.
- ❖ Attend a videoconference with Project stakeholders; assume 2 people, 4 hours each.
- ❖ Prepare meeting minutes, distribute. The minutes will become a TM-1 attachment.
- Incorporate City review comments; finalize TM; submit to City.

1.8 Additional Testing

Based on the Assessment provided in TM-1, determine whether additional equipment testing is warranted, and assist the City in procuring testing services. Allow 40 hours total. The estimate includes some resources to assist with scope and overseeing testing by others.

- Revise TM-1 based on testing results, as required.

TASK 2 - CONCEPTUAL DESIGN

2.1 TM-2 – Option Development

Prepare TM-2 – Option Development which will define baseline criteria for future loading, deenergization/redundancies, standby power, and other criteria. The TM will develop conceptual options, budgetary costs, lifecycle cost analyses where appropriate, and further refine the finalists. Coordination will be performed with PG&E and the PWS TTF designers. Present the results in draft TM-2 – Option Development.

- Author draft TM, including baseline criteria, conceptual options, and budgetary costs.
- Undergo internal review.
- Finalize draft TM, submit to the City for review.
- Receive review comments

Workshop #5 – TM-2 Review

- ❖ Prepare for workshop, distribute agenda.



- ❖ Attend a videoconference with Project stakeholders; assume 2 people, 4 hours each.
- ❖ Prepare meeting minutes, distribute.
- Incorporate City review comments; finalize TM.
- Submit final TM to the City.

2.2 Define Optimal Project(s)

- Prepare a draft Scope defining “optimal project(s);” submit to the City for review.
- Receive City review comments.

Workshop #6 – Define Optimal Projects

- ❖ Prepare for workshop, distribute agenda.
- ❖ Attend a videoconference with Project stakeholders; assume 2 people, 4 hours each.
- ❖ Prepare meeting minutes, distribute.
- Incorporate City review comments; finalize TM.
- Submit final TM to the City.

2.3 Conceptual Design

- Based on the “optimal project” scope, develop a conceptual design, and with that conceptual design prepare the following:
 - ❖ Develop budgetary costs
 - ❖ Develop preliminary drawings

The following preliminary drawing list, used as the basis for estimating, assumes replacement of the electrical service entrance, 3 substations, 2 generators, 1 cogeneration generator, 9 MCC's, and ancillary ductbanks and conduit, Plantwide:

Electrical Legend	Sequencing One-Line - 1
Site Plan	Sequencing One-Line - 2
Plant Overall - One-Line Diagram	Sequencing One-Line - 3
Substation (X) - One-Line Diagram	Sequencing One-Line - 4
Substation (Y) - One-Line Diagram	Sequencing One-Line - 5
Substation (Z) - One-Line Diagram	Sequencing One-Line - 6
MCC (A) - One-Line Diagram	Sequencing One-Line - 7
MCC (B) - One-Line Diagram	Cogen Generator System Schematic
MCC (C) - One-Line Diagram	Area Plan 1 - Electrical Service Entrance
MCC (D) - One-Line Diagram	Area Plan 2 - Substation (X)
MCC (E) - One-Line Diagram	Area Plan 3 - Substation (Y)
MCC (F) - One-Line Diagram	Area Plan 4 - Substation (Z)
MCC (G) - One-Line Diagram	Area Plan 5 – MCCs (A/B/C)
MCC (H) - One-Line Diagram	Area Plan 5 – MCCs (D/E/F)
MCC (I) - One-Line Diagram	Area Plan 5 – MCC (G/H/I)



The actual scope of the initial 'optimal project' will be defined during previous tasks and may result in drawing counts different than that shown.

- ❖ As required, coordinate with PSW TTF in certain areas provide greater detail
- ❖ Assess constructability/sequencing.
- Assemble draft conceptual design package, submit to the City.
- Receive review comments

Workshop #7 – Conceptual Design Review

- ❖ Prepare for workshop, distribute agenda.
- ❖ Attend a videoconference with Project stakeholders; assume 2 people, 4 hours each.
- ❖ Prepare meeting minutes, distribute.
- Incorporate review comments, finalize conceptual design.
- Submit final conceptual design to the City.

FOLLOW-ON WORK (NOT INCLUDED IN THIS SCOPE)

The following outlines detailed design tasks not included in this Scope. After completion of Task 2, and as directed by the City, ArcSine will prepare a follow-on scope for detailed design of selected projects.

TASK 3 - OPTIONAL WORK ITEM – 2,400-VOLT PROCESS CHANGES

As described earlier in this Scope, the conversion of the 2,400-volt equipment to 480-volt equipment could lead to discussions about potential process changes. This optional task includes resources to be directed to any combination of the following work items which may be required.

- ❖ Statement of process criteria
- ❖ Contemplation of process alternatives to what exists today
- ❖ Cost estimating, comparison of options
- ❖ Conceptual design of alternative(s)

Process change design covered under Task 4, to be scoped/ estimated following Tasks 1 & 2.

If needed/warranted, with the City's prior approval, ArcSine may elect to engage the services of a subconsultant to assist with select work items such as process analyses and/or conceptual designs.

TASK 4 - OPTIONAL WORK ITEMS – COGEN AUXILIARIES CHANGES

As described earlier in this Scope, changes in the cogen systems may warrant changes in the cogen auxiliaries. This optional Task includes resources to be directed to any combination of the following work items which may be required:



- ❖ Analyses of existing capacities of auxiliary systems (gas supplies, storage, conditioning, conveyance, heat-exchange, etc.).
- ❖ Evaluation of condition of the auxiliary systems.
- ❖ Lifespan analyses.
- ❖ Net preset cost, comparisons of alternatives.
- ❖ Consideration of redundancies, failure modes, maintenance implications.
- ❖ Forecasting future gas production.
- ❖ Review of demand data and forecasting the cost implications of reduction/elimination of PG&E demand changes, the frequency with which they are eliminated (or not), and the net present cost implications.
- ❖ Review at conceptual stage of permitting requirements, and final design implications.

Development of conceptual designs of improvements/replacements to cogen auxiliaries. If needed/warranted, with the City's prior approval, ArcSine may elect to engage the services of a subconsultant to assist with any of the work items above such as process analyses and/or conceptual designs.

TASK 5 - DESIGN PHASING AND CONSTRUCTION SEQUENCING PLANNING

Coordinate with City staff to package proposed improvements into specific projects which address the urgency of required improvements and budgetary constraints. Within individual projects identify high level sequencing challenges and candidate solutions (note details on specific construction sequencing elements will be deferred to detailed design).

TASK 6 - IMPROVEMENT PLANS, SPECIFICATIONS, AND ESTIMATE

Prepare detailed Plans, Specifications, and Estimate (PS&E) suitable for solicitation of construction bids.

TASK 7 - BID SUPPORT

Provide general engineering support during the contractor bidding period. Tasks may include: Answering questions from potential bidders, provided addendums as needed, assist City staff in analyzing bid results.

TASK 8 - CONSTRUCTION SUPPORT

Review submittals from the Contractor, perform special inspections on necessary items, respond to Requests for Information (RFI's) from the Contractor before and during construction.

EXHIBIT B: FEE SCHEDULE

[Fill in individually for each agreement or insert from Consultant's proposal.]

EXHIBIT B - FEE ESTIMATE
City of Santa Cruz - Wastewater Treatment Facility
Electrical Assessment/Conceptual Design

Task	Project Role	Principle QA/QC	Project Engineer	Field Engineer	Technician	Drafting	Clerical	Expenses
	Description	Rate	\$214	\$148	\$129	\$92	\$102	\$83
TASK 1 - ASSESSMENT								
1.1	Assemble Background Documents							
	Request background documentation	0.5	4				2	
	Receive background documentation, organize		2		8		2	
	Assess PWS TTF project statuses, decisions	1	4		4		2	
	Review background/PWS documentation		24		16	8	2	
1.2	Workshop #1 - Project Visioning							
	Preparation	0.5	6		2		0.5	
	Develop/distribute agenda	0.5	2		2		0.5	
	Conduct video conference; two people, 4 hours	4	4					
	Prepare meeting minutes, distribute	0.5	2				0.5	
	Follow on coordination with Plant staff		4				1	
1.3	Detailed Field Investigations							
	Preparation	1	4	4			2	
	Perform field investigations; two people, 8 long days		64	64				\$ 3,000
	Debrief, organize field notes		8	8	4		1	
1.4	Preliminary Load Analyses							
	Assemble planning-level load analyses	4	16	8	20	4		
	Submit informally (formally included in TM-1)	0.5	2		2		2	
	Receive preliminary comments from City; incorporate		2		2			
1.5	Workshop #2 - 2,400-Volt Analyses							
	Preparation	0.5	8		2		0.5	
	Develop/distribute agenda	0.5	2		2		0.5	
	Conduct video conference; two people, 4 hours	4	4					
	Prepare meeting minutes, distribute	0.5	2				0.5	
	Follow on coordination with Plant staff		4				1	
1.6	Workshop #3 - Cogen Analyses							
	Preparation	8	16		2		0.5	
	Develop/distribute agenda	0.5	2		2		0.5	
	Conduct video conference; two people, 4 hours	4	4					
	Prepare meeting minutes, distribute	0.5	2				0.5	
	Follow on coordination with Plant staff		4				1	
1.7	TM-1 - Assessment							
	Author draft assessment TM	24	60	20	40		30	
	Preliminary drawing development (assume 15 drawings)	4	30		30	45		
	Coordinate with PG&E for new service entrance location		6		8		4	
	Perform internal QA/QC	4	4				4	
	Finalize draft TM; submit to City	1	6				6	
	Receive review comments		2		2			
	Workshop #4 - TM-1 Review							
	Preparation	0.5	6		2		0.5	
	Develop/distribute agenda	0.5	2		2		0.5	
	Conduct video conference; two people, 4 hours	4	4					
	Prepare meeting minutes, distribute	0.5	2				0.5	
	Follow on coordination with Plant staff		4				1	
	Incorporate review comments; finalize TM	8	24	16	16		12	
	Submit final TM to City	0.5	2				2	
1.8	Additional Testing							
	Allow 40 hours to coordinate additional equipment testing	4	20	20				
	<i>Task 1 Hours</i>	82	368	140	168	57	81	\$ 3,000
	<i>Task 1 Fee Subtotal</i>	\$17,548	\$54,464	\$18,060	\$15,456	\$5,814	\$6,723	\$ 3,000
	<i>Task 1 Unlisted/Contingency 20%</i>	\$24,200						
	Task 1 Subtotal	\$145,300						

**EXHIBIT B
FEE ESTIMATE**

	Project Role	Principle QA/QC	Project Engineer	Field Engineer	Technician	Drafting	Clerical	
Task	Description	Rate	\$214	\$148	\$129	\$92	\$102	\$83
								Expenses
TASK 2 - CONCEPTUAL DESIGN								
2.2	TM-2 - Option Development							
	Author draft Options TM	24	60	60	30		30	
	Perform internal QA/QC	4	4				4	
	Finalize draft TM; submit to City	1	6				4	
	Receive review comments		2		2			
	Workshop #5 - TM-2 Review							
	Preparation	0.5	6		2		0.5	
	Develop/distribute agenda	0.5	2		2		0.5	
	Conduct video conference; two people, 4 hours	4	4					
	Prepare meeting minutes, distribute	0.5	2				0.5	
	Follow on coordination with Plant staff		4				1	
	Incorporate review comments; finalize TM	8	24	16	16		12	
	Submit final TM to City	0.5	2				2	
2.3	Define Optimal Project							
	Workshop #6 - Define Optimal Project							
	Preparation	0.5	8		2		0.5	
	Develop/distribute agenda	0.5	2		2		0.5	
	Conduct video conference; two people, 4 hours	4	4					
	Prepare meeting minutes, distribute	0.5	2				0.5	
	Follow on coordination with Plant staff		4				1	
	Finalize optimal Scope/fee; submit to City	2	6				2	
2.4	Conceptual Design							
	Prepare conceptual design							
	Preliminary drawings (30 total; costed here)	12	90	30	60	120		
	Prepare budgetary estimates	2	8	16	4			
	Coordinate with PWS TTF	1	6	4				
	Assess constructability/sequencing	4	8	4			2	
	Assemble draft conceptual design; submit to City	0.5	4		4	4	1	
	Receive review comments		2		2		2	
	Workshop #7 - Conceptual Design Review							
	Preparation	0.5	4		2		0.5	
	Develop/distribute agenda	0.5	2		2		0.5	
	Conduct video conference; two people, 4 hours	4	4					
	Prepare meeting minutes, distribute	0.5	2				0.5	
	Follow on coordination with Plant staff		4				1	
	Incorporate comments, finalize, submit final	6	16	10	6	32		
	Task 2 Hours	81.5	292	140	136	156	66.5	\$ -
	Task 2 Fee Subtotal	\$17,441	\$43,216	\$18,060	\$12,512	\$15,912	\$5,520	\$ -
	Task 2 Unlisted/Contingency 20%	\$22,500						
	Task 2 Subtotal	\$135,200						
TASK 3 (OPTIONAL) - 2400-VOLT PROCESS CHANGES								
	Optional Task 3 Allowance	\$15,000						
TASK 4 (OPTIONAL) - COGEN AUXILIARIES CHANGES								
	Optional Task 4 Allowance	\$25,000						
TASK 5 - DESIGN PHASING/CONSTRUCTION SEQ. PLANNING								
TASK 6 - IMPROVEMENT PLANS, SPECS, AND ESTIMATE								
TASK 7 - BID SUPPORT								
TASK 8 - CONSTRUCTION SUPPORT								
	Task 1 Subtotal	\$145,300						
	Task 2 Subtotal	\$135,200						
	BASE PROJECT SUBTOTAL	\$280,500						
	Optional Task 3 Subtotal	\$15,000						
	Optional Task 4 Subtotal	\$25,000						
	OPTIONAL TASK SUBTOTAL	\$40,000						
	PROJECT TOTAL (BASE + OPTIONAL)	\$320,500						

EXHIBIT C: WORK SCHEDULE

[Fill in individually for each agreement or insert from Consultant's proposal.]

ArcSine Job #2027					Santa Cruz 21KV Upgrades																																															
ID	Task Name	Duration	Start	Finish																																																
					October 9/27 10/4 10/11 10/18 10/25 November 11/1 11/8 11/15 11/22 December 11/29 12/6 12/13 12/20 12/27 January 1/3 1/10 1/17 1/24 February 1/31 2/7 2/14 2/21 2/28 March 3/7 3/14 3/21 3/28 April 4/4 4/11 4/18 4/25 May 5/2 5/9 5/16 5/23 June 5/30 6/6 6/13 6/20 6/27 July 7/4 7/11 7/18 7/25 August 8/1 8/8 8/15																																															
1	Notice to Proceed	1 day	Thu 10/1/20	Thu 10/1/20																																																
2	Request Background Info; City Assembles Info	15 days	Fri 10/2/20	Thu 10/22/20																																																
3	Organize/Review Background Info; Additional Requests	10 days	Fri 10/23/20	Thu 11/5/20																																																
4	Workshop #1	1 day	Fri 11/6/20	Fri 11/6/20																																																
5	Field Investigations	3 days	Fri 11/20/20	Tue 11/24/20																																																
6	Develop Load Calculations	10 days	Wed 11/25/20	Tue 12/8/20																																																
7	Draft TM-1	30 days	Mon 11/9/20	Fri 12/18/20																																																
8	PG&E Coordination; Develop Package for New SE-1 Coordination	30 days	Mon 11/9/20	Fri 12/18/20																																																
9	Submit Draft TM	1 day	Mon 12/21/20	Mon 12/21/20																																																
10	City Review	10 days	Tue 12/22/20	Mon 1/4/21																																																
11	Workshop #2	1 day	Tue 12/29/20	Tue 12/29/20																																																
12	Incorporate Comments; Finalize TM	10 days	Tue 1/5/21	Mon 1/18/21																																																
13	Submit Final TM	1 day	Tue 1/19/21	Tue 1/19/21																																																
14	Coordinate Additional Equipment Testing	40 days	Wed 1/20/21	Tue 3/16/21																																																
15	Draft TM-2	20 days	Wed 1/20/21	Tue 2/16/21																																																
16	Submit Draft TM	1 day	Wed 2/17/21	Wed 2/17/21																																																
17	City Review	10 days	Thu 2/18/21	Wed 3/3/21																																																
18	Worksop #3	1 day	Thu 2/25/21	Thu 2/25/21																																																
19	Resolutions, further decision making	15 days	Fri 2/26/21	Thu 3/18/21																																																
20	Incorporate Comments; Finalize TM	10 days	Fri 3/19/21	Thu 4/1/21																																																
21	Submit Final TM	1 day	Fri 4/2/21	Fri 4/2/21																																																
22	Draft "Optimal Project" Scope	10 days	Mon 4/5/21	Fri 4/16/21																																																
23	Workshop #4	1 day	Mon 4/19/21	Mon 4/19/21																																																
24	Final Scope	5 days	Tue 4/20/21	Mon 4/26/21																																																
25	Draft Conceptual Design	25 days	Tue 4/27/21	Mon 5/31/21																																																
26	Submit	1 day	Tue 6/1/21	Tue 6/1/21																																																
27	City Review	10 days	Wed 6/2/21	Tue 6/15/21																																																
28	Receive Comments; Incorporate; Finalize	20 days	Wed 6/16/21	Tue 7/13/21																																																
29	Submit Final	1 day	Wed 7/14/21	Wed 7/14/21																																																
30	Schedule Contingency	20 days	Thu 7/15/21	Wed 8/11/21																																																
Project: Santa Cruz 21KV Upgra Date: Fri 9/4/20		Task	<div></div>	Project Summary	<div></div>	Manual Task	<div></div>	Start-only	<div></div>	Deadline	<div></div>																																									
		Split	<div></div>	Inactive Task	<div></div>	Duration-only	<div></div>	Finish-only	<div></div>	Progress	<div></div>																																									
		Milestone	<div></div>	Inactive Milestone	<div></div>	Manual Summary Rollup	<div></div>	External Tasks	<div></div>	Manual Progress	<div></div>																																									
		Summary	<div></div>	Inactive Summary	<div></div>	Manual Summary	<div></div>	External Milestone	<div></div>																																											
\\arcsinediskstn2\Projects\2027 Santa Cruz 21kV Upgrades\02 Contract\Santa Cruz 21KV Upgrades Schedule.mpp																																																				
Page 1																																																				

EXHIBIT D: INSURANCE REQUIREMENTS

[INSERT from Request for Proposals, June 19, 2020]

EXHIBIT D INSURANCE
REQUIREMENTS**A. CERTIFICATE REQUIREMENTS**

The City will be issued a Certificate of Insurance (a Memorandum of Understanding will not be accepted) with the following minimum requirements:

- Certificate(s) will show current policy number(s) and effective dates,
- Coverage and policy limits will meet, or exceed, requirements below,
- The Certificate Holder will be City of Santa Cruz, Risk Management, 877 Cedar St., Suite 100, Santa Cruz, CA 95060,
- Certificate will be signed by an authorized representative,
- An endorsement will be provided to show the City, its officers, officials, employees, and volunteers as additional insureds.

B. MINIMUM SCOPE AND LIMITS OF INSURANCE

Consultant acknowledges that the insurance coverage and policy limits set forth in this section constitute the minimum amount of coverage required. The City will be entitled to coverage for the highest limits maintained by Consultant. Coverage will be at least as broad as:

- **COMMERCIAL GENERAL LIABILITY (CGL): \$1,000,000 PER OCCURRENCE**
Proof of coverage for \$1 Million per occurrence including products and completed operations, property damage, bodily injury, personal and advertising injury will be provided on Insurance Services Office (ISO) Form CG 00 01 covering CGL. If a general aggregate limit applies, either the general aggregate limit will apply separately to this project/location or the general aggregate limit will be at least twice the required occurrence limit.
- **PROFESSIONAL LIABILITY (ERRORS AND OMISSIONS): \$2,000,000 PER OCCURRENCE OR CLAIM, \$2,000,000 AGGREGATE.**
Consultant will maintain insurance appropriate to Consultant's profession; with limit no less than \$2,000,000 per occurrence or claim, \$2,000,000 aggregate. Insurance must be maintained and evidence of insurance must be provided for at least five (5) years after date of completion of the services under this Agreement. If coverage is canceled or non-renewed and not replaced with another claims-made policy form with a Retroactive Date prior to the contract effective date or start of work date, Consultant must purchase "extended reporting" coverage for a minimum of five (5) years after completion of contract work.
- **AUTOMOBILE LIABILITY:**
Proof of coverage for \$1,000,000 provided on ISO Form Number CA 00 01 covering any auto (Code 1), or if Consultant has no owned autos, hired, (Code 8) and non-owned autos (Code 9), per accident for bodily injury and property damage.
- **WORKERS' COMPENSATION AS REQUIRED BY THE STATE OF CALIFORNIA, WITH STATUTORY LIMITS, AND EMPLOYER'S LIABILITY INSURANCE: \$1,000,000 per accident for bodily injury or disease. **Must include a waiver of subrogation.****

C. OTHER INSURANCE PROVISIONS

The insurance policies are to contain, or be endorsed to contain, the following provisions:

- **ADDITIONAL INSURED STATUS**
The City, its officers, officials, employees and volunteers are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of Consultant including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage will be provided in the form of an endorsement to Consultant's insurance at

least as broad as ISO Form CG 20 10 11 85, or if not available, through the addition of both CG 20 10 and CG 20 37 (if a later edition is used).

- **PRIMARY COVERAGE**
For any claims related to this agreement, Consultant's insurance coverage will be **primary** insurance as respects the City, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, or volunteers will be excess of Consultant's insurance and will not contribute with it.
- **NOTICE OF CANCELLATION**
Each insurance policy required above shall state that the coverage shall not be canceled, except with notice to the City.
- **WAIVER OF SUBROGATION**
Except for Professional Liability, Consultant hereby grants to the City a waiver of any right to subrogation which any insurer of said Consultant may acquire against the City by virtue of the payment of any loss, including attorney's fees under such insurance. Consultant agrees to obtain any endorsement that may be necessary to effect this waiver of subrogation, but this provision applies regardless of whether or not the City has received a waiver of subrogation endorsement from the insurer. The Worker's Compensation policy will be endorsed with a waiver of subrogation in favor of the City for all work performed by the Consultant and its employees.
- **DEDUCTIBLES AND SELF-INSURED RETENTIONS**
Any deductibles or self-insured retentions must be declared to and approved by the City. City may require Consultant to purchase coverage with a lower retention or provide proof of ability to pay losses and related expenses. The policy language shall provide, or be endorsed to provide, that the self-insured retention may be satisfied by either the named insured or City.
- **ACCEPTABILITY OF INSURERS**
Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the City.
- **CLAIMS MADE POLICIES**
If any of the required policies provide coverage on a claims-made basis:
 1. The Retroactive Date must be shown and must be before the date of the contract or the beginning of contract work.
 2. Insurance must be maintained and evidence of insurance must be provided for at least five (5) years after completion of the contract of work.
 3. If coverage is canceled or non-renewed, and not *replaced with another claims-made policy form with a Retroactive Date* prior to the contract effective date, the Consultant must purchase "extended reporting" coverage for a minimum of *five (5)* years after completion of contract work.
- **VERIFICATION OF COVERAGE**
Consultant will furnish the City with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the City before work commences. However, failure to obtain the required documents prior to the work beginning will not waive the Consultant's obligation to provide them. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time. Information may be redacted in the policies specific to listed additional insured, other than the City and policy premiums.

D. SUBCONTRACTORS

Consultant shall require that all subcontractors maintain insurance meeting all the requirements stated herein, including naming the City as an additional insured on insurance required from subcontractors.

E. SPECIAL RISKS/CIRCUMSTANCES

City reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.



City Council AGENDA REPORT

DATE: 10/14/2020

AGENDA OF: 10/27/2020

DEPARTMENT: Water

SUBJECT: Water Supply Advisory Committee Aquifer Storage and Recovery and Recycled Water Alternatives: Contract Amendment No. 3 with Pueblo Water Resources for Groundwater Modeling (WT)

RECOMMENDATION: Motion to authorize the City Manager to execute Contract Amendment No. 3 with Pueblo Water Resources, Inc. (Ventura, CA) in the amount of \$193,390 for groundwater modeling and data interpretation for the Aquifer Storage and Recovery and Recycled Water Alternatives as per the recommendations of the Water Supply Advisory Committee, and to authorize the City Manager to execute an agreement in a form approved by the City Attorney.

BACKGROUND: In November 2015, following the completion of the Water Supply Advisory Committee (WSAC) process in October 2015, City Council accepted the Final Report on Agreements and Recommendations that included a detailed Implementation Plan and Adaptive Management Strategy. The WSAC work was adopted as part of the 2015 Urban Water Management Plan and is currently known as the Water Supply Augmentation Strategy (WSAS) that includes an Implementation Work Plan.

The Work Plan includes three elements: 1) strengthened water conservation to reduce demands by 200-250 million gallons per year, 2) groundwater storage through In-Lieu water exchanges (a passive approach to recharge) or Aquifer Storage and Recovery (ASR, an active approach to recharge), and 3) Advanced Treated Recycled Water (ATRW) or Desalinated Water to be pursued if the groundwater strategies proved to be insufficient. Evaluation of each alternative has been advancing in parallel to allow for them to be comparatively analyzed using metrics such as cost, timeliness, and ability to fill the water supply gap, and in November 2018 City Council supported staff's recommendation to prioritize the further study of recycled water alternatives over seawater desalination.

Active groundwater storage can be achieved with ASR, ATRW, or a combination of the two. These are considered active groundwater replenishment approaches because water is actively injected into the ground from an external source (either excess surface water or recycled water) and later recovered from the ground when other external sources are diminished to fill a water supply gap.

At their February 9, 2016 meeting, City Council authorized the City Manager to execute an agreement with Pueblo Water Resources in the amount of \$446,370. This body of work, focused at that time entirely on ASR alternatives, includes three phases:

- Phase 1: Higher Level Feasibility. Includes completion and use of groundwater model(s), siting study, specific injection capacity and geochemical analyses, and preliminary development of a pilot program
- Phase 2: Pilot Testing. Includes retrofit of existing wells, injection well hydraulic testing, Injection/Storage/Recovery cycle testing, development of a full-scale ASR program
- Phase 3: Implementation. Includes property procurement, design, CEQA and permits, construction of a full-scale ASR program

The majority of current work is Phase 2 pilot testing at three of the Water Department's four existing groundwater wells. Groundwater Modeling, as part of Phase 1, will be an ongoing and iterative activity, informed by the pilot studies.

Simultaneous to ASR, staff is evaluating in more detail the benefits of using recycled water for a variety of end uses including but not limited to groundwater replenishment. This work is being performed under a separate contract with Kennedy Jenks Consultants, and there is no task associated with groundwater modeling in that contract as it is most efficient to keep this sort of activity in one contract.

DISCUSSION: As the two groundwater replenishment alternatives have been advanced, there is value in evaluating the opportunities and limitations of ASR and ATRW. Staff has reviewed and negotiated the attached Contract Amendment with Pueblo Water Resources to perform groundwater modeling scenarios for ASR, IPR ("indirect potable reuse") and a combination of the two. This information will be used to inform decision making over the next 18-24 months in terms of implementing projects.

FISCAL IMPACT: Funds are available in the Water Department's Capital Improvement Program budget, Project c701611 Recycled Water.

Prepared By:
Heidi Luckenbach
Deputy Director/Engineering
Manager

Submitted By:
Rosemary Menard
Water Director

Approved By:
Martín Bernal
City Manager

ATTACHMENTS:

1. CONTRACT AMENDMENT NO. 3.PDF

THIRD AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT FOR
AQUIFER STORAGE AND RECOVERY

THIS THIRD AMENDMENT, dated _____ (“Third Amendment”) TO THE PROFESSIONAL SERVICES AGREEMENT dated February 10th 2016, is made by and between the City of Santa Cruz (“City”) and Pueblo Water Resources Inc. (“Consultant”).

RECITALS

WHEREAS, City and Consultant have previously entered into that certain Professional Services Agreement (“Agreement”) dated February 10th 2016, a copy of which is attached hereto and incorporated by this reference, and

WHEREAS, City and Consultant have previously modified the Agreement through two amendments namely First Amendment dated May 1, 2017 in the amount of \$377,615 for Groundwater Modeling and Project Management and Second Amendment dated November 27, 2018 in the amount of \$35,000 for additional modeling for climate change scenarios, and

WHEREAS, City and Consultant desire to amend the Agreement as specified herein.

AGREEMENT

NOW, THEREFORE, it is agreed between the Parties to incorporate the above Recitals hereto, and that the Agreement is hereby amended as follows consistent with the attached letter scope of work dated October 15, 2020.

A. Section 1 of the Agreement is hereby amended to read as follows:

Exhibit A – Scope of Services is amended to include the following additional tasks:

- a. Task 1.5.5 Scenario Development, and Groundwater Modeling and Reporting to support the development of water supply alternatives recommended by the Water Supply Advisory Committee and including Aquifer Storage and Recovery and Groundwater Replenishment using advanced treated recycled water.

B. Section 4 of the Agreement is hereby amended to read as follows:

Fees and Payments section includes:

- a. Additional funds in the amount \$193,390 as Task 1.5.5.

Notwithstanding these amended terms of the original Agreement by this Third Amendment, all other terms and conditions of the original Professional Services Agreement shall remain in full force and effect.

Each party acknowledges that it has reviewed this Third Amendment and that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Third Amendment.

The parties may execute this Third Amendment in two or more counterparts, which shall, in the aggregate, be deemed an original but all of which, together, shall constitute one and the same instrument. A scanned, electronic, facsimile or other copy of a party's signature shall be accepted and valid as an original.

The signatories to this Third Amendment warrant and represent that each is authorized to execute this Third Amendment and that their respective signatures serve to legally obligate their respective representatives, agents, successors and assigns to comply with the provisions of this Third Amendment.

IN WITNESS WHEREOF, the City and the Consultant have executed this Third Amendment effective as of the date shown above.

Technical Review By:

By: Heidi Luckenbach Date: 10/19/2020
Heidi Luckenbach, Deputy Water Director / Engineering Manager

Approved As To Form:

By: Antonia H Choi Date: 10-19-2020
for City Attorney

CONSULTANT

By: _____ Date: _____
Printed: _____ Title: _____

CITY OF SANTA CRUZ

By: _____ Date: _____
Rosemary Menard, Water Director

CITY OF SANTA CRUZ

By: _____ Date: _____
Martín Bernal, City Manager

PROFESSIONAL SERVICES AGREEMENT FOR
AQUIFER STORAGE AND RECOVERY

THIS AGREEMENT for professional services is made by and between the City of Santa Cruz ("City") and Pueblo Water Resources ("Consultant") (together referred to as the "Parties") as of February 19 2016 (the "Effective Date").

SECTION 1: SCOPE OF WORK

The services to be performed under this Agreement are set forth in the attached 12 page proposal for Hydrogeologic Services; Santa Cruz ASR Project - Phase 1 Feasibility Investigation dated January 20, 2016 ("Exhibit A").

SECTION 2: RESPONSIBILITIES OF CONSULTANT

All work performed by Consultant, or under its direction, shall satisfy the City's objectives for entering into this Agreement and shall be rendered in accordance with the generally accepted practices, and to the standards of, Consultant's profession.

Consultant shall not undertake any work beyond the Scope of Work set forth in Exhibit A unless such additional work is approved in advance and in writing by City. The cost of such additional work shall be reimbursed to Consultant by City on the same basis as provided for in Section 4.

If, in the prosecution of the work, it is necessary to conduct field operations, security and safety of the job site will be the Consultant's responsibility excluding, nevertheless, the security and safety of any facility of City within the job site which is not under the Consultant's control.

Consultant shall meet with Rosemary Menard, Water Director, hereinafter called "Director", or other City personnel, or third parties as necessary. Such meetings shall be held at the request of any party.

SECTION 3: RESPONSIBILITIES OF THE CITY

City shall make available to Consultant all necessary data and information in the City's possession and shall actively assist Consultant in obtaining such information from other agencies and individuals as needed.

The Director may authorize a staff person to serve as his or her representative. The work in progress shall be reviewed at such intervals as may be mutually agreed upon between the parties. The City will be the sole judge of acceptable work. If the work is not acceptable, City will inform Consultant of the changes or revisions necessary to secure approval.

SECTION 4: FEES AND PAYMENT

For the services performed, the City will pay the Consultant on a time-charge plus expense basis, monthly as charges accrue, the sum of Consultant's salary expenses and non-salary expenses. For the purposes of this Agreement, Consultant's salary expenses and non-salary expenses will be compensated at the rates set forth in Exhibit A and in accordance with the terms set forth therein. Where conflicts may occur, the provisions of this section apply. Payment for the Consultant's services in carrying out the entire the Scope of Work shall be made within the budget limit, or limits shown, upon Exhibit A. Such payment shall be considered the full compensation for all personnel, materials, supplies, and equipment used by Consultant in Scope of Work.

Salary expenses include the actual pay of personnel assigned to the project plus payroll taxes, insurance, sick leave, holidays, vacation, other fringe benefits, overhead costs, and fees. Chargeable time does not include time for meals or other personal time. Consultant shall not charge the City for personnel overtime salary at rates higher than those set forth in the attached fee schedule without the City's prior written authorization.

Non-salary expenses include travel, meals and lodging while traveling, materials other than normal office supplies, shipping and reproduction costs, equipment rental, services of sub-consultants and subcontractors, and other direct, identifiable project related expenses. Markups shall not be charged for sub-consultants or subcontractors.

The use of vehicles for travel, including rental vehicles, shall be paid at the maximum rate of the current standard business mileage rate as established by the U.S. Internal Revenue Service. Commercial airline travel shall be reimbursed at coach class rates. Lodging, meals, and incidental expenses shall be reimbursed at the current per diem rates established by the U.S. General Services Administration. Per diem expenses in excess of \$75 require submittal of acceptable substantiating documentation for each such expense. Consultants shall be entitled to 75% of the prescribed meals and incidental expenses for the first and last day of travel and for one day travel if it is longer than 12 hours. It is expected that all expenses associated with travel incurred by the Consultant, while conducting activities on behalf of the City, will be at reasonable rates and that the Consultant will exercise prudence in incurring such expenses.

Variations from the budget for each task which are justified by statements indicating personnel time expended and submittal of a revised budget are allowed with City approval; however, in no event shall the total fee charged for the scope of work set forth in Exhibit A exceed the budget of \$446,370 without advance written City authorization in the form of an amendment or change order.

Invoices shall detail the time worked by each class of employee on each task and the expenses incurred for which billing is made. Invoices shall indicate the percentage completion of each work task as identified in the Scope of Work in Exhibit A and the overall percentage of completion of the total required services. Payments shall be made monthly by the City based on itemized invoices from the Consultant which list the actual costs and expenses.

All invoices shall contain the following affidavit signed by a principal of the Consultant's firm:

"I hereby certify as principal of the firm of (Insert Firm Name), that the charge of (Insert invoice amount) as summarized above and shown in detail on the attachments is a fair and reasonable use of public funds, is in accordance with the terms of Agreement dated (Insert Agreement Date), and has not been previously paid."

SECTION 5: CHANGES IN WORK

If any changes or modifications to Consultant's scope of services are proposed by City, Consultant shall, upon receipt of such written change or modification, determine the impact on both time and compensation and notify City in writing. Upon agreement between City and Consultant as to the extent of said impacts to time and compensation, an amendment to this agreement shall be prepared describing such changes. Execution of the amendment by City and Consultant shall constitute the Consultant's notice to proceed with the changed scope.

SECTION 6: TIME OF BEGINNING AND SCHEDULE FOR COMPLETION

Consultant shall begin work upon its receipt of a written Notice to Proceed. The Notice to Proceed shall not be issued until after this Agreement has been approved and authorized by the City and signed and dated by both City and Consultant.

The schedule for completion of the work shall be as shown upon Exhibit A. In the event that major changes are ordered, the schedule for completion as stated in Exhibit A will be adjusted by City so as to allow Consultant a reasonable period of time within which to complete any additional work which may be required as a result of the ordered changes.

Neither party will be held responsible for delay or default caused by declared emergencies, natural disasters, or any other cause which is beyond the party's reasonable control. Vendor will, however, make all reasonable efforts to remove or eliminate such a cause of delay or default and will, upon the cessation of the cause, diligently pursue performance of its obligations in this agreement.

The City reserves the right to obtain the item(s) covered by this contract from another source during any on-going suspension of service due to the circumstances outlined above.

Consultant acknowledges that it is necessary for Consultant to complete its work on or before the completion date set forth in Exhibit A in order to allow the City to achieve its objectives for entering into this Agreement unless Consultant is delayed due to causes beyond Consultant's reasonable control. The parties therefore agree that time is of the essence in the performance of this Agreement.

SECTION 7: TERMINATION

The City or Consultant may terminate the agreement for convenience by providing written notice to the other party not less than 30 calendar days prior to an effective termination date.

The City or Consultant may terminate the agreement for material breach of agreement by providing written notice to the other party not less than 14 calendar days prior to an effective termination date.

Upon notice of termination, the Consultant will immediately take action not to incur any additional obligations, costs or expenses, except as may be reasonably necessary to terminate its activities. The City's only obligation to the Consultant will be just and equitable payment for services authorized by, and received to the satisfaction of, the City up to and including the effective date of termination. All finished or unfinished work or documents procured or produced under the agreement will become property of the City upon the termination date subject to the terms outlined in Section 13.6. of this agreement. If Consultant materially breaches this agreement, the City reserves the right to obtain Professional Services for Aquifer Storage and Recovery elsewhere, and the defaulting Consultant will be liable for the difference between the prices set forth in the terminated agreement and the actual cost to the City. In no event will the City be liable for any loss of profits on the resulting agreement or portion thereof so terminated. After the effective date of termination, Consultant will have no further claims against the City under the agreement. Termination of the agreement pursuant to this paragraph may not relieve the Consultant of any liability to City for damages sustained by City because of any breach of agreement by Consultant.

The rights and remedies provided in this section will not be exclusive and are in addition to any other rights and remedies provided by law or under the agreement.

SECTION 8: INSURANCE

Prior to the beginning of and throughout the duration of the agreement, the Vendor will maintain insurance in conformance with the requirements set forth below. The Vendor will insure the City against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder and the results of that work by the Vendor, his agents, representatives, employees or subcontractors.

CERTIFICATE REQUIREMENTS

The City will be issued a Certificate of Insurance (a Memorandum of Understanding will not be accepted) with the following minimum requirements:

- Certificate(s) will show current policy number(s) and effective dates,
- Coverage and policy limits will meet, or exceed, requirements below,
- The Certificate Holder will be City of Santa Cruz, Risk Management, 809 Center St, Rm 7, Santa Cruz, CA 95060,
- Certificate will be signed by an authorized representative,
- An endorsement will be provided to show the City, its officers, officials, employees, and volunteers as additional insured.

MINIMUM SCOPE AND LIMITS OF INSURANCE

The Vendor acknowledges that the insurance coverage and policy limits set forth in this section constitute the minimum amount of coverage required. The City will be entitled to coverage for the highest limits maintained by the Vendor. Coverage will be at least as broad as:

- **PROFESSIONAL LIABILITY (ERRORS AND OMISSIONS):** \$1,000,000 PER OCCURRENCE OR CLAIM, \$2,000,000 AGGREGATE.
The Vendor will maintain insurance appropriate to the Vendor's profession; with limit no less than \$1,000,000 per occurrence or claim, \$2,000,000 aggregate. Insurance must be maintained and evidence of insurance must be provided for at least five years after date of completion of the agreement work. The Vendor agrees to purchase an extended period coverage for a minimum of five years after completion of agreement work.
- **COMMERCIAL GENERAL LIABILITY (CGL):** \$1,000,000 (Including products and completed operations)
Proof of coverage for \$1 Million per occurrence for bodily injury, personal injury and property damage will be provided on Insurance Services Office (ISO) Form CG 00 01 12 07 covering CGL. If a general aggregate limit applies, either the general aggregate limit will apply separately to this project/location or the general aggregate limit will be twice the required occurrence limit.
- **AUTOMOBILE LIABILITY:** \$1,000,000
Proof of coverage for \$1 Million will be provided on ISO Form Number CA 00 01 covering any auto (Code 1), or if Contractor has no owned autos, hired, (Code 8) and non-owned autos (Code 9), per accident for bodily injury and property damage.
- **WORKERS' COMPENSATION AS REQUIRED BY THE STATE OF CALIFORNIA, WITH STATUTORY LIMITS, AND EMPLOYER'S LIABILITY INSURANCE:** \$1,000,000 per accident for bodily injury or disease. Must include a waiver of subrogation.

OTHER INSURANCE PROVISIONS

The insurance policies are to contain, or be endorsed to contain, the following provisions:

- **ADDITIONAL INSURED STATUS**
The City, its officers, officials, employees, and volunteers are to be covered as insured on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the Vendor including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage will be provided in the form of an endorsement to the Vendor's insurance at least as broad as ISO Form CG 20 10 11 85, or if not available, through the addition of both CG 20 10 and CG 20 37 (if a later edition is used) or equivalent if approved, in writing, by the City.
- **PRIMARY COVERAGE**
For any General Liability or Automobile Liability claims related to this agreement, the Vendor's insurance coverage will be primary insurance as respects the City, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, or volunteers will be excess of the Vendor's insurance and will not contribute with it.

- NOTICE OF CANCELLATION

Each insurance policy required above will provide that the City will be notified of any coverage canceled with 30 days' prior written notice (10 days for non-payment).

- WAIVER OF SUBROGATION

Vendor hereby grants to the City a waiver of any right to subrogation which any insurer of said Vendor may acquire against the City by virtue of the payment of any loss under such insurance. Vendor agrees to obtain any endorsement that may be necessary to effect this waiver of subrogation, but this provision applies regardless of whether or not the City has received a waiver of subrogation endorsement from the insurer.

The Worker's Compensation policy will be endorsed with a waiver of subrogation in favor of the City for all work performed by the Vendor, its employees, agents and subcontractors.

- DEDUCTIBLES AND SELF-INSURED RETENTIONS

Any deductibles or self-insured retentions must be declared to and approved by the City. The City may at its option allow the Contractor to purchase coverage with a lower deductible or retention, or require the Contractor to provide a financial guarantee satisfactory to the City guaranteeing payment of losses and related investigations, claim administration, and defense expenses.

- ACCEPTABILITY OF INSURERS

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the Entity.

- VERIFICATION OF COVERAGE

Vendor will furnish the City with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the City before work commences. However, failure to obtain the required documents prior to the work beginning will not waive the Vendor's obligation to provide them. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

SECTION 9: INDEMNIFICATION

Consultant agrees to indemnify, defend, and hold harmless the City, its officers, agents and employees, from and against any and all claims, demands, actions, damages, or judgments, including associated costs of investigation and defense arising in any manner from consultant's negligence, gross negligence, recklessness, or willful misconduct or patent or copyright violation in the performance of this agreement.

SECTION 10: EQUAL EMPLOYMENT OPPORTUNITY

The City of Santa Cruz strongly supports equal employment opportunities for all and requires its Consultants to ensure that effective policies and procedures concerning the prevention of illegal discrimination and harassment exist in their companies. In addition, all Consultants must be in compliance with all applicable Federal and State and local equal employment opportunity acts, laws, and regulations. The City's current Equal Employment Opportunity and Anti-Discrimination policies to which this provision applies may be viewed at <http://www.codepublishing.com/CA/SantaCruz/?SantaCruz09/SantaCruz0983.html>.

SECTION 11: LEGAL ACTION/ATTORNEYS' FEES

If any action at law or in equity is brought to enforce or interpret the provisions of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees in addition to any other relief to which he or she may be entitled as part of prevailing party's total damages as determined by a court of competent jurisdiction. The laws of the State of

California shall govern all matters relating to the validity, interpretation, and effect of this Agreement and any authorized or alleged changes, the performance of any of its terms, as well as the rights and obligations of Consultant and the City.

SECTION 12: ASSIGNMENT

This Agreement shall not be assigned without first obtaining the express written consent of the Director or after approval of the City Council.

SECTION 13: MISCELLANEOUS PROVISIONS

1. Project Manager. Director reserves the right to approve the project manager assigned by Consultant to said work. No change in assignment may occur without prior written approval of the City.
2. Consultant Services Only. Consultant is employed to render professional services only and any payments made to Consultant are compensation solely for such professional services.
3. Subcontractors. Subcontracting of work without prior approval of the City, may result in contract termination. If at any time, the City determines any subcontractor is incompetent or undesirable, Vendor will be notified and will be expected to immediately cancel the subcontract.
4. Licensure. Vendor warrants that it has complied with any and all federal, state, and local licensing requirements and agrees to provide proof of a current City of Santa Cruz Business Tax Certificate if:
 - Vendor is located in the City of Santa Cruz;
 - Will perform physical work in the City of Santa Cruz for 6 or more days annually; or
 - Will use company vehicles to deliver within the City of Santa Cruz for 6 or more days annually.For additional information and licensing requirements, view the City's [Business Licenses and Permits webpage](#) or call the Revenue and Taxation division at 831/420-5070.
5. Other Agreements. This Agreement supersedes any and all other agreements, either oral or in writing, between the parties with respect to the Scope of Work specified in Exhibit A.
6. City Property. The work, or any portion, of Consultant in performing this Agreement shall become the property of City. The Consultant shall be permitted to retain copies or such work for information and reference in connection with the City's use; however, such work shall not be used by the Consultant on other projects, except by agreement in writing by the City.
7. Consultant's Records. Consultant shall maintain accurate accounting records and other written documentation pertaining to the costs incurred for this project. Such records and documentation shall be kept available at Consultant's office during the period of this Agreement, and after the term of this Agreement for a period of three years from the date of the final City payment for Consultant's services.
8. Independent Contractor. In the performance of its work, it is expressly understood that Consultant, including Consultant's agents, servants, employees, and subcontractors, is an independent contractor solely responsible for its acts and omissions, and Consultant shall not be considered an employee of the City for any purpose.
9. Consultant Not an Agent. Except as City may specify in writing, Consultant shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent. Consultant shall have no authority, express or implied, pursuant to this Agreement to bind City to any obligation whatsoever.

10. Conflicts of Interest. Consultant stipulates that corporately or individually, its firm, its employees and subcontractors have no financial interest in either the success or failure of any project which is, or may be, dependent on the results of the Consultant's work product prepared pursuant to this Agreement.
11. MacBride Principles/Peace Charter. City of Santa Cruz Resolution NS-19,378 (7/24/90) encourages all companies doing business in Northern Ireland to abide by the MacBride Principles and Peace Charter.
12. Storm Water Requirements. The Contractor, and all subcontractors, are required to abide by the applicable City of Santa Cruz Storm Water Best Management Practices (BMPs) for the duration of the work. The City's mandatory Storm Water BMPs, which are listed according to the type of work, operations, or business, are located on the City website at: <http://www.cityofsantacruz.com/index.aspx?page=138>.
13. Notices. If either party shall desire or is required to give notice to the other such notice shall be given in writing, via facsimile and concurrently by prepaid U.S. certified or registered postage, addressed to recipient as follows:

To CITY:

Water Engineering
Heidi Luckenbach, Engineering Manager
212 Locust St, Ste C
Santa Cruz CA 95060

To CONSULTANT:

Pueblo Water Resources
Robert C Marks, Principal Hydrogeologist
4478 Market St, Ste 705
Ventura, CA 93003

Changes to the above information shall be given to the other party in writing ten (10) business days before the change is effective.

Technical Review:

By: Heidi R. Luckenbach Date: 2/1/2016
Heidi Luckenbach, P.E.
Deputy Water Director/Engineering Manager

Approved As To Form:

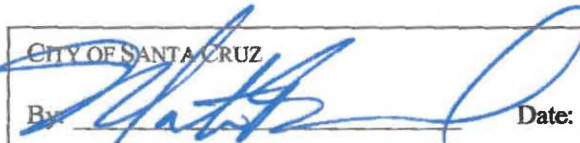
By: [Signature] Date: 2/2/16
City Attorney

CONSULTANT

By: [Signature] Date: 2/4/16
Printed: Robert Marks Title: Principal Hydrogeologist

CITY OF SANTA CRUZ WATER DEPARTMENT

By: Rosemary Menard Date: 2/5/16
Rosemary Menard
Water Department Director

CITY OF SANTA CRUZ
By:  Date: 2-10-16
Martin Bernal
City Manager



January 20, 2016
Project No. 15-0111

City of Santa Cruz Water Department
212 Locust St., Suite C
Santa Cruz, California 95060

Attention: Ms. Heidi Luckenbach, P.E., Engineering Manager

Subject: Proposal for Hydrogeologic Services; Santa Cruz ASR Project - Phase 1 Feasibility Investigation

Dear Ms. Luckenbach:

In accordance with your request, Pueblo Water Resources, Inc. (PWR) is pleased to submit this proposal for hydrogeologic services related to the City of Santa Cruz Water Department's (SCWD) Aquifer Storage and Recovery (ASR) Project - Phase 1 Feasibility Evaluation. Presented in this proposal is a detailed scope of work, estimated costs, and a schedule to implement the subject project.

BACKGROUND

ASR is a form of managed aquifer recharge (MAR) that involves the enhanced conjunctive use of existing surface and groundwater resources. ASR is a method of "banking" water in an aquifer during times when excess surface water is available (typically wet periods), and subsequent recovery of the water from the aquifer when needed (typically dry periods). ASR utilizes dual-purpose injection/recovery wells for the injection of water into aquifer storage and the subsequent recovery of the stored water by pumping. In order to feasibly implement ASR, the following four basic project components are required:

1. A supply of excess surface water for injection.
2. A system for the diversion, treatment and conveyance of water between the source and groundwater storage basin.
3. A suitable groundwater basin with available storage space.
4. Wells to inject and recover the stored water.

As conceptually applied to Santa Cruz, ASR would involve the diversion of "excess" winter and spring flows from the San Lorenzo River via the Tait Street Diversion facility, treated to potable standards at the Graham Hill Water Treatment Plant (GHWTP), then conveyed through the existing (and/or improved) water distribution system(s) to ASR wells located in the Soquel-Aptos Groundwater Basin (S-AGB) and/or the Santa Margarita Groundwater Basin



(SMGB) in Scotts Valley. In this context, “excess” flows are those flows that exceed SCWD demands and in-stream flow requirements and are within water rights.

As a subconsultant to the Water Supply Advisory Committee (WSAC) Technical Team, PWR performed an initial reconnaissance-level study (Recon-Study) of the feasibility, potential yields, and costs of ASR for the SCWD. The scope of the Recon-Study was limited to evaluating readily available existing information to develop conceptual components of an ASR project for the WSAC to consider. Based on the available information, the Recon-Study findings indicated that ASR appears to be technically feasible with no obvious fatal flaws. Below are four key findings developed the Recon-Study feasibility evaluation; the main focus of the subject Phase 1 work is to verify these initial findings:

- **Availability of Excess Water.** Analysis of available excess San Lorenzo River flows, as constrained by existing water rights, in-stream flow requirements, and demands shows that approximately 558 million gallons per year (mgy) or more may be available.
- **Diversion / Treatment / Conveyance Capacities.** The existing excess capacity of the Tait Street Diversion and GHWTP is limited to 2 million gallons per day (mgd), equivalent to approximately 145 mgy on average. With significant system modifications and upgrades to the existing Tait Street Diversion and GHWTP, average annual diversions of up to 558 mgy could be achieved.
- **Available Aquifer Storage Space.** Based on existing estimates of historical groundwater storage depletion, approximately 3,290 mg of potentially available aquifer storage space exists in the Purisima Aquifer and approximately 2,355 mg may be available in the Scotts Valley Subarea (approximately 5,645 mg combined).
- **Per Well Injection Capacities.** Based on the results of a screening-level analysis of the theoretical injection capacities of existing wells, per-well injection capacities of 350 gpm (0.5 mgd) for new ASR wells in both the Purisima Aquifer and Scotts Valley Subarea appear feasible.

Understanding the following is also required to determine the technical feasibility of ASR and included in the Phase 1 work.

- The hydraulic capacity of the existing distribution system(s) to convey the required diverted San Lorenzo River flows from GHWTP to potential ASR wells sites in the various distribution systems under consideration.
- The potential for adverse geochemical interactions between the source waters, native groundwater, and aquifer mineral matrices.
- The potential for, and quantification of, hydraulic losses to either the ocean or local creeks that would result from increased aquifer water levels / piezometric head that could limit overall project yields.



Based on the findings of the Recon-Study and consideration of the other available supply alternatives, the WSAC developed a water supply augmentation plan that combined in-lieu recharge (Element 1) in either or both the Soquel Creek Water District (SqCWD) and the Scotts Valley Water District (SVWD) with ASR (Element 2) in SCWD, SqCWD and SVWD service areas. The plan is part of an overall strategy to address the identified worst-year supply gap of 1.2 billion gallons during an extended drought.

The full-scale ASR system, as assumed and considered by the WSAC, is envisioned to consist of a total of eight (8) 0.5 million gallon per day (mgd) ASR wells; four (4) wells are planned within the SCWD service area (i.e., the Beltz well field) and two (2) wells each are tentatively planned for the SqCWD and SVWD service areas.

Based on these recommendations, an implementation strategy for the ASR element was developed through the WSAC that consisted of three basic phases:

- **Phase 1 – Higher-Level Feasibility Analyses:** Performance of higher-level technical feasibility investigations that were beyond the scope of the Recon-Study, including the use of groundwater modeling, completion of site-specific injection capacity and geochemical interaction analyses, and development of a pilot ASR testing program.
- **Phase 2 – Pilot ASR Testing:** Performance of pilot ASR testing program and assessment of probable ASR system performance, cost and schedule to complete build-out of the ASR system.
- **Phase 3 – Project Implementation:** Development of full-scale ASR project basis-of-design, construction of ASR system facilities (perhaps incrementally), establishment of ASR project operational parameters, and long-term operation of project to achieve target storage volumes.

The subject of this proposal is to implement the above-noted Phase 1 higher-level feasibility investigation. It is important to note that ASR program development is necessarily an iterative process – continuing to be refined in response to investigative findings and input from the City (and other interested parties) and in response to more focused (or re-focused as needed) data analyses. The scope of work described in this proposal represents the next step in that process, and (assuming no fatal flaws emerge) will form the basis for developing the scope of Phase 2 needed for advancing the investigation.

PURPOSE AND SCOPE

The overall purpose of the Santa Cruz ASR Feasibility – Phase 1 Project is to confirm and/or refine the initial ASR feasibility findings developed from the Recon-Study of ASR performed for the WSAC and to develop the technical information necessary for planning of pilot ASR testing operations at selected existing wells (Phase 2). The Phase 1 scope of work consists of the following main tasks:



1. Screening and selection of existing wells for potential pilot ASR testing (Phase 2)
2. Detailed site-specific analyses of the theoretical ASR capacities of selected wells
3. Geochemical interaction analysis
4. Development of ASR pilot testing work plans
5. Groundwater modeling of various ASR project scenarios
6. Project management and meetings

Upon completion of the subject Phase 1 Feasibility Investigation, sufficient information will have been developed that will allow the City to make “Go No-Go” decisions regarding the advancement of the project. A detailed scope of work to perform the above tasks is presented below.

Scope of Services

Task 1.1 – Existing Wells Screening and Selection for Pilot ASR Testing

The purpose of this task is to identify three (3) existing wells (one in each service area) as candidates for Phase 2 pilot ASR testing. Combined, there are approximately twenty (20) existing wells in the three service areas. Each of the existing well sites will be evaluated and ranked based on a variety of factors, including (but not limited to) the following:

- Aquifer completion/screen intervals
- Theoretical injection capacity
- Well age
- Well construction features
- Hydraulic abilities of distribution systems to deliver/accept water for pilot ASR testing
- Proximity to suitable existing monitoring wells
- Proximity to backflush water disposal lines/pits
- Availability of retained drill cutting samples (for laboratory mineralogy analyses)
- Other site logistical factors

It is assumed that PWR will be provided access to existing well data (well logs, as-builts, water-levels, production/aquifer testing, etc.) and well site facility information (site plans, piping and instrumentation diagrams, etc.) for all three service areas.

Deliverable: Technical Memorandum (TM) documenting the results and providing recommendations for existing wells identified as potential candidates for Phase 2 pilot ASR testing.



Task 1.2 – Site-Specific Injection Capacity Analyses

This task consists of in-depth analyses of the various site-specific factors affecting potential ASR well capacity at the three selected well sites within the SCWD, SqCWD and SVWD service areas (i.e., the wells identified in Task 1.1). The purpose is to establish theoretical sustainable injection rates for the selected wells, which will be used as a basis for developing ASR pilot testing work plans (Task 1.4). Site-specific factors to be analyzed include (but not limited to) the following:

- Well and aquifer hydraulic response under pressurized and non-pressurized casing scenarios
- Downhole velocity constraints
- Backflush pumping capacity
- Aquifer “Hydrofracturing” potential
- Offsite impact limitations

Deliverable: TM documenting the results and providing recommendations for anticipated pilot testing injection rates at each of the three (3) identified wells.

Task 1.3 – Geochemical Interaction Analysis

This task consists of evaluating the potential for adverse geochemical interactions to occur due to mixing of injected surface waters and native groundwaters. Potential reactions of concern generally fall into two categories: 1) precipitation reactions that can lead to well plugging, and 2) dissolution reactions that can negatively impact water-quality in the storage zone and/or recovered water. Specialized water-quality sampling will be performed at the GHWTP and each of the three (3) candidate wells identified/selected in Task 1.1 for pilot ASR testing. Utilizing these data, 3-component geochemical interaction modeling (PHREEQC-2) will be performed simulating various mixes of native groundwater and injected surface water within the target aquifer mineral matrices. If geochemical incompatibility is indicated, source water enhancement options or operational alternatives will be evaluated and discussed. The overall purpose of this task is to ensure that adverse geochemical reactions at the selected pilot testing wells are unlikely to occur prior to any injection testing.

This task assumes PWR will be provided with the following:

- Access to City historical water-quality data to evaluate recharge source water-quality variability during the injection season.
- Access to City GHWTP product water and selected Beltz well for specialized field and laboratory water-quality testing and analyses.
- Access to SqCWD and SVWD selected wells for specialized field and laboratory water-quality testing and analyses.
- Samples of representative target aquifer cuttings and/or cores (as available) from existing wells in all three service areas for laboratory mineralogy analyses.



Deliverable: TM documenting results and providing conclusions and recommendations regarding geochemical compatibility.

Task 1.4 – Pilot ASR Testing Program Development

Based on results of above Tasks 1.1 – 1.3, PWR will develop pilot ASR testing work plans for each of the three (3) identified wells. Work plans will include identification of temporary facility improvements needed for testing (e.g., piping/valving modifications, test pumps, backflushing settling tanks/pits, etc.) and ASR pilot testing programs designed to demonstrate/verify ASR well operational viability and parameters. The overall purpose of this task is to develop the information required to scope, budget and permit the pilot ASR testing program (Phase 2).

This task assumes PWR will be allowed to make site visits to the selected well facilities to evaluate site logistics for pilot testing for all three service areas.

Deliverable: Three (3) individual site-specific pilot ASR work plans. Each work plan will include the following minimum components:

- Overview of site-specific data and findings developed from Tasks 1.1 – 1.3.
- Facility preparation needs for pilot ASR testing
- Pilot ASR testing operational plans
- Monitoring programs (water-quality and hydraulic)

Task 1.5 – Groundwater Modeling Assistance

This task consists of coordinating and overseeing the utilization of existing calibrated three-dimensional groundwater flow models of the S-AGB and SMGB to simulate various ASR project operational scenarios (pilot testing and full-scale permanent project). This includes the performance of a well siting study to identify potential ASR well locations. The overall purpose of this task is to evaluate the ability of target aquifer systems to:

1. Receive recharge water via injection wells at the required rates and durations,
2. Temporarily store the recharged water until needed without unacceptable hydraulic losses (e.g., outflow to the ocean and/or local streams), and,
3. Allow recovery of the stored water when needed without unacceptable negative impacts to other basin users (e.g., compromise the ability to pump at needed rates).

It is noted that the actual modeling is outside this scope and is assumed will be performed by the consultants who are currently engaged with the existing S-AGB and SMGB model development and calibration activities (under separate contracts with the City and/or the other agencies). PWR's role as part of this task includes the following subtasks:

Task 1.5.1 - Well Siting Study. This subtask consists of performing a Well Siting Study for permanent full-scale ASR wells in each of the three service areas. The identified ASR well



site location options will then be utilized in various ASR model scenarios to evaluate / define the most favorable locations.

Task 1.5.1.1 – Review Hydrogeologic Literature. Literature regarding the regional and site-specific geology and hydrogeology in the three service areas will be obtained and reviewed as a basis for identifying available data and data gaps.

Task 1.5.1.2 – Prepare Existing Water Well Database. Available lithologic and geophysical logs from wells constructed in the area will be compiled. Well depths, construction details, and well performance data will be tabulated in a spreadsheet format. Aquifer parameter data including transmissivity and storativity data will be collected and tabulated from available data sources. Available water quality data will be tabulated and reviewed. Where adequate data is available, seasonal and spatial variations (both vertically and horizontally) in physical and chemical parameters will be identified.

Task 1.5.1.3 – Compile and Review GIS Databases. Available GIS coverages from our and City, SqCWD and SVWD databases will be compiled and reviewed. Existing and potential well locations will be plotted on an appropriate scale base map using GIS databases. This is anticipated to include, at a minimum; property boundaries/parcel maps, existing well locations, infrastructure information (i.e., water and sewer distribution systems, roadways, etc.), and topographic information. The GIS information will be utilized to prepare appropriate base maps and to assist in the site screening process.

Task 1.5.1.4 – Possible Contaminating Activities Assessment. This task will include the review of potential sources of groundwater contamination in the areas where potential well sites might be considered. This review would be limited to screening of the State and local databases on areas of known release. This would include listings of underground storage tanks (UST and LUST), hazardous material generators (RCRIS), Superfund (CERCLIS) sites, and other reported waste sites. Areas with potential contamination risk will be identified and, if not discarded from further consideration, be subject to additional investigation.

Task 1.5.1.5 – Field Surveys. This task consists of a field survey of potential well sites identified. Each potential parcel will be visited to assess the feasibility of drilling and well construction at the site. Logistical factors to be considered include; potential for noise nuisance, access for drilling and pump rig equipment, discharge location for development and test pumping water, and source of water for construction. Other factors to be considered include the compatibility of a municipal production well on the parcel with the existing use.

Task 1.5.1.6 – Potential Well Site Ranking. Based on the developed data and analyses, siting criteria will be developed and each of the potential ASR well sites will be ranked. The potential sites will be initially ranked based on hydrogeologic favorability, and then from this ranking the other identified factors will be considered. The selection of potential well sites will involve the balancing of logistical, infrastructural, and hydrogeologic considerations; as such, we envision that the siting process will be iterative, being progressively refined in responding to input from the City and other agencies, and in response to more focused data analysis.



Task 1.5.2 – Groundwater Modeling Coordination. This subtask consists of coordinating and overseeing the utilization of existing calibrated three-dimensional groundwater flow models of the S-AGB and SMGB to simulate various ASR project operational scenarios (pilot testing and full-scale permanent project).

Task 1.5.2.1 – Confluence Model Coordination. This task consists of coordinating with Gary Fiske to develop the needed information regarding the timing and availability of excess surface water flows from the Confluence Model. This will include determining the timing, duration and rates of injection/storage/recovery (ISR) cycles to be simulated with the groundwater models.

Task 1.5.2.2 – ASR Model Scenario Development. This task consists of the development of various ASR system operational scenarios to be simulated with the groundwater models. It is noted that groundwater modeling is often an iterative process, with scenarios being developed and refined in response to initial model results. For budgetary purposes, it is assumed that three (3) variants of ASR system operational scenarios will be developed for each basin / model (6 scenarios total).

Task 1.5.2.3 – Outside Modeling Consultant Coordination. This task consists of coordinating with the outside groundwater modeling consultants on the development and implementation of model scenarios and the interpretation of results.

It is noted the development of ASR operational model scenarios will necessarily need to consider other MAR activities planned in each of the basins. For example, the in-lieu recharge component of the WSAC recommendations (Element 1) will need to be simulated as occurring simultaneously with ASR operations. Similarly, both SqCWD and SVWD are evaluating the potential for Indirect Potable Reuse (IPR) of recycled water via injection wells within their service areas. All of these projects are intended to utilize portions of the same available groundwater storage space as ASR would; therefore, the potential for interference between these projects to result in unacceptable injection rate limitations and/or hydraulic losses needs to be evaluated with the groundwater models. PWR will not develop the information regarding the other planned MAR activities independently (e.g., rates, duration, locations, etc.), but will rely on existing information and/or information provided by others about these planned activities in developing the ASR model scenarios.

It is currently assumed that ASR would be limited to the Purisima Aquifer in the S-AGB and the Scotts Valley subarea in the SMGB; however, it is noted that the results of the Phase 1 work may find that the recharge capacity of these two aquifers is too limited to achieve the project goals and that additional local aquifer systems may be recommended to be pursued further (e.g., the Aromas aquifer in the S-AGB).

Deliverables: Two (2) Well Siting TM's will be prepared, one for each groundwater basin. The Well Siting TMs will document the development of siting criteria and the methods utilized, and will provide conclusions and recommendations regarding the availability of sites for ASR well facilities required to meet the full-scale ASR project objectives.

Two (2) Modeling Results TMs will be also prepared (one for each basin / model) documenting ASR modeling scenario development and evaluating the modeling results.



Conclusions and recommendations will be provided regarding the modeling findings and their implications on the scope of the Phase 2 investigation as well as the technical hydrogeologic feasibility of the full-scale permanent ASR project envisioned by the WSAC.

Task 1.6 – Project Management and Meetings

This task consists of overall project management, coordination of subconsultants, budget and schedule tracking, invoicing, and attendance at various project-related meetings. The overall purpose is to ensure effective management of project implementation, schedule and budget. This will include the coordination and attendance at various meetings over the course of the project to facilitate cooperation among project participants and communicate progress and findings to the City and other interested parties. For budgetary purposes, the following meetings are assumed:

- Project Kick-Off (1)
- Draft Task Deliverable Reviews (5)
- Technical Working Group (3)
- Pilot ASR Testing Plans Coordination with SqCWD and SVWD (2)
- Water Commission Quarterly Updates (8)
- Enrichment Session Presentations (4)

Each meeting will be attended by one to two PWR Principal Hydrogeologists, depending on the meeting agenda.

Services Not Included

Services which are (or may be) necessary for the completion of this project, which are not included in our proposal include the following:

- Distribution system hydraulic modeling (assumed provided by others)
- Groundwater flow and transport modeling (assumed provided by others).
- Cost of water, electricity, or other utilities;
- Any others items not specifically included in PWR's scope of services.

Estimated Fees and Schedule

Based on the scope of services presented herein, we estimate the fees for our services will be approximately \$446,370, which will be billed on a time-plus-expenses basis in accordance with our current Fee Schedule (attached). An estimated fee summary worksheet is attached summarizing the estimated man-hours and costs per task/work item.

We understand that in order to authorize this work, your City Council must first approve a formal contract. Based on our current workload, we believe that we can commence work



within two weeks of your authorization. An estimated task-by-task schedule is presented in the table below:

Estimated Project Schedule

Task No.	Description	Task Duration	
		Start	Finish
1.1	Existing Wells Screening for Pilot ASR Testing	2016 Q1	2016 Q2
1.2	Site-Specific Injection Capacity Analyses	2016 Q2	2016 Q2
1.3	Geochemical Interaction Analyses	2016 Q2	2016 Q3
1.4	Pilot ASR Testing Program Development	2016 Q4	2017 Q1
1.5	Groundwater Modeling Assistance	--	--
1.5.1	Well Siting Study	2016 Q3	2016 Q4
1.5.2	Groundwater Modeling Coordination	2016 Q1	2017 Q4
1.6	PM and Meetings	2016 Q1	2017 Q4

As shown, the estimated project duration is approximately two years. The project schedule is generally consistent with the implementation schedule developed by PWR through the WSAC, with the work anticipated to be completed by the end of the calendar year 2017. It is envisioned that a more detailed Gantt Chart project schedule will be developed cooperatively between PWR and City staff as part of the Project Kickoff Meeting, which will be maintained and routinely updated by PWR during execution of the project.

We appreciate the opportunity to provide assistance to the City on this important community water supply project. If you require additional information regarding this or other matters, please contact us.

Sincerely,

PUEBLO WATER RESOURCES, INC.

Robert C. Marks, P.G., C.Hg.
Principal Hydrogeologist

RCM:msb:mbf

Attachments: Cost Estimation Spreadsheet
2016 Fee Schedule

EXHIBIT A
CITY OF SANTA CRUZ WATER DEPARTMENT
Professional Services for Santa Cruz ASR Project
Phase 1 Feasibility Investigation
PWR Project No.: 15-0111



ESTIMATED FEE SUMMARY

LABOR		Principal Professional	Senior Professional	Project Professional	Illustrator	WP	Hours by Task	Estimated Task Cost
Hourly Fee		\$195	\$180	\$165	\$110	\$90		
Task No.	Task Description							
1.1	Existing Wells Screening for Pilot ASR Testing	40	60	20	8	2	130	\$22,960
1.2	Site-Specific Injection Capacity Analyses	150	60	20	4	2	236	\$43,970
1.3	Geochemical Interaction Analysis	350	150	100	20	2	622	\$114,130
1.4	Pilot ASR Testing Program Development	150	50	20	30	6	256	\$45,390
1.5	Groundwater Modeling Assistance	-	-	-	-	-	-	-
1.5.1	Well Siting Study	150	60	20	10	2	242	\$44,630
1.5.2	Groundwater Modeling Coordination	310	40	30	30	6	416	\$76,440
1.6	Project Management and Meetings	250	50	-	20	10	330	\$60,850
		-	-	-	-	-		
		-	-	-	-	-		
		-	-	-	-	-		
		-	-	-	-	-		
Hours by Labor Category:		1400	470	210	122	30		
Costs by Labor Category:		\$273,000	\$84,600	\$34,650	\$13,420	\$2,700		
Total Labor Hours:							2232	
Total Labor Costs:							\$408,370	

OTHER DIRECT COSTS (ODC's)	Units	Unit Price	No. of Units	Fee
Vehicle	Daily	\$75	25	\$1,875
Travel Per Diem	Daily	\$185	25	\$4,625
Field WQ Meter	Daily	\$75	5	\$375
ORP/pH/Temp Probe	Daily	\$75	5	\$375
Subtotal ODCs:				\$7,250

OUTSIDE SERVICES	Units	Unit Price	No. of Units	Fee
Outside Lab Analyses - WQ	Each	\$2,500	6	\$15,000
Outside Lab Analyses - Mineralogy	Each	\$1,750	9	\$15,750
Subtotal Outside Services:				\$30,750
Subtotal Outside Services w/ Markup (0%):				\$30,750

COST SUMMARY	
Labor	\$408,370
Other Direct Costs	\$7,250
Outside Services	\$30,750
TOTAL ESTIMATED PROJECT COST:	\$446,370



**PUEBLO WATER RESOURCES, INC
2016 FEE SCHEDULE**

Professional Services

Principal Professional.....	\$195/hr
Senior Professional.....	\$180/hr
Project Professional.....	\$165/hr
Staff Professional.....	\$135/hr
Technician.....	\$125/hr
Illustrator.....	\$110/hr
Word Processing.....	\$90/hr

Other Direct Charges

Subcontracted Services.....	Cost Plus 15%
Outside Reproduction.....	Cost Plus 15%
Travel Expenses.....	Cost Plus 15%
Per Diem*.....	\$185/day
Vehicle	\$75/day

Equipment Charges

Drilling Fluid Test Kit.....	\$100/day, \$400/week
Field Water Quality Meter (Hach DR890)	\$75/day, \$275/week
Orion ORP/pH/Temp Probe.....	\$75/day, \$275/week
Water Level Probes (In-Situ Mini-Troll/Level Troll)	\$100/day, \$300/week
Fuji Ultrasonic Flowmeter.....	\$200/day, \$750/week

*Regionally specific to project.

PUEBLO WATER RESOURCES, INC

4478 Market Street, Suite 705 • Ventura, CA 93003 • 805.644.0470 • 805.644.0480 FAX



October 15, 2020
Project No. 15-0111

City of Santa Cruz Water Department
212 Locust St., Suite C
Santa Cruz, California 95060

Attention: Ms. Heidi Luckenbach, P.E., Deputy Director/Engineering Manager

Subject: Proposal for Hydrogeologic Services; Santa Cruz IPR Project Groundwater Modeling

Dear Ms. Luckenbach:

In accordance with your request, Pueblo Water Resources, Inc. (PWR), in association with Montgomery & Associates (M&A), is pleased to submit this proposal for groundwater modeling services related to the City of Santa Cruz Water Department's (SCWD) Recycled Water (RW) Project. It is our understanding that the SCWD RW Project would utilize expansion capacity at the Soquel Creek Water District's (SqCWD) planned Pure Water Soquel (PWS) Chanticleer advanced water treatment facility (AWTF) of up to 1,500 acre-feet per year (afy) for recharge, storage and later recovery in the Beltz Wellfield area of the Purisima Aquifer system in the Santa Cruz Mid-County Groundwater Basin (MCGB). For the past several weeks PWR and M&A have been coordinating with SCWD and Kennedy Jenks (KJ) staff to develop RW project scenarios that would utilize Indirect Potable Reuse (IPR) injection wells to be simulated with the existing calibrated groundwater flow model of the MCGB. Three base scenarios have been developed:

1. Maximize IPR (no ASR)
2. Maximize ASR at Existing Beltz Wells with IPR to Supplement
3. IPR Seawater Intrusion Barrier

Each of these scenarios will initially be simulated in the Confluence Model under the Water Supply Advisory Committee's (WSAC) future climate change scenario (GFDLA2 2.1 Global Circulation Model for 2020 – 2070) and assumed City demands. The Confluence Model output will be translated and developed into groundwater modeling scenarios by PWR. M&A will implement the scenarios utilizing the existing calibrated MODFLOW groundwater flow model of the MCGB. The goal of the modeling is to evaluate the capacity of the aquifer system underlying the Beltz Wellfield area to support the rates and volumes of recharge, storage and recovery needed to fill the City's worst-year water supply gap of 1.2 billion gallons per year (bgg) during extended droughts. The primary objectives of the proposed groundwater modeling are to understand how much of the available 1,500 afy of RW can be injected and extracted in the



Beltz Wellfield area of the MCGB and what the estimated travel times are between the simulated IPR wells and existing water supply wells.

Groundwater modeling is often an iterative process, with the initial results informing the development of subsequent scenario simulations. Accordingly, we have included in our scope up to two additional iterations of each of the above basic scenarios (a total of 6 additional iterations). MODPATH will be utilized for the final iteration for each scenario (a total of 3 MODPATH scenarios) to track simulated IPR injected water particles through the aquifer system and provide estimated travel times to existing water supply wells in the area.

A detailed scope of work is presented below (note: the task numbering utilized below reflects this work being integrated into our current scope of work as a contract amendment):

SCOPE OF SERVICES

Task 1.5.5.a – Scenario Development and Modeling Coordination

PWR will coordinate with both Gary Fiske & Associates (Fiske) and M&A to develop and implement groundwater modeling scenarios. PWR will develop initial IPR/ASR wellfield configurations and estimates of injection well capacities. It is assumed that up to 1,500 afy of RW is available for injection in each scenario. For Scenarios 1 and 2 above, per-well injection capacity estimates will be largely based on the existing groundwater modeling results that have been previously performed for the Phase 1 ASR project investigation. For Scenario 3 (seawater intrusion barrier), potential IPR barrier well sites are assumed to be limited to existing publicly owned parcels with sufficient open space for well drilling and construction (e.g., Moran Lake and Pleasure Point parking lots, Floral Park, etc.) and initial potential injection capacities will be estimated utilizing reconnaissance-level methods.

PWR will provide Fiske IPR/ASR project operational parameters (e.g., injection/extraction capacities, loss factors, aquifer storage capacity assumptions, etc.) for each scenario to simulate in the Confluence Model. Based on the project operational parameters, the Confluence Model will simulate IPR/ASR projects operating in conjunction with the SCWD's other sources of supply to provide monthly injection volumes (for ASR) and extraction volumes (ASR and/or IPR "banked" water) to meet City demands. PWR will translate the monthly time-series Confluence Model output into injection/extraction schedules for each simulated well (both existing Beltz production wells and proposed new IPR and/or ASR wells) and provide these well injection/extraction schedules to M&A for simulation in the groundwater model. PWR will review the initial groundwater modeling scenario results and make adjustments to simulated well configurations and/or capacities for subsequent iterations to establish technically feasible project scenarios.

Task 1.5.5.b – Groundwater Modeling

As a subconsultant under the direction of PWR, M&A will implement project scenarios developed by PWR into groundwater model scenarios using the existing calibrated groundwater model of the MCGB. The scenarios will be implemented under the WSAC assumed future



climate change scenario (GFDL2.1 A2) and City demands settings. A detailed scope of work for M&A is attached, and is briefly summarized below:

- Task 1.5.5.b.1 – Set up Pumping and Injection for IPR Alternatives: Develop model well packages that describe injection, storage and pumping at wells over time for each project alternative.
- Task 1.5.5.b.2 – Run Model Simulations, Process and Review Model Output: Run model simulations with well files and hydrology developed by PWR in Task 1.5.5.a above. Review initial results and develop and run up to two additional iterations for each scenario. A total of 10 simulations are assumed (including a No Project baseline scenario)
- Task 1.5.5.b.3 – Evaluate Travel Times with Analytical Equations: Estimate travel times of injected purified water to nearby production wells using analytical equations for the chosen iteration of each of the three project scenarios.
- Task 1.5.5.b.4 – Particle Tracking Using MODPATH/GSFLOW Model: Perform particle tracking using MODPATH for the chosen iteration of each of the three project scenarios.
- Task 1.5.5.b.5 – Reporting Support: Provide support to PWR for reporting of the model setup and results.

Task 1.5.5.c - Reporting

A Technical Memorandum will be prepared by PWR documenting the IPR modeling scenario development and evaluating the modeling results developed by M&A. Conclusions and recommendations will be provided regarding the modeling findings and their implications on the potential feasibilities and capacities of each RW project alternative.

Task 1.5.5.d – Project Management and Meetings

This task consists of overall project management, budget and schedule tracking, invoicing, and participation in web-based meetings to convey interim project findings to the City and KJ during the course of the project. It includes general oversight of M&A, review of interim modeling results, and providing direction to M&A as the work is executed to ensure effective project implementation, schedule and budget.

Services Not Included

Services which are (or may be) necessary for the completion of this project, which are not included in our proposal include the following:

- Gary Fiske & Associates Confluence Modeling (assumed provided under separate contract with SCWD)
- Any other items not specifically included in PWR's scope of services.



Estimated Fees and Schedule

Based on the scope of services presented herein, we estimate the fees for our services will be approximately \$193,390, which will be billed on a time-plus-expenses basis in accordance with our current Fee Schedule (attached). An estimated fee summary worksheet is attached summarizing the estimated man-hours and costs per task/work item. It is noted that no project contingency budget has been included in our fee estimate (in accordance with SCWD policies); therefore, if unanticipated project complications arise, another contract amendment would be required.

We understand that the proposed work will be performed via an amendment to our existing contract for the Phase 1 ASR Feasibility Investigation (PO # 91-16042) and that in order to authorize this work, your City Council must first approve a formal contract amendment. Based on our current workload, we believe that we can commence work within two weeks of your authorization and the work will be completed by the end of Q1 2021 (assuming no significant delays in either Fiske-related work and/or City direction based on interim results).

We appreciate the opportunity to assist the City with this important community water supply project. If you require additional information regarding this or other matters, please contact us.

Sincerely,

PUEBLO WATER RESOURCES, INC.

Robert C. Marks, P.G., C.Hg.
Principal Hydrogeologist

RCM

Attachments: Cost Estimation Spreadsheet
2020 Fee Schedule
M&A Scope of Work

CITY OF SANTA CRUZ WATER DEPARTMENT
Professional Services for Santa Cruz ASR Project
Phase 1 Feasibility Investigation - IPR Groundwater Modeling
PWR Project No.: 15-0111



ESTIMATED FEE SUMMARY

LABOR		Principal Professional	Senior Professional	Illustrator	WP	Hours by Task	Estimated Task Cost
Hourly Fee		\$215	\$200	\$130	\$110		
Task No.	Task Description						
1.5.5.a	Scenario Development and Modeling Coordination	80	20	-	-	100	\$21,200
1.5.5.b	Groundwater Modeling (M&A)	-	-	-	-	0	\$0
1.5.5.c	Reporting	40	10	5	2	57	\$11,470
1.55.d	PM and Meetings	120	-	-	-	120	\$25,800
		-	-	-	-	0	\$0
		-	-	-	-	0	\$0
		-	-	-	-	0	\$0
		-	-	-	-	0	\$0
		-	-	-	-	0	\$0
		-	-	-	-	0	\$0
Hours by Labor Category:		240	30	5	2		
Costs by Labor Category:		\$51,600	\$6,000	\$650	\$220		
Total Labor Hours:						277	
Total Labor Costs:							\$58,470

OTHER DIRECT COSTS (ODC's)	Units	Unit Price	No. of Units	Fee
Vehicle	Daily	\$75	0	\$0
Travel Per Diem	Daily	\$185	0	\$0
Field WQ Meter	Daily	\$75	0	\$0
ORP/pH/Temp Probe	Daily	\$75	0	\$0
			0	\$0
Subtotal ODCs:				\$0

OUTSIDE SERVICES	Units	Unit Price	No. of Units	Fee
M&A (Task 1.5.5.b)	Each	\$134,920	1	\$134,920
			0	\$0
			0	\$0
			0	\$0
			0	\$0
Subtotal Outside Services:				\$134,920
Subtotal Outside Services w/ Markup (0%):				\$134,920

COST SUMMARY	
Labor	\$58,470
Other Direct Costs	\$0
Outside Services	\$134,920
TOTAL ESTIMATED PROJECT COST:	\$193,390



**PUEBLO WATER RESOURCES, INC
2020 FEE SCHEDULE**

Professional Services

Principal Professional.....	\$215/hr
Senior Professional.....	\$200/hr
Project Professional.....	\$185/hr
Staff Professional.....	\$155/hr
Technician.....	\$145/hr
Illustrator.....	\$130/hr
Word Processing.....	\$110/hr

Other Direct Charges

Subcontracted Services.....	Cost Plus 15%
Outside Reproduction.....	Cost Plus 15%
Travel Expenses.....	Cost Plus 15%
Per Diem*.....	\$150/day
Vehicle	\$75/day

Equipment Charges

Drilling Fluid Test Kit.....	\$100/day, \$400/week
Field Water Quality Meter (Hach DR890).....	\$75/day, \$275/week
Orion ORP/pH/Temp Probe.....	\$75/day, \$275/week
Water Level Probes (In-Situ Mini-Troll/Level Troll).....	\$100/day, \$300/week
Fuji Ultrasonic Flowmeter.....	\$200/day, \$750/week

*Regionally and seasonally specific to project.

October 15, 2020

Robert Marks, P.G., C.Hg.
Pueblo Water Resources Inc.
4478 Market Street, Ste. 705
Ventura, CA 93003

SUBJECT: MID-COUNTY GROUNDWATER BASIN MODELING FOR CITY OF SANTA CRUZ EVALUATION OF INDIRECT POTABLE REUSE

Dear Robert:

Thank you for the opportunity to provide this letter proposal for Montgomery & Associates (M&A) to perform groundwater modeling simulations in support of the City of Santa Cruz's evaluation of Indirect Potable Reuse (IPR) in the Santa Cruz Mid-County Groundwater Basin (Basin) using the GSFLOW model of the Basin. The purpose of this study is to assist the City of Santa Cruz (City) in assessing feasibility of the City replenishing the Basin with purified water from the Pure Water Soquel (PWS) Advanced Water Treatment Facility (AWTF) site.

SCOPE

TASK 1: SET UP PUMPING AND INJECTION FOR IPR ALTERNATIVES

This task involves setting up the groundwater model simulations to evaluate alternatives including IPR for the City. Some alternatives include IPR in conjunction with Aquifer Storage and Recovery (ASR). This task primarily constitutes developing the model well packages that describe pumping and injection at wells over time for each project alternative. The main categories of alternatives to be evaluated are as follows:

- IPR only
- IPR with Aquifer Storage and Recovery (ASR) at existing Beltz wells
- Maximize ASR at existing Beltz wells with IPR seawater intrusion barrier

These alternatives will be compared against a simulation based on projected pumping without a City project assuming implementation of the PWS project and a simulation of ASR only in combination with PWS. The results of these runs will be compared to the new runs that incorporate IPR to assess the benefits and feasibility of the IPR project. The pumping distribution associated with PWS will be based on what is assumed in the PWS Title 22 report but applied to the GFDL2.1 A2 climate change scenario.

M&A will work with Pueblo Water Resources Inc. (Pueblo) to confirm IPR well locations in targeted aquifers, and monthly pumping and injection rates for the proposed IPR wells. The following table summarizes the project categories and the source of pumping and injection information. All simulations will be run using hydrology representing the GFDL2.1 climate change scenario and assume City of Santa Cruz water demand based on Water Supply Advisory Committee (WSC) planning.

City Project Category	City Pumping and Injection	Source of City Schedule	Non-City Pumping	Source of Non-City Schedule
No City Project	Projected Pumping from 4 Existing Wells Under WSAC Demand	Fiske and Pueblo Water Resources Inc.	SqCWD assumed based on PWS in Title 22 report applied to GFDL 2.1 A2	M&A for SqCWD pumping; Scenario 8.3 for non-SqCWD pumping ¹
IPR Only	Injection and Pumping with New IPR Wells	Fiske and Pueblo Water Resources Inc.	Same as No City Project	Same as No City Project
IPR + ASR	Injection and Pumping with New IPR Wells plus ASR at existing Beltz wells	Fiske and Pueblo Water Resources Inc.	Same as No City Project	Same as No City Project
Seawater Intrusion Barrier +ASR	Assuming ASR at existing Beltz wells in full operation and add IPR as seawater intrusion barrier	Fiske and Pueblo Water Resources Inc.	Same as No City Project	Same as No City Project

¹ Non-municipal pumping and return flow from Scenario 8.3 reflects WSAC demand for GFDL 2.1-A2 hydrology.

M&A will create the model well packages for simulations of the No City Project run and the three new alternatives with IPR in combination with assumed ASR and PWS pumping. The GSFLOW model of the Basin uses the Multi-Node Well (MNW2) package which is more involved than the traditional pumping and injection (WEL) package.

This task includes setup of files of two additional iterations representing different well configurations or well operations for each of the three new project categories with IPR. Therefore, set up of files for ten total simulations are assumed including the No City project simulation. It is assumed that non-City pumping will not change, or overall City water consumption demand does not vary between any of the initial or additional simulations.

TASK 2: RUN MODEL SIMULATIONS, PROCESS AND REVIEW MODEL OUTPUT

This task involves running the model simulations with the well files and hydrology developed in Task 1, and processing and reviewing output before providing results to Pueblo. Simulations will

be performed with the updated GSFLOW model of the Basin used for the PWS Title 22 engineering report unless otherwise directed. The model results provided to Pueblo will be groundwater levels at wells over time, contours of groundwater levels at up to two specific times and time series graphs and tables of changes to the basin-wide water budget compared to the PWS only run.

We have scoped simulating and analyzing one simulation for each of the project categories, plus two additional iterations representing different well configurations or well operations for each of the three project categories including IPR (IPR Only, IPR+ASR, Seawater Intrusion Barrier+ASR). A total of ten simulations are assumed including the No City project simulation.

This task includes web meetings with the full IPR team to review model results after each iteration.

TASK 3: EVALUATE TRAVEL TIMES WITH ANALYTICAL EQUATIONS

Based on the chosen iteration of each of the three project categories including IPR, we will estimate travel times of injected purified water to nearby production wells using analytical equations. These estimates will provide bounding estimates for travel times in advance of particle tracking and also inform on the effect on near-well gradients on travel times that the GSFLOW model does not represent. These calculations will be based on representative injection and pumping rates.

TASK 4: PARTICLE TRACKING USING GSFLOW MODEL

Based on the chosen iteration of each of the three project categories including IPR, we will perform particle tracking using MODPATH based on the three GSFLOW model simulation results. The MODPATH results will provide estimates of transport times, travel paths, percentage of injected water that is captured, and percentage of pumped water that is purified water.

This task includes a web meeting with the IPR team to review particle tracking and travel time estimate results.

TASK 5: REPORTING SUPPORT

This task provides support for the reporting of the model setup and results. It includes providing graphs and maps of model input and model output and providing description of how model input and setup was developed in Tasks 1 and 4. We assume that description of model inputs representing IPR alternatives will be developed by Pueblo with our review.

BUDGET

Our estimated budget is shown on the accompanying table. The not-to-exceed amount is \$134,920.



If you have any questions, do not hesitate to contact us. We look forward to working with you soon.

Sincerely,
MONTGOMERY & ASSOCIATES

A handwritten signature in black ink that reads "Hanieh Haeri". The script is fluid and cursive, with the first name and last name clearly distinguishable.

Hanieh Haeri, Ph.D.

A handwritten signature in black ink that reads "Cameron Tana". The script is fluid and cursive, with the first name and last name clearly distinguishable.

Cameron Tana, P.E.

Table 1. Cost Estimate for Mid-County Basin Modeling for City of Santa Cruz Evaluation of IPR

Tasks						TOTALS
	Cameron Tana	Hanieh Haeri	Staff	Labor Total		
	Principal Hydrologist	Groundwater Modeler	Hydrologic Technician			
Rates	\$235	\$150	\$100	Hours	(\$)	(\$)
Task 1: Set up Pumping and Injection for IPR Alternatives						
Discuss simulations and formats with Pueblo	4	8		12	\$ 2,140	\$ 2,140
Develop MGA Model Pumping Schedule for No-City Project and 3 IPR Alternatives	8	40		48	\$ 7,880	\$ 7,880
Create MGA Model Multi-Node Well (MNW2) Files for No-City Project and 3 IPR Alternatives	4	40		44	\$ 6,940	\$ 6,940
Develop MGA Model Pumping Schedule for 2 Additional IPR Iterations (6 Simulations)	12	50		62	\$ 10,320	\$ 10,320
Create MGA Model Multi-Node Well (MNW2) Files for 2 Additional IPR Iterations	6	32		38	\$ 6,210	\$ 6,210
Subtotal Task 1				204	\$ 33,490	\$ 33,490
Task 2: Run Simulations and Review Output						
Run MGA Model Simulations for No-City Project and 3 IPR Alternatives	4	30		34	\$ 5,440	\$ 5,440
Process and review MGA Model output for Simulations of No-City Project and 3 IPR Alternatives	20	50	16	86	\$ 13,800	\$ 13,800
Run MGA Model Simulations for 2 Additional Iterations (6 simulations)	6	30		36	\$ 5,910	\$ 5,910
Process and review MGA Model of 2 Additional Iterations	24	40	20	84	\$ 13,640	\$ 13,640
Subtotal Task 2				240	\$ 38,790	\$ 38,790
Task 3: Evaluate Travel Times with Analytical Equations						
Estimate Travel Time for 3 IPR Alternatives	4	8		12	\$ 2,140	\$ 2,140
Subtotal Task 3				12	\$ 2,140	\$ 2,140
Task 4: Particle Tracking						
Create MODPATH input for 3 IPR Alternatives and run simulations	8	80		88	\$ 13,880	\$ 13,880
Process and display MODPATH output for 3 simulations	20	80	20	120	\$ 18,700	\$ 18,700
Subtotal Task 5				208	\$ 32,580	\$ 32,580
Task 6: Reporting Support						
Reporting for the flow and transport modeling results	32	120	24	176	\$ 27,920	\$ 27,920
Subtotal Task 6				176	\$ 27,920	\$ 27,920
TOTAL				840	\$ 134,920	\$ 134,920

Rosemary Balsley

From: Becky Steinbruner <ki6tkb@yahoo.com>
Sent: Monday, October 26, 2020 9:35 PM
To: City Council; Bonnie Bush
Cc: Rick Longinotti; Erica Stanojevic; Karl Maret; Becky Steinbruner
Subject: Public Comment on Item #21 of October 27, 2020 Council Meeting Agenda (Active Groundwater Recharge Modeling)
Attachments: Resolution No. 68-16 Anti-Degradation Analysis.pdf

Dear City Council,

I am writing to ask that you discuss Item #21 more carefully than the Consent Agenda procedure generally allows and to reject the staff recommendation to approve a Third Change in Scope of Work for groundwater modeling.

I am concerned that the City is willing to pay an additional \$193,390 for work to model the impacts of injecting treated wastewater into the aquifer when 1) it is inconsistent with the City's own expert committee recommendations, 2) the work has already been done by the MidCounty Groundwater Agency, and 3) there is no Final Anti-Degradation Analysis to determine the potentially negative environmental impacts and long-term health risks inherent.

1) Pursuing this method of water storage is not consistent with the Water Supply Advisory Committee (WSAC) Report of 2015 that recommended prioritizing conservation and conjunctive water transfers with neighboring water agencies. It is premature to spend this large amount of money to model a water storage method that may not even be necessary.

The notable work the WSAC did and their Report that followed was intended to guide the City in seeking a supplemental water supply after the City Council heeded the citizen petition to reject the desalination plant effort in 2013.

BACKGROUND:

In November 2015, following the completion of the Water Supply Advisory Committee (WSAC) process in October 2015, City Council accepted the Final Report on Agreements and Recommendations that included a detailed Implementation Plan and Adaptive Management Strategy. The WSAC work was adopted as part of the 2015 Urban Water Management Plan and is currently known as the Water Supply Augmentation Strategy (WSAS) that includes an Implementation Work Plan.

*The Work Plan includes three elements: 1) **strengthened water conservation to reduce demands** by 200-250 million gallons per year, 2) **groundwater storage through In-Lieu water exchanges** (a passive approach to recharge) or **Aquifer Storage and Recovery (ASR)**, an active approach to recharge), and 3) **Advanced Treated Recycled Water (ATRW) or Desalinated Water to be pursued if the groundwater strategies proved to be insufficient.** Evaluation of each alternative has been advancing in parallel to allow for them to be comparatively analyzed using metrics such as cost, timeliness, and ability to fill the water supply gap, and in November 2018 City Council supported staff's recommendation to prioritize the further study of recycled water alternatives over seawater desalination.*

Active groundwater storage can be achieved with ASR, ATRW, or a combination of the two. These are considered active groundwater replenishment approaches because water is actively injected into the ground from an external source (either excess surface water or recycled water) and later recovered from the ground when other external sources are diminished to fill a water supply gap.

Therefore, the Council needs to first embark on a discussion as to whether or not further conservation (eg, new building codes that require water-saving measures such as double-plumbing and on-site rainwater collection for landscape irrigation) and In-Lieu water exchanges are insufficient. Only then can the Council responsibly determine whether or not it is warranted to spend significant additional taxpayer money in the amount of \$193,390 for the proposed 3rd Change in Scope of Work.

2) I really question the need for the City of Santa Cruz to spend \$193,390 for additional work that Montgomery & Associates has already substantially done for the MidCounty Groundwater Agency studies in order to compile the Draft Groundwater Sustainability Plan. This Plan was submitted to the State in January, 2020 and will likely be approved by January 2022 or earlier.

This proposed 3rd Change in Scope of work would include modeling for indirect potable re-use,
(see page 159)

A. Section 1 of the Agreement is hereby amended to read as follows:

Exhibit A - Scope of Services is amended to include the following additional tasks:

a. Task 1.5.5 Scenario Development, and Groundwater Modeling and Reporting to support the development of water supply alternatives recommended by the Water Supply Advisory Committee and including Aquifer Storage and Recovery and Groundwater Replenishment using advanced treated recycled water.

The proposal for the 3rd Change in Scope of Work features a letter from Montgomery & Associates, dated October 15, 2020, requesting the opportunity to do this same work again, with Pueblo (page 187)

The purpose of this study is to assist the City of Santa Cruz (City) in assessing feasibility of the City replenishing the Basin with purified water from the Pure Water Soquel (PWS) Advanced Water Treatment Facility (AWTF) site.

The MidCounty Groundwater Agency already paid Montgomery & Associates to do this modeling in order to prepare the Groundwater Sustainability Plan (GSP) submitted to the State in January, 2020. <https://drive.google.com/file/d/1B7wL34m-Vel3krZXuX3AqtdRbIwOpPsc/view>

It was determined that if ASR and the PureWater Soquel Project happened concurrently, groundwater levels would rise to the ground surface!

Therefore, this proposal for the 3rd Change in Scope of Work is an expensive duplication of work that will cost the City \$193,390 needlessly.

3) It is unwise to spend significant funds that the City cannot afford at this time to model a water storage procedure that has no valid analysis assuring no risk to public health and safety. The City has not conducted any Anti-degradation Analysis and Report, as required by Resolution 68-16 and the State Water Quality Control Board, to assure the procedure would not adversely impact the environment or public health and safety.

The City Water Commission did receive a report on October 5, 2020 that Arsenic may be leached into the groundwater when potable water associated with City Aquifer Storage Recovery (ASR) efforts occur locally. The Council would be wise to further investigate whether or not this problem can be feasibly mitigated.

I have provided a copy of Resolution 68-16 as an attachment below.

There have been no long-term studies of impacts to public health and safety related to Indirect Potable Re-Use (IPR) injection of Advanced Wastewater Treatment effluent into the groundwater. It is known that not all of the contaminants can be removed in this disinfection process, many of which are unregulated by the State. It is known and documented that other disinfection by-products contaminants, such as the carcinogen NDMA, are commonly found in groundwater near such projects.

Please refer to a recent presentation about this problem by Dr. Karl Maret: <https://katesandmarsilio.com/media/>

In closing, I respectfully encourage your Council to reject the proposed staff recommendation to spend an additional \$193,390 for work that is premature and as such, inconsistent with the City's own Water Supply Advisory Committee recommendations, for work that has already been done, and for which there remains serious unproven evidence that the process to be modeled would be safe.

Sincerely,
Becky Steinbruner

STATE WATER RESOURCES CONTROL BOARD

RESOLUTION NO. 68-16

STATEMENT OF POLICY WITH RESPECT TO
MAINTAINING HIGH QUALITY OF WATERS IN CALIFORNIA

WHEREAS the California Legislature has declared that it is the policy of the State that the granting of permits and licenses for unappropriated water and the disposal of wastes into the waters of the State shall be so regulated as to achieve highest water quality consistent with maximum benefit to the people of the State and shall be controlled so as to promote the peace, health, safety and welfare of the people of the State; and

WHEREAS water quality control policies have been and are being adopted for waters of the State; and

WHEREAS the quality of some waters of the State is higher than that established by the adopted policies and it is the intent and purpose of this Board that such higher quality shall be maintained to the maximum extent possible consistent with the declaration of the Legislature;

NOW, THEREFORE, BE IT RESOLVED:

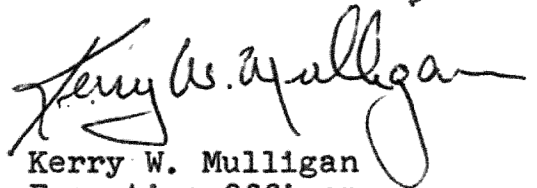
1. Whenever the existing quality of water is better than the quality established in policies as of the date on which such policies become effective, such existing high quality will be maintained until it has been demonstrated to the State that any change will be consistent with maximum benefit to the people of the State, will not unreasonably affect present and anticipated beneficial use of such water and will not result in water quality less than that prescribed in the policies.
2. Any activity which produces or may produce a waste or increased volume or concentration of waste and which discharges or proposes to discharge to existing high quality waters will be required to meet waste discharge requirements which will result in the best practicable treatment or control of the discharge necessary to assure that (a) a pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the State will be maintained.
3. In implementing this policy, the Secretary of the Interior will be kept advised and will be provided with such information as he will need to discharge his responsibilities under the Federal Water Pollution Control Act.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Secretary of the Interior as part of California's water quality control policy submission.

CERTIFICATION

The undersigned, Executive Officer of the State Water Resources Control Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on October 24, 1968.

Dated: October 28, 1968


Kerry W. Mulligan
Executive Officer
State Water Resources
Control Board



City Council AGENDA REPORT

DATE: 10/14/2020

AGENDA OF: 10/27/2020

DEPARTMENT: Water

SUBJECT: California Public Utilities Commission Self-Generation Incentive Program (SGIP) – Application For and Receipt of Commercial Scale Energy Storage System at the Coast Pump Station (WT)

RECOMMENDATION: Motion ratifying the application and other supporting documents initiating the application process signed by staff on September 16, 2020 with Tesla, Inc., and authorizing the City Manager to enter into ongoing agreements with Tesla, Inc. on behalf of the City of Santa Cruz for their purchase, installation and 10-year operation and maintenance of an energy storage system at the Coast Pump Station.

BACKGROUND: Available to electric and/or gas customers of Pacific Gas and Electric Company, (PG&E), Southern California Edison (SCE), Southern California Gas Company (SoCalGas) and San Diego Gas & Electric (SDG&E), the California Public Utilities Commission's (CPUC's) Self-Generation Incentive Program (SGIP) provides financial incentives to qualifying customers to support existing, new, and emerging distributed energy resources. Initially designed to contribute to reductions of greenhouse gas emissions, demand reductions and reduced customer electricity purchases, the program was expanded to, in part, ensure ongoing operations of critical facilities during power outages.

In preparation for wildfire season, the CPUC authorized funding of more than \$1 billion through 2024 for SGIP, providing rebates for qualifying distributed energy systems installed on the customer's side of the utility meter. This specific funding opportunity, the Equity Resiliency category of the program, prioritizes communities living in high fire-threat areas, communities that have experienced two or more utility Public Safety Power Shut-off (PSPS) events, low income and medically vulnerable customers, and "critical facilities" that support community resilience in the event of a PSPS or wildfire. (Attachment 1)

The Water Department's Coast Pump Station (CPS), located on the San Lorenzo River in the Harvey West area, is a critical facility to the Water Department and the City as it is often used to meet the City's entire daily water demand from the San Lorenzo River and the North Coast Sources. The CPS meets the eligibility requirements of the Equity Resiliency category of the program by having experienced two or more PSPS events and being a critical water facility. Under the Equity Resiliency category, 100% of the project costs are covered.

Tesla is an authorized installer of battery storage and offers a Powerpack solution suitable for operating the Coast Pump Station. Through the SGIP funding, Tesla will be able to install,

maintain, and operate a battery energy storage system, Tesla Powerpack, at no cost to the City of Santa Cruz. (Attachment 2)

DISCUSSION: Given the real and potential impacts of PSPS events, SGIP is a very popular program and available funds were being allocated very quickly. To improve the chances of receiving funding to the City, staff signed the initial set of agreements in September 2020 following review by the City Attorney. (Attachment 3) Despite early signing, the Coast Pump Station project is currently on the waitlist for SGIP Equity Resiliency funding. However, as “next in line,” there is a high likelihood that the City’s project will get to the evaluation phase.

If SGIP funding is allocated for the project a Project Manager from Tesla will be assigned and the City will confirm its project team that currently includes staff from several departments skilled in this area and whose jobs focus on energy management, climate adaptation and engineering. Initial tasks will include surveying of the site for a preferred location for the project that will have a final footprint of approximately 30’x30’. Sites need to be on or adjacent to the CPS and offset from flood hazards. Feasible sites currently include the CPS and the parcel north of the CPS which is currently the site of a large Water Department infrastructure project. In addition to finding a suitable site, initial review and approvals will include how the Powerpack system will integrate with the existing electrical system and meet broader needs and objectives of the City and the Department. The process includes “off-ramp” opportunities where the City can make decisions about whether to proceed with the project or not.

Services provided by Tesla would include the design, purchase, installation and maintenance of the equipment including the preparation of any permits or environmental documents.

Benefits to the City:

- The City of Santa Cruz would own the system and pay \$0 for the equipment, installation, maintenance, and operation.
- Electricity bills associated with the operation of CPS would be reduced ~20%-40%, reducing high time-of-use energy charges and demand charges.
- Powerpack would provide additional backup energy during electrical outages, and would be the first line of defense for up to 11 hours of CPS operations at full capacity. (Existing generators would be the second line of defense.)

The goal is to have the system operational before Fire Season 2021.

FISCAL IMPACT: There is no fiscal impact at this time. If the project is approved, staff time will be required in a review and approval role.

Prepared By:
Heidi R. Luckenbach
Deputy Director/Engineering
Manager

Submitted By:
Rosemary Menard
Water Director

Approved By:
Martín Bernal
City Manager

ATTACHMENTS:

1. SELF-GENERATION INCENTIVE PROGRAM (SGIP) BROCHURE FOR NON-RESIDENTIAL CUSTOMERS.PDF
2. TESLA SGIP EQUITY RESILIENCY OFFER FACT SHEET.PDF
3. SIGNED AGREEMENTS.PDF

Self-Generation Incentive Program (SGIP)

Energy Storage Rebates for Facilities **Available NOW!**



California Public Utilities Commission



What is SGIP?

The **Self-Generation Incentive Program (SGIP)** is a California Public Utilities Commission (CPUC) program that **offers rebates for installing energy storage technology at your facility.** These storage technologies include battery storage systems that can function in the event of a power outage.

What are the benefits of energy storage for your facility?

- If you already have solar panels on your roof, you can store excess solar energy and use it when the sun is not out.
- The technology allows a facility to store power from solar panels or the grid and utilize that power in the event of a power outage. Depending on the battery, this could last several hours, or longer.
- Battery storage can be an important component of a more robust emergency preparedness plan in the event of a power outage.

Am I eligible for SGIP rebates?

Any non-residential customer of Pacific Gas and Electric Company (PG&E), Southern California Edison (SCE), Southern California Gas Company (SoCalGas), or San Diego Gas & Electric (SDG&E) **is eligible for a General Market SGIP rebate of approximately \$350/kilowatt-hour**, which means

the rebate covers approximately 35 percent of the cost of an average energy storage system.

There are two additional categories of higher SGIP rebates for non-residential customers: **Equity** and **Equity Resiliency**.

EQUITY

Rebate Rate: \$850/kilowatt-hour

Rebate covers **approximately 85 percent of the cost** of an average energy storage system.

To be eligible you must meet the following criteria:

1. Be a government agency, educational institution, non-profit organization, or small business.

AND

2. Be located in a Disadvantaged Community (DAC).*

OR

Be located in a census tract with Median Household Income below 80 percent of Statewide Median Income.†

OR

Be located anywhere in California Indian Country.

EQUITY RESILIENCY

Rebate Rate: \$1,000/kilowatt-hour

Rebate covers **close to 100 percent of the cost** of an average energy storage system.

To be eligible you must meet the following criteria:

1. You have experienced two or more utility Public Safety Power Shut-offs (PSPS) OR be located in a Tier 2 or 3 High Fire Threat District (HFTD)‡ AND serve customers that are in DACs* or Low Income Communities.

AND

2. You must also meet one of the following additional criteria:
 - Be a police station; fire station; emergency response provider; emergency operations center; 911 call center; medical facility; private and public natural gas, electric, water, wastewater, or flood facility; jail or prison; utility designated PSPS assistance center; cooling center; homeless shelter.
 - Be a grocery store, supermarket, or corner store with less than \$15 million in annual gross receipts.
 - Be an Independent Living Center or a Food Bank.

*To learn if you are in a DAC, please visit <https://bit.ly/2VCyKMw>

† To learn if you are in an 80 percent MHI census tract, please visit *map forthcoming*

‡ To learn if you are in a HFTD, please visit *map with HFTD eligibility forthcoming*



How do I get started?

For the most part, a professional installer will work with you to apply for the SGIP rebate and install the technology in your facility. Additionally, your local Program Administrator can help walk you through the process.

1

Do a little local research. What battery storage installers operate in your area? Which have the best reviews and reputation?

2

Reach out to installers to confirm which SGIP category you qualify for and what technology may be best for your facility.

3

Work with the installer to complete the application process and install the technology.

4

If you have additional questions, contact your local Program Administrator.

How does the rebate for SGIP work? How much is it worth?

Depending on which category you are eligible for, you can receive **\$850 per kilowatt-hour under the Equity Category** or **\$1,000 per kilowatt-hour under the Equity Resilience Category**. Both of these amounts would mean an energy storage system for your facility could be nearly free. This includes both the cost of the technology and the installation.

It is important to note that the rebate comes **after the application process is complete and the technology is installed**. However, some installers may be able to front the cost for you. Please be sure to mention this to the installer during initial discussions.

Do I have to have solar to be eligible for SGIP?

No, you do not have to have a solar system in order to get energy storage technology installed at your facility. It is important to note that having solar will enable your battery to last longer during an outage because it can recharge during the day, even if the grid is down.

Who do I call if I want to learn more?

Contact your local Program Administrator if you still have questions and want more information about SGIP. Your Program Administrator depends on who your utility is:

PG&E

Website: www.pge.com/sgip
Email: selfgen@pge.com

SCE

Website: www.sce.com/SGIP
Email: SGIPGroup@sce.com

SoCalGas

Website: www.socalgas.com/for-your-business/power-generation/self-generation-incentive
Email: selfgeneration@socalgas.com

SDG&E (via Center for Sustainable Energy)

Website: www.energycenter.org/self-generation-incentive-program
Email: sgip@energycenter.org

For more information about the CPUC and SGIP, please visit:

- CPUC Decision authorizing new SGIP Incentives (D.20-01-021: <https://bit.ly/32KeAli>).
- CPUC SGIP website with more details about the program: www.cpuc.ca.gov/sgip.
- Statewide SGIP website: www.selfgenca.com.



California Public
Utilities Commission

505 Van Ness Avenue
San Francisco, CA 94102

415-703-2782
800-848-5580 (Toll Free)

Offer: Thanks to a new incentive Tesla may be able to install a Powerpack battery system at your facility at no cost to you, with standard maintenance included for 10 years. You will fully own the system.

The Powerpack system will save you money on your electric bill when your facility is on grid, and will provide backup power during an electricity outage.

This incentive is unlikely to last long – Be in touch today to discuss having your Powerpacks installed before fire season!

Contact us at CommercialSolar@Tesla.com

Details

Powerpack is Tesla's commercial scale energy storage (battery) system that utilizes technology similar to the batteries in Tesla vehicles. Powerpack produces no emissions and can charge from the grid or solar energy.

Powerpacks at your facility will shift energy consumption from high cost on-peak periods to lower cost off-peak periods and will also reduce your peak draw from the grid to reduce demand charges. Typical customers save 20-40% on their electric bills.

Learn more on our website at Tesla.com/Powerpack

The incentive: The California Public Utilities Commission (CPUC) recently created a category in their Self-Generation Incentive Program (SGIP) called Equity Resiliency that incentivizes batteries for a specific subset of customers that are 1) in a low-income or disadvantaged community, 2) are at risk of, or have experienced 2 or more public safety power shutoff (PSPS) events, and 3) are considered 'critical.' The CPUC order instituting this incentive is available [here](#).

We believe that your facility is eligible for the incentive and would like to help you take advantage of it.

Financial Details: Tesla will receive the incentive payments over 5 years, while you (the customer) will receive ownership of the Powerpack system upon installation. Further details are as set forth in Tesla's standard forms of agreement which your sales representative can share.

Solar: At the same time as Tesla installs Powerpacks at your facility Tesla can install subscription solar, offering a no-upfront cost, no long-term commitment option to go solar and save costs on your utility bills. Learn more at Tesla.com/bigsolar



**Tesla Energy Products Purchase Agreement
California Self-Generation Incentive Program (SGIP)**

This "Agreement" is between Tesla, Inc. ("Tesla"), and the entity represented by you, as the signatory to this Agreement ("Buyer"). The Agreement consists of (1) the below Price Sheet and (2) the attached terms & conditions, and is effective on the date that you agree to this Agreement (by electronic acceptance, signature or e-mail).

As described in Section 2 below, as a condition of the pricing in this Agreement, Buyer must also sign a ten (10) year "Services Agreement," contemporaneously with this Agreement.

Price Sheet

Buyer information

Buyer Name: City of Santa Cruz
Street Address: 1214 River St, Santa Cruz, CA 95060, US
Signatory Name: Heidi R. Luckenbach
Signatory Phone Number: 831-420-5214

Tesla entity

Tesla, Inc. of 3500 Deer Creek Road, Palo Alto, CA, 94304
888-765-2489
CA CSLB 949283

Energy Products and Contract Price

Energy Storage System	928 kW /	3712 kWh Powerpack System	
Product Value:			\$2,085,796
SGIP Eligible Costs			\$2,847,881
SGIP Incentive			\$2,847,881
Contract Price (after SGIP Incentive and discounts):			\$0
Job No.:			JB-95014041-00
Installation Location:			1214 River St, Santa Cruz, CA 95060, US

Approximate Completion Date

60-180 days from the date of this Agreement

Signed by

Buyer:

Your signature:

Heidi R. Luckenbach

Title: Deputy Director/Engr Manager

Date:

Sep 16, 2020

Tesla, Inc.:

By:

[Signature]

Title: Sr. Director, Commercial
Energy Sales North America

Date:

September 14, 2020



Energy Products Purchase Agreement Terms & Conditions

1. **Authorization; Representations.** By your acceptance of this Agreement (by electronic acceptance or signature), you represent and agree that you are an authorized representative of Buyer, permitted to bind Buyer in this Agreement. If applicable, you and Buyer further represent and warrant to Tesla that all financial information that you or Buyer has provided (or will provide) to Tesla is true and accurate and fairly represents Buyer's financial position as at the date it was provided. Tesla may terminate this Agreement if any of the representations in this Section 1 are incorrect.

2. **Purchase; SGIP Program.**

(a) Buyer agrees to purchase the "Products" indicated in the Price Sheet. Tesla agrees to sell Buyer the Products and install them at the address you provided in the Price Sheet (the "Site"). Notwithstanding the above, prior to installing the Products, Tesla may review Buyer's credit, and Tesla shall have the right to terminate this Agreement in its sole discretion based upon the outcome of such credit review.

(b) The Products will be financed by the California Self-Generation Incentive Program ("**SGIP**"), which provides an incentive payment to be paid over five (5) years, subject to certain conditions (the "**SGIP Incentive**"). The SGIP Incentive when assigned to Tesla as the SGIP payee permits Tesla to offer the Products at a reduced cost, or no cost to Buyer. Buyer hereby assigns the SGIP Incentive to Tesla, and releases any claim to the SGIP Incentive. Buyer agrees to cooperate with Tesla's efforts to obtain the SGIP Incentive, including signing necessary documents.

(c) As a condition of receiving pricing based upon the SGIP Incentive, Buyer agrees to notify Tesla and the SGIP program administrator, not less than ninety (90) days in advance, if Buyer intends to sell or relocate the Products within ten (10) years after the date they are installed. This obligation will survive the termination or expiration of this Agreement. Contact information for the SGIP program administrator can be found at <https://www.selfgenca.com/home/contact/>. Notification to Tesla should be directed to CommercialAccounts@Tesla.com.

(d) In order to enable the SGIP Incentive, Buyer is required to sign the "**Services Agreement**" contemporaneously with this Agreement. As more fully detailed therein, the Services Agreement provides for Tesla to maintain the Products for ten (10) years, and also provides that Tesla will remotely operate the Products in a manner necessary to obtain the SGIP Incentive.

3. **Contract Price.** The Price Sheet shows the price of the Products and their installation after the SGIP Incentive ("Contract Price"), and the value of the Products ("Product Value"). The Contract Price is charged in accordance with the Schedule of Payments on the Price Sheet, and payment is due thirty (30) days after the date of each invoice. Subject to Section 4, the Contract Price is inclusive of all taxes and permitting fees. The Contract Price does not include, and Tesla is not obligated to provide, any ongoing services in connection with the Products (including maintenance services), except as required in connection with Tesla's limited warranties in Section 12, and as separately agreed under the Services Agreement.

4. **Changes to Price Sheet.**

(a) Tesla's obligation to install the Products is conditioned on such work falling within Tesla's "Standard Scope", which assumes standard wage rates, no unforeseen site conditions, no significant upgrades to existing electrical works, interconnection fees not to exceed \$1,000, and customary government costs, taxes and fees. Further information about what constitutes Tesla's Standard Scope is available upon request.

(b) Tesla has the right to update the Price Sheet if, upon further diligence regarding the Site, Tesla determines that there are conditions outside of the Standard Scope. If Buyer does not reject the updated Price Sheet within thirty (30) days and cancel this Agreement, the changes will be deemed accepted.

(c) In addition, Tesla may in its sole discretion determine that because of issues beyond the Standard Scope, or because of the unavailability of the SGIP Incentive, Tesla will not install the Products. In such case, Tesla may terminate this Agreement by notice to Buyer, and if applicable shall refund the Order Payment.

5. **Installation; Service.** Tesla will contact Buyer to perform an energy efficiency audit of the Site as required by the SGIP program, and subsequently, to schedule installation of the Products. Installation will be performed by Tesla or an affiliate or subcontractor, at Tesla's election. Tesla will commission the System in accordance with its standard practices. Buyer authorizes Tesla, or its affiliate or subcontractor, to submit on Buyer's behalf any permit or interconnection application



that is required in connection with the Products. Buyer also agrees to give Tesla, or its affiliate or subcontractor, access to the Site as scheduled so Tesla can install and service the Products. Buyer is responsible for all existing property conditions at the Site, whether known or unknown.

6. **Payment.** By entering into this Agreement, Buyer agrees to pay the Contract Price as described in the Price Sheet. Tesla may provide combined or separate invoices for each of the Products. Risk of loss shall transfer with respect to each component of the Products, upon its delivery to the Site. Title to the Products will transfer to Buyer after Tesla (i) completes installation and (ii) receives payment in full of the Contract Price (if any).

7. **Order Payment.** The Order Payment (if any) that Buyer previously paid for the Products is now non-refundable, except in the circumstances described in Section 4(c). When this Agreement becomes effective, Tesla incurs significant costs preparing to install the Products. The Order Payment is a reasonable estimate of the damages Tesla would incur if Buyer cancels its order before the Products are installed.

8. **Privacy.** The Tesla Customer Privacy Policy is part of this Agreement. You, as the authorized representative of Buyer, agree to be contacted at the phone number listed in the Price Sheet with more information or offers about Tesla products. You understand these calls or texts may use automated dialing or pre-recorded messages. This consent is not a condition of purchase. You may opt out of this consent at any time by contacting Tesla at 1-888-765-2489.

9. **Intellectual Property.** Tesla owns all intellectual property rights associated with the Products. Tesla grants Buyer a non-exclusive license to use any software embedded into the Products, only in connection with the operation of the Products.

10. **Remote Monitoring and Firmware Upgrades.**

(a) Buyer agrees that Tesla may access the Products remotely to monitor performance, perform diagnostics and upgrade firmware. This monitoring requires a high speed internet line, which Buyer must provide at Buyer's cost. If Buyer does not maintain this internet connection, Tesla cannot monitor the Products. Tesla is not responsible for any issues arising from Buyer's failure to provide an internet connection, or a failure of monitoring arising from the same.

(b) "Buyer Data" consists of the data related to the Products which Tesla makes available to Buyer via the Tesla app or any other performance monitoring provided by Tesla. Buyer Data shall be owned by Buyer. Tesla may use Buyer Data (i) to perform its obligations under this Agreement including any warranties, (ii) to improve Tesla's products and services generally (including by performing analyses on such information), and (iii) to aggregate with other data. Public disclosure of such information by Tesla is permitted if neither Buyer nor the owner or long-term occupant of the site where the Products are located (the "Site Host") could reasonably be identified from the publicly disclosed information.

(c) Any information obtained by Tesla through remote monitoring of the Products that is not Buyer Data shall be owned by Tesla ("Tesla Data"), shall be confidential information of Tesla, and shall not be required to be made available by Tesla to any person.

(d) Notwithstanding anything herein to the contrary, Tesla may disclose either Buyer Data or Tesla Data as requested or required by an applicable administrator of the SGIP program ("SGIP Administrator"), and Tesla shall not be responsible for the SGIP Administrator's use or disclosure of such data.

11. **Maintenance & Operation.** Tesla will provide Buyer with an initial copy of an applicable storage system operation and maintenance guide (as updated by Tesla from time to time, the "Manuals"). The Manuals provide Buyer with operation and maintenance instructions, answers to frequently asked questions, and service information. Buyer must cause the Products to be maintained in accordance with the Manuals (including by contracting with Tesla for maintenance services). In addition, Buyer must comply with the Manuals, to the extent the Manuals apply to Buyer's activities at the Site.

12. **Limited Warranties.** The Products and installation work are covered by the following limited warranties. **THESE ARE THE ONLY EXPRESS WARRANTIES MADE IN CONNECTION WITH THE PRODUCTS AND INSTALLATION WORK.** Any other warranties, remedies and conditions, whether oral, written, statutory, express or implied (including any warranties of merchantability and fitness for purpose, and any warranties against latent or hidden defects) are expressly disclaimed. If such warranties cannot be disclaimed, Tesla limits the duration of and remedies for such warranties to the durations and remedies described below.

Storage System	The Storage System is covered by the Tesla Limited Warranty applicable to the product and model purchased. By approving this Agreement, Buyer accepts the terms of the Tesla Limited Warranty for the applicable product, which can be obtained on our website or will be provided upon request.
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	In order to maintain the Tesla Limited Warranty, maintenance on the Storage System must be performed by Tesla, a Tesla affiliate or subcontractor, or a Tesla-certified maintenance provider.
Workmanship	Tesla warrants that (a) Tesla's installation workmanship will be free from defects for 10 years from the date the Products are installed (or, in the case of main panel or structural upgrades, 1 year from the date those upgrades were performed); (b) Tesla's installation workmanship will not invalidate the applicable Tesla Limited Warranty; and (c) Tesla will not damage the Site during our installation of the Products. If Tesla breaches this workmanship warranty, Tesla will repair the defective work or damage at Tesla's cost. If Tesla cannot do this itself, Tesla will pay for someone else to do it. Such repair work shall not extend the original warranty period, but the remainder of the original warranty period shall apply to the repair work.

13. **Warranty Exclusions.** The "Workmanship" warranty above does not cover any defect caused by (1) events beyond Tesla's reasonable control, including but not limited to lightning, flood, earthquake, fire, excessive wind and other extreme weather events, accidents, abuse, misuse or negligence; (2) Buyer's failure to operate or maintain the Products in accordance with the applicable owner's manual(s); (3) strikes by balls or other objects, dirt, dust, bird excrement, animals, insects, foliage or algae growth; (4) water entering around a fitting, accessory or other material not installed by Tesla; (5) any material or equipment connected to the Products that was not installed by Tesla; or (6) someone other than Tesla installing, altering, removing, re-installing or repairing any part of the Products unless that person does so in compliance with the applicable owner's manual(s). The "Workmanship" warranty also does not cover (i) any defects in the equipment or components incorporated into Tesla's work (such as breakers, electrical panels, soft-start devices for HVAC equipment, etc.); (ii) pre-existing conditions at the Site, including but not limited to unpermitted conditions, improper electrical wiring, cracked or crumbling masonry; (iii) normal wear and tear or deterioration, or superficial defects, dents or marks that do not impact the performance or functionality/integrity of the Products; or (iv) theft or vandalism. The warranty for the "Storage System" above is not subject to the above exclusions, but is subject to other exclusions which are described in the warranty document.

14. **IP Indemnity.**

(a) As used in this Section 14, "Representatives" means Buyer and Buyer's affiliates, and their respective directors, officers, partners, members, shareholders, agents, employees, subcontractors, successors and assigns; "Losses" means damages and liabilities, including reasonable attorneys' fees; and "Claim" means a claim, action, suit, proceedings, demand, investigation or assessment made or brought by any third party.

(b) Tesla shall indemnify, defend and hold harmless Buyer and its Representatives from any Losses arising out of any Claim alleging that the Products infringe the intellectual property rights of a third party. However, Tesla shall have no obligation to indemnify Buyer or any of its Representatives to the extent the Claim arises out of: (a) use of the Products in combination with any other products, materials or equipment not expressly authorized by Tesla; or (b) any modifications or changes made to the Products other than by Tesla. If a Claim for infringement or alleged infringement of any intellectual property rights is made, Tesla may, at its own expense, (i) modify any or all of the intellectual property rights so as to avoid the infringement or the alleged infringement; or (ii) take such other action as Tesla deems reasonable to avoid or settle such Claim.

15. **Limitation of Liability.** Tesla and Buyer shall not be liable to one another for any indirect, special or consequential damages arising out of this Agreement. To the fullest extent permitted by law, Tesla and Buyer's aggregate liability to one another under this Agreement is limited to the Product Value. This Section 15 applies, without limitation, to any liability arising out of any Site survey performed by Tesla or its affiliate or subcontractor in connection with this Agreement. This Section 15 does not apply to Buyer or Tesla's obligation to indemnify the other for third-party claims, as required under Section 14 or otherwise under applicable law.

16. **Term; Breach; Remedies.**

(a) This Agreement will continue in effect until Tesla has completed installation of the Products and received payment in full of the Contract Price, unless earlier terminated as permitted in Section 4 or this Section 16.

(b) If Tesla or Buyer is in breach of this Agreement, upon thirty (30) days prior written notice and opportunity to cure, the non-defaulting party may terminate this Agreement; and with or without terminating this Agreement, may pursue



any remedy it has under this Agreement or at law, including in Tesla's case, repossession of the Products (if title has not yet transferred) and collection of all amounts due (including those past due, which will be charged 2% interest per annum).

(c) Provisions of this Agreement which by their nature contemplate or govern performance or observance subsequent to the termination or expiration of this Agreement shall survive such termination or expiration until fully performed.

17. **Governing Law; Integration.** This Agreement is governed by the laws of the State of California. The information at the links described above is part of this Agreement. Any other terms relating to the Products that are not contained or referred to in this Agreement are not binding on Tesla or Buyer.

18. **Assignment.** Tesla may, without need for Buyer's consent, assign, mortgage, pledge or otherwise directly or indirectly assign this Agreement and/or its interests in this Agreement (a) as collateral in connection with its financing activities; and (B) to any third party (including any affiliate of Tesla) or any person succeeding to all or substantially all of the assets of Tesla; provided, that, in the case of assignments to a third party under clause (b), Tesla is not released from liability hereunder as a result of any assignment to an affiliate unless the assignee assumes Tesla's obligations hereunder by binding written instrument. .

19. **Insurance.** Tesla shall maintain, at its sole cost and expense, the following insurance coverage and shall, within a reasonable time of Buyer's request, furnish to Buyer a certificate evidencing such coverage:

(a) **Commercial General Liability Insurance (CGL).** Tesla carries commercial general liability insurance with coverage amounts that meet or exceed those required by law.

(b) **Workers' Compensation Insurance.** Tesla carries workers' compensation insurance for all employees in compliance with law.

20. **Further Assurances.** Tesla and Buyer shall each at their own cost and expense execute and deliver such further documents and instruments and shall take such other actions as may be reasonably required or appropriate to evidence or carry out the intent and purposes of this Agreement.

21. **Arbitration.** Any dispute arising from or relating to this Agreement shall first be promptly referred to the senior level management of the Parties for resolution. If Tesla and Buyer are unable to resolve any such dispute within 20 days after referral, then Tesla or Buyer may take such dispute to binding arbitration in accordance with the then-current Streamlined Arbitration Rules of the Judicial Arbitration and Mediation Services ("JAMS"). The existence, content and result of the arbitration shall be confidential and conducted by a single arbitrator in English and in Santa Clara, California, unless otherwise agreed by the Parties. Buyer and Tesla will each bear its own expenses in the arbitration and will share equally the costs of the arbitration; provided, however, that the arbitrator may, in its discretion, award reasonable costs and fees to the prevailing party. Judgment upon the award rendered in the arbitration may be entered in any court of competent jurisdiction.



**Energy Products Operation and Maintenance Agreement
California Self-Generation Incentive Program (SGIP)**

This "Agreement" is between Tesla, Inc. ("Tesla"), and the entity represented by you, as the signatory to this Agreement ("Buyer"). The Agreement consists of (1) the below Price Sheet and (2) the attached terms & conditions, and is effective on the date that you agree to this Agreement (by electronic acceptance, signature or e-mail) (the "Effective Date").

This Agreement accompanies a Tesla Energy Products Purchase Agreement ("Purchase Agreement"), which includes a reduced price as a result of Tesla obtaining the SGIP incentive with respect to the Products (as indicated in the Price Sheet, the "SGIP Incentive").

Price Sheet

Buyer information

Buyer Name: City of Santa Cruz

Street Address: 1214 River St, Santa Cruz, CA 95060, US

Signatory Name: Heidi R. Luckenbach

Signatory Phone Number: 831-420-5214

Tesla entity

Tesla, Inc. of 3500 Deer Creek Road, Palo Alto, CA, 94304
888-765-2489
CA CSLB 949283

Products

Products installed under Energy Products Purchase Agreement dated: Sep 16, 2020 **Powerpack:** 928kW/3712kWh
Products Value: \$2,085,796
SGIP Eligible Costs: \$2,847,881
SGIP Incentive: \$2,847,881
Job No.: JB-95014041-00
Installation Location: 1214 River St, Santa Cruz, CA 95060, US

Services Price

Annual price for Services: \$0
Extra Services **Time-and-Materials Rate to be agreed by Buyer**

Payment Terms

Deadline for Payments: 30 days after date of invoice



Signed by

Buyer:

Your signature:

Heidi R. Luckenbach

Title: Deputy Director/Engr Manager

Date:

Sep 16, 2020

Tesla, Inc.:

By:

[Signature]

Title: Sr. Director, Commercial
Energy Sales North America

Date:

September 14, 2020



Operation and Maintenance Agreement Terms & Conditions

1. **Authorization; Representations.** By your acceptance of this Agreement (by electronic acceptance, signature, or email), you represent and agree that you are an authorized representative of Buyer, permitted to bind Buyer in this Agreement. If applicable, you and Buyer further represent and warrant to Tesla that all financial information that you or Buyer has provided (or will provide) to Tesla is true and accurate and fairly represents Buyer's financial position as at the date it was provided. You also represent and agree that the Buyer owns or has sufficient rights to the Products in the Price Sheet, to contract for the Services. Tesla may terminate this Agreement upon notice to Buyer if any of the representations in this Section 1 are incorrect.

2. **Term; SGIP Operation and Grid Services.**

(a) This Agreement will continue in effect for ten (10) years from the date that the Products are fully installed, unless earlier terminated under Section 11 (the "Term"). The Parties agree that as of the Effective Date, the Products are intended to remain owned by Buyer and installed at the Site (as defined in Section 3) throughout the Term.

(b) During the Term, Tesla may monitor and operate (including charging and discharging) the Products, in order to comply with requirements of the SGIP Program, and to generate savings by shifting Buyer's grid electricity consumption from higher-priced times to lower-priced times, in Tesla's reasonable discretion. Buyer acknowledges that Tesla's cycling of the Products will consume some portion of the warranted throughput of the Products; and will use electricity stored in the Products (together, "Cycling Costs"). Tesla expects that Tesla's activities described above will save significantly more than the Cycling Costs, but Tesla makes no guarantee of such savings. Buyer agrees that the provision of the Services herein are in full consideration of the Cycling Costs, and releases Tesla from any claim to recover any Cycling Costs.

(c) Buyer agrees to notify Tesla of any utility tariff changes with respect to the Site, during the Term.

(d) As a condition of receiving pricing based upon the SGIP Incentive, Buyer agrees to notify Tesla and the SGIP program administrator, not less than ninety (90) days in advance, if Buyer intends to sell or relocate the Products within ten (10) years after the date they are installed. This obligation will survive the termination or expiration of this Agreement. Contact information for the SGIP program administrator can be found at <https://www.selfgenca.com/home/contact/>. Notification to Tesla should be directed to CommercialAccounts@Tesla.com.

(e) If Buyer intends to vacate or sell the Site during the Term, Buyer shall ensure that that the buyer of the Site accept assignment of this Agreement, or an agreement substantially similar and reasonably acceptable to Tesla, in order to ensure continued compliance with the SGIP Program.

(f) From time to time, Tesla may identify demand response or similar grid services programs, whereby the Products can help meet demands of the electrical grid, or improve its reliability, by charging or discharging the Products (or agreeing to make the Products available for charging or discharging) (each, a "Grid Services Program"). Tesla will notify Buyer of any proposed Grid Services Program and identify: (i) the anticipated economic benefit for Buyer; (ii) the anticipated impact on the availability of the Products; and (iii) the anticipated Cycling Costs. Buyer may elect to participate or not participate in a Grid Services Program, provided that if Buyer does not provide Tesla with notice of its election within thirty (30) days after Tesla's notice of the Grid Services Program, Tesla may treat the same as an election to participate.

3. **Tesla to Provide Services.** For the Products indicated in the Price Sheet, Buyer agrees to purchase the "Services" in accordance with Appendix 1 (the "Scope of Services") during the Term, to be performed at the site where Tesla installed the Products (the "Site").

4. **Scope of Services.**

(a) Tesla's Scope of Services assumes standard wage rates, no constraints to Tesla's access to the Site, and no unforeseen site conditions. If Tesla encounters challenges accessing the Site, or unforeseen site conditions not caused by Tesla, Tesla may treat the costs it incurs as Extra Services as set forth in Section 4(b).

(b) Any service not included in the Scope of Services shall be an "Extra Service." Extra Services will include, for example repairs arising from abuse by Buyer. Upon request, Tesla may provide Buyer a time-and-materials rate proposal for Extra Services, and upon agreement of Buyer in writing, Tesla may agree to perform the Extra Services. When used in this Agreement, "Services" shall include "Extra Services," when context requires. If Buyer pays a fee to Tesla for Extra Services in connection with an issue that is subsequently determined to be covered by a Tesla Manufacturer's Limited Warranty or other warranty provided by Tesla for the Products, Tesla shall provide a refund to Buyer.



(c) Title and risk of loss to all parts, materials or equipment installed by Tesla during the performance of the Services shall transfer to Buyer when such parts, materials or equipment have been installed and the Products (or the affected part of the Products) have been commissioned or re-commissioned.

5. **Site Access.** Tesla will contact Buyer to schedule the Services. Services will be performed by Tesla or an affiliate or subcontractor, at Tesla's election. Buyer also agrees to give Tesla, or its affiliate or subcontractor access to the Site as scheduled so Tesla can provide the Services.

6. **Extra Services.** Tesla may bill for Extra Services upon their completion. By entering into this Agreement, Buyer agrees to pay any agreed-upon fee for Extra Services, in accordance with the Payment Terms in the Price Sheet.

7. **Privacy.** The Tesla Customer Privacy Policy is part of this Agreement. You, as the authorized representative of Buyer, agree to be contacted at the phone number listed in the Price Sheet with more information or offers about Tesla products. You understand these calls or texts may use automated dialing or pre-recorded messages. This consent is not a condition of purchase. You may opt out of this consent at any time by contacting Tesla at 888-765-2489.

8. **Remote Monitoring and Firmware Upgrades.**

(a) Tesla's SGIP-related monitoring and cycling described in Section 2 requires a continuous high-speed internet connection, which Buyer agrees to provide at Buyer's cost. Buyer agrees that Tesla may access the Products remotely to monitor performance, perform diagnostics and upgrade firmware. If Buyer does not maintain this continuous internet connection the monitoring will not function. Tesla shall not be responsible for any issues arising from Buyer's failure to provide an internet connection, or a failure of monitoring arising from the same.

(b) "Buyer Data" consists of the data related to the Products which Tesla makes available to Buyer via the Tesla app or any other performance monitoring provided by Tesla. Buyer Data shall be owned by Buyer. Tesla may use Buyer Data (i) to perform its obligations under this Agreement including any warranties, (ii) to improve Tesla's products and services generally (including by performing analyses on such information), and (iii) to aggregate with other data. Public disclosure of such information by Tesla is permitted if Buyer could not reasonably be identified from the publicly disclosed information.

(c) Any information obtained by Tesla through remote monitoring of the Products that is not Buyer Data shall be owned by Tesla ("Tesla Data"), shall be confidential information of Tesla, and shall not be required to be made available by Tesla to any person.

9. **Services Warranty.**

(a) Tesla warrants that (i) it shall perform all Services in accordance with Prudent Industry Practices, any applicable Tesla operation and maintenance manuals, and this Agreement, and (ii) any labor performed, and any materials installed, in the performance of the Services shall be free from defects in design and workmanship for 12 months after such labor was performed or such materials were installed (collectively, the "Services Warranty"). "Prudent Industry Practices" means the methods approved by a significant portion of the electrical services industry operating in the state in which the Products are installed that, in the exercise of reasonable judgment in light of the facts known at the time a decision was made, would have been expected to accomplish the desired result in a manner consistent with applicable law, reliability, safety, environmental protection, economy and expedition.

(b) Tesla shall remedy any defect or otherwise cure a breach of the Services Warranty, at its own cost and expense, as promptly as reasonably practicable after Buyer notifies Tesla in writing of such breach, in a manner and at such times that reasonably minimizes interruption of the operation of the Products and revenue loss to Buyer. This shall be Tesla's sole and exclusive liability, and Buyer's sole and exclusive remedy, in connection with a breach of the Services Warranty.

(c) EXCEPT AS REQUIRED BY LAW, OR AS PROVIDED FOR IN THIS AGREEMENT, TESLA MAKES NO WARRANTIES OR GUARANTEES WITH RESPECT TO THE SERVICES AND DISCLAIMS ANY WARRANTY OR GUARANTEE IMPLIED BY APPLICABLE LAWS, INCLUDING IMPLIED WARRANTIES OF PERFORMANCE, MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE AND IMPLIED WARRANTIES OF CUSTOM OR USAGE.

10. **Limitation of Liability.** Tesla and Buyer shall not be liable to one another for any indirect, special or consequential damages arising out of this Agreement, except to the extent provided in Section 11(b). To the fullest extent permitted by law, Tesla and Buyer's aggregate liability to one another under this Agreement is limited to the Products Value. This Section 10 applies, without limitation, to any liability arising out of any Site survey performed by Tesla or its affiliate or



subcontractor in connection with this Agreement. This Section 10 does not apply to Buyer or Tesla's obligation to indemnify the other party, as may be required under applicable law.

11. Breach; Remedies.

(a) If Tesla or Buyer is in breach of this Agreement, upon thirty (30) days prior written notice and opportunity to cure, the non-defaulting party may terminate this Agreement; and with or without terminating this Agreement, may pursue any remedy it has under this Agreement or at law. Tesla may also terminate this Agreement if the Products are substantially destroyed other than due to Tesla's fault.

(b) Buyer shall be responsible for, and Tesla shall be entitled to invoice for, any loss of part or all of the SGIP Incentive due to damage to the System caused by Buyer, or Buyer's breach of this Agreement. Breaches that may result in the loss of part or all of the SGIP Incentive may include, without limitation, removing or selling the Products without notifying the SGIP Administrator as required in Section 2(e), not providing Tesla with access to the Products in order to perform maintenance as required in Section 4; or continued failures to provide internet connectivity as required in Section 8.

(c) If this Agreement is terminated by Tesla during the first five (5) years of the Term, then Buyer shall owe Tesla the following amount, as reasonably calculated by Tesla: For each year or portion thereof remaining in the first five (5) years of the Term, Buyer shall pay ten percent (10%) of the SGIP Incentive (the "Termination Payment") (Thus, if the Agreement is terminated for Buyer default three (3) years from the date that the Products are fully installed, Buyer shall owe 20% of the SGIP Incentive). Buyer agrees that the damages in this Section 11 are a reasonable preestimate of Tesla's damage as a result of the early termination of this Agreement. The Termination Payment shall be due and payable thirty (30) days after Tesla's issuance of an invoice therefor.

(d) Provisions of this Agreement which by their nature contemplate or govern performance or observance subsequent to the termination or expiration of this Agreement shall survive such termination or expiration.

12. Governing Law; Integration. This Agreement is governed by the laws of the State of California. The information at the links described above is part of this Agreement. Any other terms relating to the Products that are not contained or referred to in this Agreement are not binding on Tesla or Buyer.

13. Assignment. Tesla may, without need for Buyer's consent, assign, mortgage, pledge or otherwise directly or indirectly assign this Agreement and/or its interests in this Agreement (a) as collateral in connection with its financing activities; and (B) to any third party (including any affiliate of Tesla) or any person succeeding to all or substantially all of the assets of Tesla; provided, that, in the case of assignments to a third party under clause (b), Tesla is not released from liability hereunder as a result of any assignment to an affiliate unless the assignee assumes Tesla's obligations hereunder by binding written instrument.

14. Insurance. Tesla shall maintain, at its sole cost and expense, the following insurance coverage and shall, within a reasonable time of Buyer's request, furnish to Buyer a certificate evidencing such coverage:

(a) **Commercial General Liability Insurance (CGL).** Tesla carries commercial general liability insurance with coverage amounts that meet or exceed those required by law.

(b) **Workers' Compensation Insurance.** Tesla carries workers' compensation insurance for all employees in compliance with law.

15. Further Assurances. Tesla and Buyer shall each at their own cost and expense execute and deliver such further documents and instruments and shall take such other actions as may be reasonably required or appropriate to evidence or carry out the intent and purposes of this Agreement.

16. Arbitration. Any dispute arising from or relating to this Agreement shall first be promptly referred to the senior level management of the Parties for resolution. If Tesla and Buyer are unable to resolve any such dispute within 20 days after referral, then Tesla or Buyer may take such dispute to binding arbitration in accordance with the then-current Streamlined Arbitration Rules of the Judicial Arbitration and Mediation Services ("JAMS"). The existence, content and result of the arbitration shall be confidential and conducted by a single arbitrator in English and in Santa Clara, California, unless otherwise agreed by the Parties. Buyer and Tesla will each bear its own expenses in the arbitration and will share equally the costs of the arbitration; provided, however, that the arbitrator may, in its discretion, award reasonable costs and fees to the prevailing party. Judgment upon the award rendered in the arbitration may be entered in any court of competent jurisdiction.



Appendix 1

Scope of Services

Tesla will (i) proactively monitor the Products as set forth below, and (ii) respond to inquiries by phone, web and/or email. Tesla may respond, remotely or on-site as deemed necessary by Tesla, to telemetry signals and/or Buyer inquiries. The Services that Tesla will provide are limited to the following:

- Perform preventative maintenance, as Tesla deems consistent with Prudent Industry Practices
- Alert the customer of Product performance and failure issues
- Provide visibility of Product performance through Tesla's Powerhub user interface
- Alert the customer if the Product is not communicating with the internet
- Remove, return, replace and/or fix parts covered by valid manufacturer warranty
- Investigate and replace defective balance of system hardware and/or defective wiring for the duration of the Workmanship Warranty. (After the Workmanship Warranty, the Parties may agree for Tesla to perform this service as Extra Work.)
- Remotely update products software and firmware to improve performance

Excluded services and repairs listed below may be performed as an Extra Service, as set forth in Section 3(b):

- Moving debris from the equipment, or the area around the equipment
- Maintenance of the area around the Products, including vegetation management
- Maintenance to the degree necessitated by vandalism, negligence or misconduct of Buyer or another party not under Tesla's control
- Removal and reinstallation of equipment for reasons not related to warranty failures

SELF-GENERATION INCENTIVE PROGRAM

Proposed System Information Attestation

The following information (Responses to Questions 1 – 5) is required by the Developer of the storage system applying for SGIP's Equity Resiliency Budget or Non-Equity Resiliency Budget with a discharge duration greater than two hours.

- 1) Provide an estimate of how long the project's fully charged battery will provide electricity for the relevant facility average load during an outage.

The useful capacity of the project's battery is 3712 kWh, while the average site load is 328 kW. The project's fully charged battery will provide electricity to the average site load for 11 hours

- 2) Indicate whether the project's critical loads can and will be isolated.

Critical loads will be covered as part of the systems full facility backup, and all loads will be isolated from the grid during an outage. Loads that are deemed non critical can be turned off to extend back up duration.

- 3) Provide an estimate of how long the project's fully charged battery will provide electricity to critical uses during an outage.

The system is designed assuming all site loads are "critical", the project's fully-charged battery will provide electricity to the site for 11 hours

- 4) Provide an estimate of how long the project can operate in less-than favorable circumstances, such as if an outage occurs when the battery has been discharged or during the winter (if paired with solar).

In less-than favorable circumstances, the useful capacity of the project's battery is 1856 kWh. It will provide electricity to the average site load for 5.5 hours.

- 5) Summarize information given to the customer about how the customer may best prepare the storage system to provide backup power, in the case of a Public Safety Power Shutoff (PSPS) event announced in advance (provide an attachment with more information if necessary).

No action is required from the customer to prepare the system as Tesla plans to extend "Storm Watch" to commercial customers to help them better manage battery charging for PSPS events. Storm Watch communicates with the National Weather Service to know when severe weather or PSPS events are likely to occur and automatically triggers Storm Watch mode. Customer will receive notification once battery starts charging in preparation for PSPS. This mode pushes the limits and charges the system to maximum capacity so it can provide backup power. If desired, they can also reach out to Tesla at powerpacksupport@tesla.com to request pre-emptive charging of their energy storage system.

ATTESTATION

[DEVELOPER SECTION]

I, Tesla, Inc. (print name of Developer), hereby attest that each of the statements provided in this document are true and correct.

Signature: 

Name Printed: RJ Johnson

Title: Sr. Director, Commercial Energy Sales

Date: September 14, 2020

[CUSTOMER SECTION]

I, City of Santa Cruz (print name of Customer), hereby attest I have received the information provided in this document prior to signing a contract with the developer.

Signature: 

Name Printed: Heidi R. Luckenbach

Date: Sep 16, 2020



**Pacific Gas and
Electric Company'**

San Francisco, California

	Revised	Cal. P.U.C. Sheet No.	42813-E*
Cancelling	Revised	Cal. P.U.C. Sheet No.	37152-E

Electric Sample Form No. 79-1095

Sheet 1

Authorization to Receive Customer Information or Act Upon a Customer's Behalf

**Please Refer to Attached
Sample Form**

Advice 5349-E
Decision

Issued by
Robert S. Kenney
Vice President, Regulatory Affairs

Date Filed	August 3, 2018
Effective	August 3, 2018
Resolution	



**Pacific Gas and
Electric Company[®]**

AUTHORIZATION TO RECEIVE CUSTOMER INFORMATION OR ACT UPON A CUSTOMER'S BEHALF

THIS IS A LEGALLY BINDING CONTRACT. PLEASE READ CAREFULLY

(Please Print or Type)

I, Heidi R. Luckenbach Deputy Director/Engr Manager
NAME TITLE (IF APPLICABLE)
 of City of Santa Cruz (Customer) have the following mailing address
NAME OF CUSTOMER OF RECORD

, and do hereby appoint

Tesla, Inc. of 3500 Deer Creek Rd
NAME OF THIRD PARTY MAILING ADDRESS
Palo Alto CA 94304
CITY STATE ZIP

To act as my agent and consultant (Agent) for the listed account(s) and in the categories indicated below:

ACCOUNTS INCLUDED IN THIS AUTHORIZATION:

- | | | |
|----|--|---------------------------------------|
| 1. | <u>1214 River St, Santa Cruz, CA 95060, US</u> | |
| | <small>SERVICE ADDRESS CITY</small> | <small>SERVICE ACCOUNT NUMBER</small> |
| 2. | <u></u> | <u></u> |
| | <small>SERVICE ADDRESS CITY</small> | <small>SERVICE ACCOUNT NUMBER</small> |
| 3. | <u></u> | <u></u> |
| | <small>SERVICE ADDRESS CITY</small> | <small>SERVICE ACCOUNT NUMBER</small> |

(For more than three accounts, please list additional accounts on a separate sheet and attach it to this form)

INFORMATION, ACTS AND FUNCTIONS AUTHORIZED – This authorization provides authority to the Agent. The Agent must thereafter provide specific written instructions/requests (e-mail is acceptable) about the particular account(s) before any information is released or action is taken. In certain instances, the requested act or function may result in cost to you, the customer. Requests for information may be limited to the most recent 12 month period.

I (Customer) authorize my Agent to act on my behalf to perform the following specific acts and functions (initial all applicable boxes):

- ☒ 1. Request and receive billing records, billing history and all meter usage data used for bill calculation for all of my account(s), as specified herein, regarding utility services furnished by the Utility¹.
- ☒ 2. Request and receive copies of correspondence in connection with my account(s) concerning (initial all that apply):
- ☒ a. Verification of rate, date of rate change, and related information;

☒ b. Contracts and Service Agreements;

☐ c. Previous or proposed issuance of adjustments/credits; or

☐ d. Other previously issued or unresolved/disputed billing adjustments.
- ☐ 3. Request investigation of my utility bill(s).
- ☒ 4. Request special metering, and the right to access interval usage and other metering data on my account(s).
- ☐ 5. Request rate analysis.
- ☒ 6. Request rate changes.
- ☐ 7. Request and receive verification of balances on my account(s) and discontinuance notices.

¹ The Utility will provide standard customer information without charge up to two times in a 12-month period per service account. After two requests in a year, I understand I may be responsible for charges that may be incurred to process this request.



**Pacific Gas and
Electric Company®**

AUTHORIZATION TO RECEIVE CUSTOMER INFORMATION OR ACT UPON A CUSTOMER'S BEHALF

I (CUSTOMER) AUTHORIZE THE RELEASE OF MY ACCOUNT INFORMATION AND AUTHORIZE MY AGENT TO ACT ON MY BEHALF ON THE FOLLOWING BASIS² (initial one box only):

² If no time period is specified, authorization will be limited to a one-time authorization

☐

One time authorization only (limited to a one-time request for information and/or the acts and functions specified above at the time of receipt of this Authorization).

☒

One year authorization - Requests for information and/or for the acts and functions specified above will be accepted and processed each time requested within the twelve month period from the date of execution of this Authorization.

☐

Authorization is given for the period commencing with the date of execution until _____ (Limited in duration to three years from the date of execution.) Requests for information and/or for the acts and functions specified above will be accepted and processed each time requested within the authorization period specified herein.

RELEASE OF ACCOUNT INFORMATION:

The Utility will provide the information requested above, to the extent available, via any one of the following. My (Agent) preferred format is (check all that apply):

☐

Hard copy via US Mail (if applicable).

☐

Facsimile at this telephone number: _____

☒

Electronic format via electronic mail (if applicable) to this e-mail address: commercial.interconnection@tesla.com

I (Customer), Heidi R. Luckenbach (print name of authorized signatory), declare under penalty of perjury under the laws of the State of California that I am authorized to execute this document on behalf of the Customer of Record listed at the top of this form and that I have authority to financially bind the Customer of Record. I further certify that my Agent has authority to act on my behalf and request the release of information for the accounts listed on this form and perform the specific acts and functions listed above. I understand the Utility reserves the right to verify any authorization request submitted before releasing information or taking any action on my behalf. I authorize the Utility to release the requested information on my account or facilities to the above Agent who is acting on my behalf regarding the matters listed above. I hereby release, hold harmless, and indemnify the Utility from any liability, claims, demands, causes of action, damages, or expenses resulting from: 1) any release of information to my Agent pursuant to this Authorization; 2) the unauthorized use of this information by my Agent; and 3) from any actions taken by my Agent pursuant to this Authorization, including rate changes. I understand that I may cancel this authorization at any time by submitting a written request. I understand that this agreement at all times shall be subject to such modifications as the California Public Utilities Commission may direct from time to time in the exercise of its jurisdiction. **[This form must be signed by someone who has authority to financially bind the customer (for example, CFO of a company or City Manager of a municipality).]**

Heidi R. Luckenbach

AUTHORIZED CUSTOMER SIGNATURE

Executed this 16 day of Sept 2020
MONTH YEAR

831-420-5214

TELEPHONE NUMBER

at Santa Cruz, CA
CITY AND STATE WHERE EXECUTED

I (Agent), hereby release, hold harmless, and indemnify the Utility from any liability, claims, demand, causes of action, damages, or expenses resulting from the use of customer information obtained pursuant to this authorization and from the taking of any action pursuant to this authorization, including rate changes.

AGENT SIGNATURE

Tesla, Inc.

COMPANY

(702) 680-6738

TELEPHONE NUMBER

Executed this 14 day of September 2020
MONTH YEAR

Standard Non-Disclosure Agreement

Effective Date: _____

Tesla Contact: _____

This Standard Non-Disclosure Agreement ("NDA") is entered as of the Effective Date between the Tesla entity ("Tesla") and the company or individual ("Company") identified below. Tesla and each Company agree as follows:

1. Purpose. Tesla may disclose Confidential Information to Company in order to consider a potential business relationship with each other or fulfill the objectives of such relationship ("Purpose"). "Confidential Information" means information disclosed by Tesla or its Affiliate to Company or its Affiliate that is marked as confidential or proprietary, identified as confidential or proprietary (e.g. if disclosed orally or visually), or disclosed under circumstances by which Company should reasonably understand that such information is deemed by Tesla to be confidential or proprietary. All Confidential Information and derivations thereof remain Tesla's sole property, and no license or other right to Confidential Information or any intellectual property is granted or implied by this NDA or any disclosure. Tesla is not required to disclose any information hereunder. All Confidential Information is provided on an "AS IS" basis. Tesla disclaims any and all representations, warranties, or assurances concerning the Confidential Information, including as to accuracy, performance, completeness, suitability, or third-party rights.

2. Confidentiality. Subject to Section 3, Company and its Affiliates may not: (a) use Confidential Information for any reason except the Purpose; or (b) disclose Confidential Information to any individual or third party except to its personnel, directors, consultants, professional advisors, and Affiliates, or (to the extent expressly approved in writing by Tesla) other unaffiliated third parties, in each case that (i) have a "need to know" such Confidential Information for the Purpose and (ii) are bound to confidentiality obligations that protect Confidential Information to at least the same extent as the terms of this NDA (collectively, "Authorized Recipients"); or (c) make any public disclosures relating to the existence of this NDA or the Purpose without Tesla's prior written consent; or (d) identify, or attempt to identify, any data subject (e.g. one or more individuals, vehicles, products, or entities) through any de-identified or anonymous data disclosed by Tesla. Company shall implement and maintain appropriate organizational, technical, and administrative security measures, exercising the same degree of care to protect Confidential Information that it uses for its own confidential information of a similar nature, but in no event less than reasonable care. Promptly after learning of any unauthorized use or disclosure of, and/or unauthorized attempts to access or modify, any Confidential Information in Company's (or its Authorized Recipients') custody or control, Company shall notify Tesla in writing and cooperate with Tesla to investigate and mitigate any adverse effects. Company shall be responsible for any unauthorized use or disclosure of Confidential Information by any of its Authorized Recipients.

3. Exceptions. The obligations of Section 2 will not apply to information that: (a) is already known to Company at the time of disclosure without obligation of confidentiality, (b) is or becomes publicly known through no wrongful act or omission of Company, (c) is rightfully received by Company from a third party without obligation of confidentiality, (d) is approved for release by Tesla's written authorization, (e) was developed by Company independently and without the use or benefit of any Confidential Information. A disclosure that Company is required to make pursuant to any order or requirement of a court, administrative agency, other governmental agency, or stock exchange or (f) is a "public record", as that term is defined by California Government Code section 6252, that is required to be disclosed pursuant to the California Public Records Act will not be deemed a breach of Section 2 of this NDA, provided that Company has to the extent permitted by law: (x) promptly notified Tesla in writing of such order or requirement, (y) given Tesla an opportunity to challenge or limit the disclosure requirement or seek an appropriate protective order, and (z) cooperated with Tesla to narrow the scope of such disclosure to only that portion of the Confidential Information that is necessary to fulfill the order or requirement. A disclosure which complies with a U.S. Federal Acquisition Regulation permitting disclosures to the government concerning government contracts will not be deemed a breach of this NDA. Each party is hereby given notice of the immunity set forth in 18 USC § 1833(b).

4. Affiliate. "Affiliate" means an entity which either controls or is controlled by a party or is under common control with a party, where "control" means the power to direct or cause the direction of an entity's management and policies through ownership or control of at least 50% of its voting securities or ownership interest.

5. Termination. This NDA is effective as of the Effective Date and will expire 3 years thereafter. Either party may terminate this NDA for any or no reason by giving 60 days' prior written notice to the other party. Expiration or termination shall not affect a party's rights or obligations with respect to Confidential Information disclosed before such expiration or termination, and such rights or obligations will continue as long as Company or its Affiliate has custody of or control over Confidential Information. Upon expiration or termination of this NDA or Tesla's written request, Company shall promptly return to Tesla all Confidential Information or certify in writing that all Confidential Information has been destroyed. Sections 2, 3, and 5-7 will survive for 5 years after the expiration or termination of this NDA.

6. Disputes; Venue. This NDA is governed by the laws of the county, state, and country specified below Tesla's signature, in each case without regard to conflict of laws principles. Company will be jointly and severally responsible for the acts and omissions of its Affiliates and each Authorized Recipient. The rights of and damages incurred by a Tesla Affiliate will be deemed to be rights of and damages incurred by Tesla. The Parties shall discuss in good faith a resolution to any conflict or

Standard Non-Disclosure Agreement

dispute under this NDA. The exclusive venue for any judicial action arising out of or relating to this NDA will be the state, federal, or regional courts for the location specified below Tesla's signature. The parties, for themselves and their respective Affiliates and Authorized Recipients, hereby waive any challenge to venue and jurisdiction in such courts. If Tesla substantially prevails in any action to enforce this NDA, it will be entitled to recover its costs of enforcement from Company and its Affiliates, including reasonable attorneys' fees. Company acknowledges that breach of this NDA would cause Tesla irreparable harm for which monetary damages would not provide an adequate remedy and Tesla will, in addition to any other available remedies, be entitled to temporary and permanent injunctive relief with respect to such breach without proof of actual damages or the posting of bond or other security.

7. **Miscellaneous.** This NDA constitutes the entire agreement between the parties regarding its subject matter and supersedes all prior agreements, representations, and understandings, between the parties regarding its subject matter. If any provision hereof is held by a court of competent jurisdiction to be illegal or unenforceable, such provision shall be changed and interpreted so as to best accomplish the objectives of the original provision to the fullest extent allowed by law, and the remaining provisions of this NDA shall remain in full force and effect. This NDA is written in the English language, and the English version shall prevail over any translation thereof. A waiver of any right hereunder does not imply waiver of any other rights. No waiver, alteration, modification, or amendment of this NDA shall be effective unless in writing and signed by both parties. This NDA may be signed in duplicate originals or in separate counterparts, each of which is effective as if the parties signed a single original, and a facsimile of an original signature or electronically signed version transmitted to the other party is effective as if the original was sent to the other party. Any notice required or permitted by this NDA shall be made in writing and be deemed delivered upon verification of delivery to the other party. Company may not assign, transfer, or otherwise convey or delegate any of its rights or duties under this NDA (except to the successor in a merger, acquisition, or corporate reorganization of Company) without Tesla's prior written consent, and any attempt to do so shall be void.

Tesla and each Company execute this Standard Non-Disclosure Agreement through their duly authorized representatives.

Tesla: Tesla, Inc.
Signed: _____
Printed: _____
Title: _____
Date: _____
Contact Information:
Legal Department
PO Box 15430, Fremont CA 94539, USA
Phone : +1-650-681-5000
Governing Law: <u>California</u>
Venue: <u>Santa Clara County, California</u>

Company: _____
Signed: _____
Printed: _____
Title: _____
Date: _____
Contact Information:
Name/Dept.: _____
Address: _____
Phone: _____



City Council AGENDA REPORT

DATE: 10/15/2020

AGENDA OF: 10/27/2020

DEPARTMENT: Water

SUBJECT: Water Department FY 2021 Budget Adjustment Adding Resources for
CZU Lightning Complex Fire Related Work – Budget Adjustment (WT)

RECOMMENDATION: Resolution appropriating \$260,000 from the Water Emergency Fund (Fund 717) and amending the Water Department's FY 2021 operating budget to fund CZU Lightning Complex Fire related work.

BACKGROUND: On August 25, 2020, Council adopted Resolution No. NS-29,704 declaring the existence of a State of Emergency in connection with the CZU August Lightning Complex Fire (CZU Fire) confirming the proclamation of same dated August 21, 2020 by the Director of Emergency Services and ratifying Executive Orders issued pursuant thereto. The CZU Fire started on August 16th and burned into areas around the City's sources of raw water and many Water facilities, including critical sites such as the Graham Hill Water Treatment Plant, were within the mandatory evacuation zones. During the active fire, power was shutoff to the Felton Booster Station and the University Pump Stations.

DISCUSSION: The Water Department is requesting a transfer of \$260,000 from Water's Emergency Reserve Fund to cover costs for emergency protective measures taken during the active fire and current activities underway to monitor water quality and develop mitigation measures that may be needed. Emergency protective measures taken during the active fire included tree trimming and vegetation removal around threatened Water Facilities and refueling generators at facilities without power.

Current and on-going activities include initiating a comprehensive soil and sediment sampling program and analyzing water treatment changes that may be needed. Implementation of any changes must take a wait-and-see approach until after the rain season begins but the Water Department is taking proactive planning measures.

FISCAL IMPACT: There is no impact to the General Fund. Work will be funded by the Water Department's Emergency Fund (717) in the amount of \$260,000 and the City will seek reimbursement from FEMA to replenish the Water Emergency Fund.

Prepared By:
Malissa Kaping
Management Analyst

Submitted By:
Rosemary Menard
Water Director

Approved By:
Martín Bernal
City Manager

ATTACHMENTS:

1. BUDGET ADJUSTMENT.PDF

**City of Santa Cruz
BUDGET ADJUSTMENT REQUEST**

PAGE 1 OF 1

<input checked="" type="radio"/> Council Approval	Resolution No. _____
<input type="radio"/> Successor Agency	Resolution No. _____
<input type="radio"/> Administrative Approval	

<input checked="" type="radio"/> Current Fiscal Year
<input type="radio"/> Prior Fiscal Year

TO: FINANCE DIRECTOR
FROM: WATER

DATE: 10/13/2020


<u>ACCOUNT</u>	REVENUE EDEN ACCOUNT TITLE	
711-00-00-0000-49191	Intra-entity Fund Transfer In	260,000
TOTAL REVENUE		260,000

<u>ACCOUNT</u>	EXPENDITURE EDEN ACCOUNT TITLE	
717-00-00-0000-59191	Intra-entity fund transfer out	(260,000)
711-70-96-7107-52199	Other professional & technical services	28,000
711-70-96-7107-54302	Maintenance - water systems	150,000
711-70-95-7106-52247	Landscaping maintenance services	82,000
TOTAL EXPENDITURE		0

NET: \$ 260,000

Purpose:

Transfer of monies from the Water Emergency Reserve (Fund 717) are needed to cover unanticipated expenses related to the CZU Lightening Complex Fire. Funds will be used for additional water and soil sampling as well as tree trimming around critical water utility infrastructure during the fire.

REQUESTED BY	DEPARTMENT HEAD APPROVAL	ACCOUNTING APPROVAL	FINANCE DIRECTOR APPROVAL	CITY MANAGER APPROVAL
 <small>Digitally signed by Malissa Kaping DN: cn=Malissa Kaping, o=City of Santa Cruz, ou=Water Department, email=mkaping@cityofsantacruz.com, c=US Date: 2020.10.15 09:33:01 -0700</small> 10/15/20	Rosemary Menard <small>Digitally signed by Rosemary Menard DN: cn=Rosemary Menard, o=Santa Cruz Water Department, ou=Finance, email=rmenard@cityofsantacruz.com, c=US Date: 2020.10.19 16:33:46 -0700</small> 10/19/20	Lupita Alamos <small>Digitally signed by Lupita Alamos Date: 2020.10.19 16:16:34 -0700</small> 10/19/20	Kim Krause <small>Digitally signed by Kim Krause DN: cn=Kim Krause, o=City of Santa Cruz, ou=Finance Department, email=kkrause@cityofsantacruz.com, c=US Date: 2020.10.19 16:26:34 -0700</small> 10/19/20	



City Council AGENDA REPORT

DATE: 10/15/2020

AGENDA OF: 10/27/2020

DEPARTMENT: Water

SUBJECT: Resolution Transferring Funds within the Water Enterprise Funds to Meet FY 2020 Financial Targets– Budget Adjustment (WT)

RECOMMENDATION: Resolution transferring \$3,800,000 to the Water Operations Fund (Fund 711) and \$30,000 to the Water 90–Day Fund (Fund 716) from the Water Rate Stabilization Fund (Fund 713).

BACKGROUND: In 2016, the Water Department took a number of important financial steps to ensure the long-term financial viability of the utility while funding major reinvestments into the water system’s infrastructure. The City Council approved two important items: the Department’s Long Range Financial Plan in June 2016 and the Department’s Financial Reserve Policy (City Council Policy 34.4) in December 2016 and revised in 2019.

Both documents set a course for financial management of the utility and specifically, established the purpose, goal, target funding level, use, and replenishment of Water’s Enterprise Funds:

- Rate Stabilization Fund (Fund 713)
- 90-Day Cash Reserve (Fund 716) (along with the Water Operations Fund (Fund 711), the combined balance equals 180 days cash)
- Emergency Reserve Fund (Fund 717)

Collectively, these funds provide an emergency reserve, rate stabilization reserve and enable the Department to meet the financial goals of 180 days cash and a 1.5 debt-service coverage ratio. These goals position the Department to take advantage of more competitive borrowing rates which will reduce the cost to our rate payers.

DISCUSSION: New financial targets for the Water Enterprise are established each fiscal year based on the Proposed Budget. For FY 2020, the targets were:

Fund	FY 2020 Target
711 - Water Operations	\$ 6,892,486
713 - Rate Stabilization	\$ 10,000,000
716 - 90 Day Reserve	\$ 6,892,486
717 - Emergency Reserve	\$3,100,000

Due to a number of factors including the Coronavirus pandemic and continued conservation by water customers, water rate revenues were approximately \$3.8 million less than projected in the Long Range Financial Plan. As stated in the Water Department Financial Reserve Policy 34.4, the Rate Stabilization Fund is available to:

“to provide a buffer for the financial impacts to the Department’s Operating and Maintenance Budget that may result from uncontrollable factors such as cooler than normal temperatures, wet weather events, an economic downturn, or greater than projected customer conservation behaviors or activities.”

The Water Department recommends transferring \$3.8 million to the Water Operations Fund (Fund 711) and \$30,000 to the Water 90–Day Fund (Fund 716) from the Water Rate Stabilization Fund (Fund 713) based upon unaudited FY 2020 amounts. This action will reduce the balance in the Rate Stabilization Fund below the \$10 million target therefore, the \$1.00/ccf Rate Stabilization charge will remain in effect on customers’ utility bills.

FISCAL IMPACT: There is no General Fund impact from these actions. The recommended transfers are between the Water Department’s Enterprise Funds and are necessary to meet the Department’s financial targets.

Prepared By:
Nicole Dennis
Finance Manager (Interim)

Submitted By:
Rosemary Menard
Water Director

Approved By:
Martín Bernal
City Manager

ATTACHMENTS:

1. BUDGET ADJUSTMENT.PDF

**City of Santa Cruz
BUDGET ADJUSTMENT REQUEST**

PAGE 1 OF 1

<input checked="" type="radio"/> Council Approval	Resolution No. _____
<input type="radio"/> Successor Agency	Resolution No. _____
<input type="radio"/> Administrative Approval	

<input type="radio"/> Current Fiscal Year
<input checked="" type="radio"/> Prior Fiscal Year

TO: FINANCE DIRECTOR
FROM: WATER

DATE: 10/14/2020

<u>ACCOUNT</u>	REVENUE EDEN ACCOUNT TITLE	
711-00-00-0000-49191	Intra-entity Fund Transfer In	3,800,000
716-00-00-0000-49191	Intra-entity Fund Transfer In	30,000
TOTAL REVENUE		3,830,000

<u>ACCOUNT</u>	EXPENDITURE EDEN ACCOUNT TITLE	
713-00-00-0000-59191	Intra-entity Fund Transfer Out	3,830,000
TOTAL EXPENDITURE		3,830,000

NET: \$ _____ **0**

Purpose:

A transfer of funds from the Water Rate Stabilization Fund (Fund 713) to the Water Operations (Fund 711) and Water 90-Day Fund (Fund 716) are needed to meet the financial target of a combined 180-days cash between the two funds for FY 2020.

REQUESTED BY	DEPARTMENT HEAD APPROVAL	ACCOUNTING APPROVAL	FINANCE DIRECTOR APPROVAL	CITY MANAGER APPROVAL
Nicole Dennis <small>Digitally signed by Nicole Dennis Date: 2020.10.14 13:55:32 -07'00'</small>	Rosemary Menard <small>Digitally signed by Rosemary Menard DN: cn=Rosemary Menard, o=City of Santa Cruz Water Department, ou=Finance email=rmenard@cityofsantacruz.com, c=US Date: 2020.10.14 15:49:08 -07'00'</small>	Lupita Alamos <small>Digitally signed by Lupita Alamos Date: 2020.10.19 13:57:20 -07'00'</small>	Kim Krause <small>Digitally signed by Kim Krause DN: cn=Kim Krause, o=City of Santa Cruz, ou=Finance Department, email=kkrause@cityofsantacruz.com, c=US Date: 2020.10.19 16:38:38 -07'00'</small>	
10/14/20	10/14/20	10/19/20		

ORDINANCE NO. 2020-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ RELATING
TO THE REGULATION OF PARKING

BE IT ORDAINED By the City of Santa Cruz as follows:

Section 1. Section 15.20.050 of Chapter 15.20 of the Santa Cruz Municipal Code is hereby amended to read as follows:

15.20.050 LOCATION.

- a) No driveway shall be so located as to create a hazard to pedestrians or motorists, or invite or compel illegal or unsafe traffic movements.
- (b) Unless otherwise approved by the director of public works, all driveways, including the wings or returns, shall be confined within lines perpendicular to the curbline and extend to the property lines.
- (c) No driveway shall be constructed in such manner as to be a hazard to any existing street lighting standard, utility pole, traffic regulating device, or fire hydrant. The cost of relocating any such street structure set forth above, when necessary to do so, shall be performed only through the person holding authority for the particular structure involved and at the expense of the person requesting the change.
- (d) Every driveway must provide access to something definite on private property, requiring the entrance of vehicles, except as otherwise specifically provided elsewhere in this code.
- (e) No driveway shall be constructed to any lot, the building or improvements of which are so constructed as to prevent the passage of vehicles from such driveway to such lot.

Section 2. Section 24.08.2300 of Chapter 24.04 of the Santa Cruz Municipal Code is hereby deleted in its entirety.

Section 3. Section 24.12.200 et seq of Chapter 24.12 of the Santa Cruz Municipal Code is hereby amended to read as follows:

Part 3: OFF-STREET PARKING AND LOADING FACILITIES*

24.12.200 PURPOSE.

The purpose of the regulations contained herein is to reduce street congestion and traffic hazards and to add to the safety and convenience of citizens, by providing adequate, attractively designed, and functional facilities for off-street parking and loading as an integral part of every use of land

in the city. A further purpose is to promote sustainable and alternative transportation practices and transportation/parking management. This section of the zoning ordinance is also part of the Local Coastal Implementation Plan.

24.12.210 GENERAL PROVISIONS.

At the time any building or structure is constructed, erected or modified, or a use established, there shall be provided on the same site, for the use of the occupants, guests, clients, customers or visitors thereof, off-street parking spaces for vehicles in accordance with the requirements herein. Alternatives in lieu of or in addition to parking may be required.

24.12.220 EXCEPTIONS.

Off-street parking and loading requirements set forth in this part shall not apply to agricultural uses.

24.12.230 GENERAL REQUIREMENTS.

A design permit is required for a new facility or an existing facility proposed for modification, containing five or more spaces.

24.12.240 NUMBER OF PARKING SPACES REQUIRED.

1. Where the computation of required parking spaces produces a fractional result, fractions of one-half or greater shall require one full parking space.

	Use	Spaces Required
a.	Automobile or machinery sales and service garages	1 for each 400 square feet floor area
b.	Banks without automatic teller machines	1 for each 400 square feet floor area
c.	Banks with automatic teller machines	1 for each 400 square feet floor area; plus 1.5 for each machine
d.	Business and professional offices, excluding medical and dental offices	1 for each 300 square feet floor area
e.	Billiard parlors	1.5 for each table
g.	Community Care residential facilities, including, but not limited to: assisted living facilities, children's homes, congregate care homes, nursing homes, residential treatment facilities	1 for every 5 guests, plus 1 for each employee on the shift with the maximum number of personnel
h.	Houses of worship	1 for each 3.5 seats in the sanctuary

	Use	Spaces Required			
i.	Dancehalls and assembly halls without fixed seats, exhibition halls, except church assembly rooms in conjunction with auditoriums	1 for each 3 persons of design occupancy load			
j.	Family daycare and foster family homes	1 for every 5 guests, plus 1 for the resident owner or manager			
k.	Funeral homes, mortuaries	1 for each 5 seats of the aggregate number of seats provided in all assembly rooms			
l.	Furniture and appliance stores, household equipment	1 for each 800 square feet of sales floor area			
m.	Hospitals	1 for each bed, plus 1 for each employee on the shift with the maximum number of personnel			
n.	Hotels, motels	1 for each unit intended for separate occupancy, plus 1 for the resident owner or manager			
o.	Manufacturing plants, bottling plants, processing plants, packaging plants, furniture repair	1 for each 500 square feet of floor area			
p.	Medical and dental clinics and offices	1 for each 200 square feet of floor area			
q.	Medical (or convalescent) hospitals	1 for each 5 beds, plus 1 for each employee on the shift with the maximum number of personnel			
r.	Physical fitness facilities	1 space for each 250square feet of floor area			
	Physical fitness facilities with more than 15,000 square feet of floor area shall provide an additional 10 percent of the total number of required parking spaces				
s.	Physical therapy	1 space per 200 square feet of floor area. In addition, 1 space per 50 square feet of pool (water) area			
t.	Residential Uses				
		Number of Bedrooms			
Type	Efficiency	1	2+		

Single-family (including townhouses), Houseboat, duplex, triplex, multiple mobilehomes, Community housing projects, other multi-family dwelling units	1.0	1.0	2.0		
Community housing projects, townhouses, and multi-family projects of 5 units or more		In addition to meeting above residential parking requirements, guest parking spaces shall be provided at a rate 10% of the above standards. Fractional spaces will be rounded up to the next whole number.			
Lodging, rooming houses and bed-and-breakfast inns		2 spaces, plus 1 for each bedroom that is rented			
Residence halls, dormitories		0.75 space for each guest or occupant			
Senior housing development		1 for each 3 dwelling units or rooms intended for separate occupancy, plus an area of land equal to the required off-street parking for multi-family units, not including required open space, which could be converted to parking should the retirement center change to a multifamily residential use			
Small ownership unit (SOU)		1 space for each dwelling unit			
Single-room occupancy dwelling unit, less than 300 square feet		0.75 for each dwelling unit			
Single-room occupancy dwelling unit, 300 square feet or more		1 for each dwelling unit			
Accessory dwelling unit		1 parking space, covered or uncovered, shall be provided on site for any accessory dwelling unit, with an additional space provided for each bedroom after the first. These requirements are in addition to the required parking for the primary residence.			
	Use		Spaces Required		
u.	Restaurants and other establishments selling food and beverages on the premises (including bars and nightclubs without live entertainment)		1 for each 120 square feet of floor area		

	Use	Spaces Required
v.	Restaurants with counter and/or take-out service or drive-in facilities	1 for each 120 square feet of floor area, plus 1 for each 50 square feet of floor area devoted to counter/take-out service
w.	Research and development facilities	1 for each 325 square feet of floor area, or 1 for every 2 employees (maximum shift), whichever is greater
x.	Retail stores, shops, service establishments, including shopping centers other than furniture and appliance stores	1 for each 250 square feet of floor area
y.	Schools: • Elementary and junior high • High schools	1 for each employee 1 for each employee, plus 1 for each 10 students
z.	Colleges (business, beauty, etc.) and universities	1 for each employee, plus 1 for each 3 students
aa.	Self-service laundry and dry cleaning establishments	1 for each 200 square feet of floor area
ab.	Service stations	3 for each lubrication or service bay, plus 1 for each employee on the day shift
ac.	Sports arenas, auditoriums, assembly halls, and meeting rooms	1 for each 3.5 seats of maximum seating capacity
ad.	Theaters	1 for each 3.5 seats for the first 350 seats; plus 1 for each 5 additional seats
ae.	Tutoring facilities	1 for each 250 square feet floor area
af.	Wholesale establishments, warehouses, service and maintenance center, communications equipment buildings	1 for each 1,000 square feet of floor area
ag.	Recycling collection facilities • Independent • In conjunction with other uses that provide required parking	2 spaces 0 spaces
ah.	Unspecified uses of buildings, structures, or premises	Where the parking requirement for a particular use is not specifically established in this section, the parking requirements for each use shall be determined by the zoning administrator, and such determination shall be based

	Use	Spaces Required
		upon the requirements for similar uses. Public uses not specifically established in this section shall meet the parking requirement as established by the planning commission. The planning commission shall take into account the proposed use and parking availability in the vicinity of the use.
ai.	Uses in Parking District No. 1 (Downtown)	Parking shall be provided in conformance with the resolution of the City Council for this district in effect at the time of submittal of a complete application.

2. Covered Parking.

All residential development has the option of including covered or enclosed parking, consistent with other zoning standards. No covered or enclosed parking is required for any residential or mixed use housing unit.

3. The following exceptions may be granted for specific types of residential projects:

- a. Exceptions to parking requirements may be granted to publicly subsidized housing units, affordable housing projects, and projects for special needs or senior tenants where such requirements are in conflict with state or federal regulations or funding policies.
- b. SRO parking requirements may be reduced by one-quarter space for each dwelling unit if the project is either located:
 - (1) Within one-quarter mile or one thousand three hundred twenty feet of an alternative parking facility and spaces are available and can be committed to residents; or
 - (2) Within one-quarter mile or one thousand three hundred twenty feet of access to public transportation such as a bus stop.
- d. Parking requirements for mixed use developments in the I-G District, as permitted under Section 24.10.1510(2)(k)(3), may be reduced by a maximum of four-tenths space for each dwelling unit as a part of an on-site shared parking plan.
- e. In addition to the allowances afforded through accessory dwelling unit regulations in Part 2 of Chapter 24.16, existing covered parking may be converted into additional units if all the requirements for the underlying zoning district can be met and replacement parking can be provided that meets the other parking requirements herein.

4. No more than forty percent of the front setback of a residential property shall be utilized or developed for parking. No more than fifty percent of the front setback of a residential property may be paved or covered with any impervious surface.

24.12.241 ELECTRIC VEHICLE CHARGING STATION REQUIREMENTS.

1. Definitions.

- a. “Electric vehicle” means a vehicle that operates, either partially or exclusively, on electrical energy from the electrical grid, or an off-grid source, that is stored on board for motive purposes.
- b. Electric Vehicle Supply Equipment (EVSE) Installed. “EVSE installed” shall mean an installed Level 2 or higher EVSE, as defined by the California Green Building Standards Code (CAL Green) of California Building Standards regulations, et seq.

2. Required Spaces Are Rounded. When determination of the number of required electric vehicle parking stalls by this title results in a requirement of a fractional space, any fraction of less than one-half may be disregarded, while a fraction of one-half or more shall be counted as one parking space.

3. Electric Vehicle Charging Stations.

- a. Electric Vehicle (EV) Charging for Multifamily Residential Structures. New multifamily dwellings on a single site with five or more units shall provide twelve percent of total parking, but no fewer than one, as electric vehicle parking space with EVSE installed. Multifamily projects requiring an EV van accessible parking space shall receive a credit of one parking space.
- b. Electric Vehicle (EV) Charging for Nonresidential Structures. New nonresidential structures shall provide parking spaces with EVSE installed in accordance with the following table:

Total Number of Actual Parking Spaces	Total Number of Actual or Required EVSE Spaces, Whichever Is Greater
0 – 9	0
10 – 25	1
26 – 50	2
51 – 75	4
76 – 100	5
101 – 150	7
151 – 200	10

Total Number of Actual Parking Spaces	Total Number of Actual or Required EVSE Spaces, Whichever Is Greater
201 and over	6 percent of total

24.12.250 BIKE PARKING REQUIREMENTS.

1. Bicycle parking facilities shall be provided for any new building, addition or enlargement of an existing building, or for any change in the occupancy, except when the project property is located within the Parking District Number 1.
2. Bike Spaces and Type Required. Bicycle parking facilities' quantity and type shall be provided in accordance with the following schedule, with fractional quantity requirements for bike parking over one-half to be rounded up. Each bicycle parking space shall be no less than six feet long by two feet wide and shall have a bicycle rack system in compliance with the bike rack classifications listed in subsection (3). Fractional amounts of the type of parking facilities may be shifted as desired:

		Number of Bicycle Parking Spaces Required	Classification
a.	Commercial, industrial, office, retail, service Number of auto parking spaces	2 + 15% of auto parking requirement	20% Class 1 80% Class 2
b.	Multifamily residential (3 or more units)	1 space per unit	100% Class 1 garages or secure accessible indoor areas count One space per four units Class 2
c.	Public or commercial recreation (See Land Use Code 7XX)	35% of auto parking	10% Class 1 90% Class 2
d.	Schools	1 space per 3 students	100% Class 2 secured, covered
e.	Park-and-ride lots and transit centers	35% of auto parking	80% Class 1 20% Class 2
f.	Lodging	1 space per 5 units	10% Class 1 90% Class 2

3. Classification of Facilities.

- a. “Class 1 bicycle facility” means a locker, individually locked enclosure or supervised area within a building providing protection for each bicycle therein from theft, vandalism and weather.
- b. “Class 2 bicycle facility” means a stand or other device constructed so as to enable the user to secure by locking the frame and one wheel of each bicycle parked therein. Racks must be easily usable with both U-locks and cable locks. Racks should support the bikes in a stable upright position so that a bike, if bumped, will not fall or roll down. Racks that support a bike primarily by a wheel, such as standard “wire racks,” are damaging to wheels and thus are not acceptable. (See Bikes are Good Business design guidelines.)

4. Location and Design of Facilities.

- a. Bicycle parking should be located in close proximity to the building’s entrance and clustered in lots not to exceed sixteen spaces each.
- b. Bicycle parking facilities shall support bicycles in a stable position without damage to wheels, frame or other components.
- c. Bicycle parking facilities should be located in highly visible, well-lighted areas to minimize theft and vandalism.
- d. Bicycle parking facilities shall be securely anchored to the lot surface so they cannot be easily removed and shall be of sufficient strength to resist vandalism and theft.
- e. Bicycle parking facilities shall not impede pedestrian or vehicular circulation, and should be harmonious with their environment both in color and design. Parking facilities should be incorporated whenever possible into building design or street furniture.
- f. Racks must not be placed close enough to a wall or other obstruction so as to make use difficult. There must be sufficient space (at least twenty-four inches) beside each parked bike that allows access. This access may be shared by adjacent bicycles. An aisle or other space shall be provided to bicycles to enter and leave the facility. This aisle shall have a width of at least six feet to the front or rear of a bike parked in the facility.
- g. Paving is not required, but the outside ground surface shall be finished or planted in a way that avoids mud and dust.
- h. Bike parking facilities within auto parking areas shall be separated by a physical barrier to protect bicycles from damage by cars, such as curbs, wheel stops, poles or other similar features.

5. Variation to Requirements.

- a. Substitution of Car Parking with Bike Parking. New and preexisting developments may reduce up to ten percent of their parking requirement with the provision of unrequired additional bike parking, as long as the spaces are conveniently located near the entrance. This parking reduction must yield at least six bike parking spaces per converted auto space.
- b. Where the provision of bike parking is physically not feasible the requirements may be waived or reduced to a feasible level by the zoning administrator in accordance with city bike parking standards for existing buildings.

24.12.252 SHOWER FACILITY REQUIREMENTS.

1. Employee shower facilities in compliance with ADA standards shall be provided for any new commercial building constructed or for any addition to or enlargement of any existing building in compliance with the following table:

Use	Gross Floor Area of New Construction (Square Feet)	No. of Showers
Industrial, manufacturing, and medical, general business office or financial service	0 – 12,499	No requirement
	12,500 – 29,999	1
	30,000 – 49,999	2
	50,000 and up	4
Retail, eating and drinking and personal service	0 – 24,999	No requirement
	25,000 – 99,999	1
	100,000 and up	2

2. Shower facilities shall include at least one personal locker for every twenty employees. If only one shower is provided it must be designed as a unisex facility that is accessible to the handicapped.
3. As an alternative to including shower facilities within a building, a new business may submit a written agreement for employees to utilize existing shower facilities of a business within three hundred feet of the project's property lines. This agreement must be signed by both parties involved, allow use of the facilities in perpetuity, establish allowable hours of use, include provisions for maintenance, and involve shared liability agreements.

24.12.260 RESERVED.

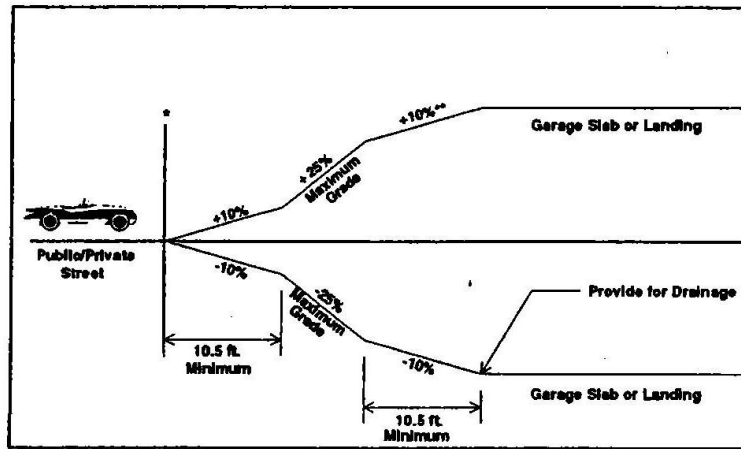
24.12.270 MISCELLANEOUS REQUIREMENTS.

1. **Parking Limit.** The city may establish a maximum parking limit where a development proposal exceeds city standards for the number of parking spaces.
2. **Compact Car Spaces.** Up to fifty percent of a parking requirement may be designed for compact or small cars. Compact car spaces shall be sixteen feet long by seven and one-half feet and shall be labeled for compact cars only.
3. **Accessible Facilities.** Requirements for accessible parking spaces shall apply to all parking facilities, whether required or provided voluntarily. This section is intended to enforce the accessible parking requirements of state law. Parking facilities specifically designed, located, and reserved for vehicles licensed by the state for use by the disabled shall be provided in a manner consistent with the California Building Standards Codes and state law.
4. **Electric Vehicle Parking.** For the purposes of determining compliance with this section, a parking space served by electric vehicle supply equipment or a parking space designated as a future electric vehicle charging space shall count as one standard automobile parking space, and an accessible parking space with an access aisle served by electric vehicle supply equipment or an accessible parking space with an aisle designated as a future electric vehicle charging space shall count as two standard automobile parking spaces. Electric Vehicle parking facilities shall comply with all requirements of Section 24.12.241.
5. **Cumulative Parking Requirements.** When two or more uses are located in the same building or parcel and share common parking facilities, the parking requirements shall be the sum of the separate requirements for each use, except as may be provided for in Section 24.12.290.

24.12.280 DESIGN REQUIREMENTS.

1. **Driveway Design Standards.**
 - a. Parking facilities hereafter established and which are located adjacent to a required front yard in an adjoining A- or R- District shall be provided with a clear vision area and parking facilities which are located adjacent to two intersecting streets shall include a clear corner triangle as defined in this title. These areas shall be maintained in conformance with Section 13.30.110.
 - b. The total clear space to accommodate a vehicle in driveways and private parking areas used as private parking facilities for single-family residential uses shall not be smaller than the dimensions of required on-site parking spaces.
 - c. Driveways shall be designed to conform with existing contours to the maximum extent feasible.
 - d. Driveways shall enter public/private streets in such a manner as to maintain adequate line of sight in clear vision areas and clear corner triangles.

- e. Driveways shall have a maximum grade of twenty-five percent as illustrated in the following diagram:



* Back edge of standard city driveway.

** All percentages are measured from the edge of standard city driveway.

- f. Driveways and approaches shall comply with the applicable standards set forth in Chapter 15.20 of the Santa Cruz Municipal Code.
2. Parking Facility Layout. The diagrams entitled ‘Sample Parking Designs and Standards,’ included at the end of this chapter, shall be used for dimensions in the development and arrangement of parking spaces and parking areas. Layout and traffic flow is illustrative only and these standards may be varied with supportive documentation of acceptable circulation by a CA licensed Civil Engineer.
- a. Each standard-size parking space shall be not less than nineteen feet in length by eight and one-half feet in width. Each compact parking space shall be not less than sixteen feet in length by seven and one-half feet in width.
3. Access to Spaces or Facilities.
- a. Access to parking facilities shall not be less than twenty feet in width; except as follows:
- (1) Access to parking facilities containing five or fewer parking spaces shall be not less than ten feet in width, except as provided in Section 24.12.280.1 for private facilities for single family homes.
 - (2) Access to parking facilities containing between six and twenty parking spaces shall be not less than twelve feet in width.

- (3) Where separate one-way drive aisles are proposed, each shall be not less than ten feet in width.
- (4) The zoning administrator shall determine the width of driveways serving parking facilities in the GB-O district based on the following findings:
 - i. That the width is necessary to preserve the open-space character of the area;
 - ii. That the width contributes to the compatible use of open-space lands.
- (5) The Public Works Department, Planning and Community Development Department, and/or the Fire Department may approve designs that vary from the above standards based on the individual circumstances of a parcel or use.

b. Backing Out.

- (1) General. Driveways and aisles in a parking facility shall be designed so that vehicles do not back out into a street other than a residential alley.
- (2) Exceptions. Parking facilities for single-family dwellings and duplexes not located on a highway or major or minor arterial, as shown on the General Plan Land Use Map, may provide for backing into the street. Parking facilities for three-family dwelling or triplex or four-family dwelling or fourplex may be designed to back out onto a street only if the street is not an arterial or collector street.
- (3) Dimensions. Public and private parking facilities shall provide at least 24 feet of clear area behind parking spaces for backing-out and turning movements when 90-degree parking spaces are used, at least 15 feet when 45-degree parking is used, and at least 18 feet when 60 degree parking is used. In unique situations, a CA licensed civil engineer may demonstrate with a turning diagram that this dimension can be reduced and still provide adequate on-site circulation for standard sized vehicles. Reductions in back-out area are subject to review and approval by the Planning Director or designee in consultation with the Director of Public Works or designee.

4. Tandem Spaces.

- a. Required parking spaces for residential uses may be provided in a tandem arrangement no more than three parking spaces deep. No parking space may be in tandem with a parking space for a separate dwelling unit except as allowed for accessory dwelling units.
5. Border Barricades. Every parking facility containing angled or ninety-degree parking spaces adjacent to a street right-of-way shall, except at entrance and exit drives, be developed with a

solid curb or barrier along such street right-of-way line; or shall be provided with a suitable concrete barrier at least six inches in height and located not less than two feet from such street right-of-way line. Such wall, fence, curb, or barrier shall be securely installed and maintained.

6. Surfacing. All off-street parking facilities shall be surfaced with a minimum of five inches of concrete, or one and one-half inches of asphalt overlying four inches of base rock; except:
 - a. Temporary off-street parking facilities, which may be surfaced by placement of a single bituminous surface treatment upon an aggregate base, which bituminous treatment and base shall be subject to the approval of the Director of Public Works;
 - b. Driveways and parking pads for single-family residences may be surfaced with four inches of concrete or other approved material;
 - c. Parking facilities approved by the zoning administrator or Planning Commission for a different parking surface;
 - d. All off-street parking facilities shall be so graded and drained as to dispose of all surface water from within the area; in no case shall such drainage be allowed to cross sidewalks.
7. Marking. Parking spaces within a facility shall be clearly marked and delineated. For nonresidential uses, wheel stops or curbing may be required.
8. Lighting. Lighting shall be directed onto the subject property only and shielded so that the light source is not visible from adjacent properties or streets.
9. Landscaping and Screening.
 - a. General Requirements. Landscaping shall be provided in conjunction with the development or modification of any parking space or facility. Landscaping is employed to diminish the visibility and impact of parked cars by screening and visually separating them from surrounding uses and the street; to provide shade and relief from paved areas; to channel the flow of traffic and generally contribute to good site design.
 - (1) Every commercial parking facility abutting property either located in R-Districts or in residential uses shall be separated from such property or use by a permanently maintained evergreen hedge, view-obscuring wall or fence, raised planter, planted berm or the like. Such screening devices shall be of sufficient height to diminish the visibility and impact of parked cars and visually separate them from the adjacent residential zone or use. Screening devices may not exceed the standards set forth in Section 13.30.110
 - (2) Except for parking facilities for single-family lot development, landscaped areas shall be separated from paved parking areas by a six-inch continuous concrete curbing, or other permanent landscape feature including fencing, gravel, or rigid landscape edging. Parking facilities that incorporate landscaped

storm water treatment or retention areas in conformance with adopted City best management practices for low impact development shall be exempt from this requirement adjacent to those areas used for treatment or retention.

- b. Standards for Multifamily, Over Five Units, Commercial and Industrial Developments. Every parking facility shall include a minimum of ten percent of area devoted to parking in permanent landscaping. Landscaping shall be installed in areas used to channel the flow of traffic within parking rows, at the entry to aisles, and at other locations specified by the approving body. Required landscaping shall include appropriate vegetation including trees which shall be provided in sufficient size and quality to adequately screen and soften the effect of the parking area, within the first year.

24.12.290 VARIATIONS TO REQUIREMENTS.

The off-street parking requirements of this part may be satisfied or modified in the following ways:

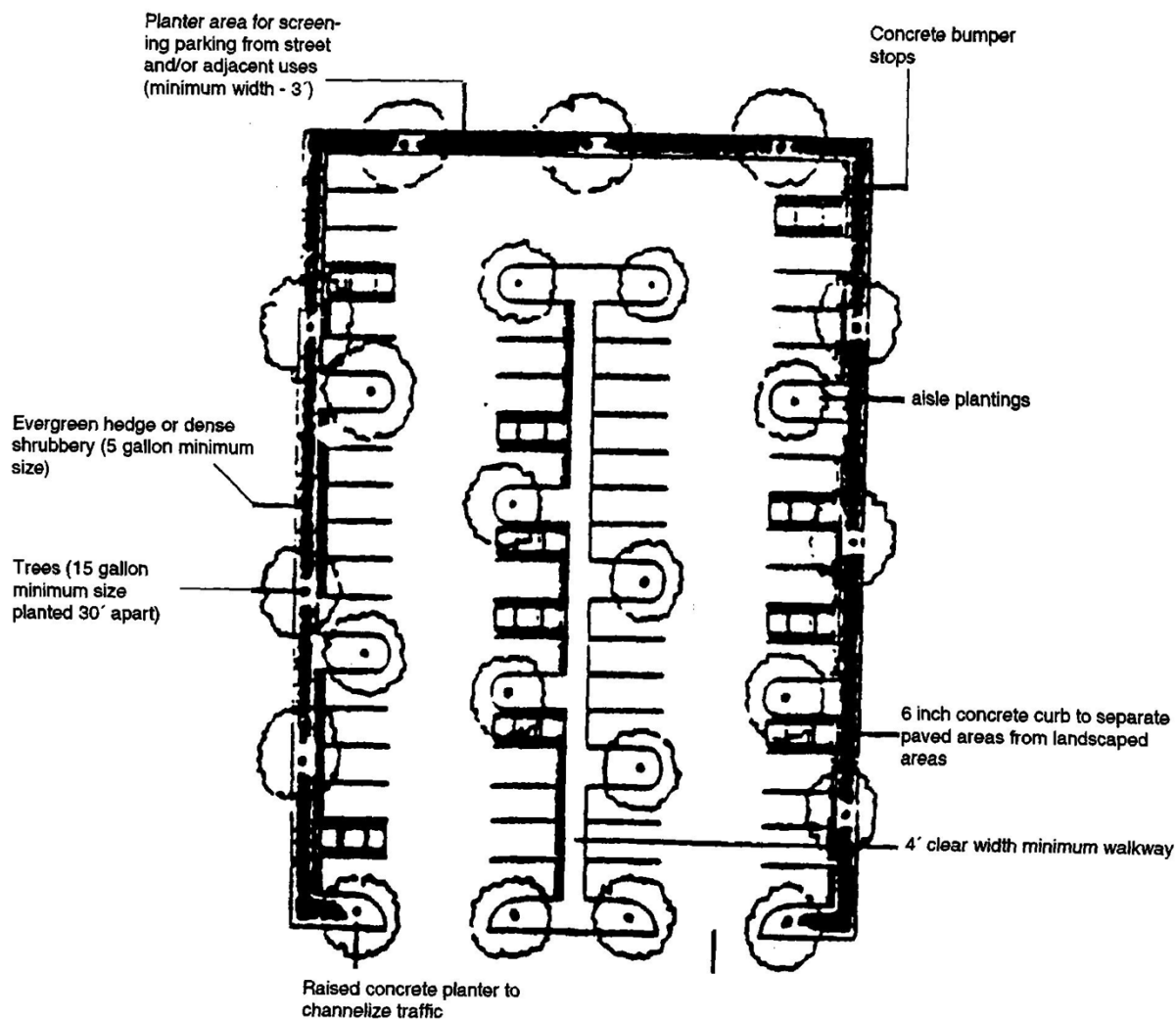
1. Parking District Number 1. If the property being occupied or proposed to be occupied is in Parking District Number 1 and requires a number of parking spaces greater than the existing use, and not otherwise accommodated on the site, the Downtown Commission shall review the project and advise the decision making body as to whether the parking district is capable of providing adequate parking for the new use and existing uses in the vicinity.
2. Variations to Design Requirements. Outside of Parking District Number 1, a variation to the design standards may be approved by the Zoning Administrator as part of a an Administrative Use Permit to supersede the design requirements contained in this section if a finding can be made that the purpose of this section is met and the following standards are met, as applicable:
 - a. Parking must be able to properly function, allowing for convenient maneuvering, and compatible relationship to adjacent uses.
 - b. All parking stalls shall be marked.
 - c. The parking arrangement shall not create safety problems for persons parking in or traversing the parking area.
 - d. Any valet parking program must operate full-time during established business or operating hours (if applicable).
 - e. Any off-site parking program, for any amount of the required number of parking spaces either:
 - (1) Is within a quarter-mile radius from the subject site; OR
 - (2) Includes a permanent and effective means of transporting employees or patrons from the parking parcel(s) to the subject site.

- f. Parking lifts or stacked parking within parking structures shall demonstrate how individual users can effectively access vehicles. Parking lifts and stacked parking are not permitted except within enclosed parking structures.
- 3. Reductions to Number of Required Parking Spaces: Unless otherwise expressly stated in this section, the total number of required parking spaces may be reduced up to 35% (with fractional spaces to be rounded up to the next whole number) by the Zoning Administrator as part of an Administrative Use Permit. This may be done using one or more of the following strategies, or an approved equivalent, subject to any standards contained herein. The available reduction for each strategy shall be calculated in conformance with the City Parking Reduction Worksheet in effect at the time a complete application is submitted:
 - a. On-site Cooperative Parking Facilities. The parking requirements for two or more uses of the same or different types on the same or adjoining parcels may be reduced if it can be demonstrated that the nature of the uses of the facility will result in multipurpose trips being made to the site or trips being made to individual uses at different times of the day or week and/or if their hours of operation do not coincide. At the applicant's request, the Zoning Administrator may approve a reduction of greater than 35% based on current and projected future uses sharing the parking facility.
 - b. Off-site Shared Parking Facilities. Off-site parking facilities may be shared by two or more commercial uses if their entrances are located within five hundred feet of the parking facility and provided they:
 - (1) Receive administrative use and design permits so that design criteria are met and conditions of use may be established along with periodic review;
 - (2) Submit a written document guaranteeing maintenance, hours of operation and specifying that the length of the agreement shall be as long as the use receiving this parking reduction is in operation;
 - (3) Submit a signage program to notify users at all location(s) of shared parking facilities;
 - (4) Demonstrate how the shared parking arrangement will fulfill the intent of this part.
 - (5) The use permit upon which the shared parking proposal depends shall terminate upon lapse of written agreement specified in subsection (b)(2) above unless otherwise modified by the Zoning Administrator.
 - c. Non-automobile Use Programs. A reduction in parking requirements if developments include measures such as staggered work hours, provision of bus passes, provision of van/car pool programs or similar. Said programs shall be implemented as long as the use receiving this parking reduction is in operation.
 - d. Additional Bike Parking. Reductions in required automobile parking based on voluntary installation of additional bike parking spaces shall be permitted as described

in Section 24.12.250.5. This reduction strategy, in and of itself will not require an Administrative Use Permit.

- e. Unbundled Parking. Residential development and the residential portion of mixed-use development may propose that parking be unbundled from the purchase or lease of an individual living unit where there is either an existing residential permit parking program, in conformance with Municipal Code Chapter 10.41 or other control limiting on-street parking on all roadways within a five hundred-foot minimum walking distance from the pedestrian entrances to the building or site.
 - f. An analysis by a transportation engineer or other qualified specialist may be required by the decision-making body as a means to substantiate the requested parking reduction.
4. Parking Requirements for Nonconforming Structures or Uses. In the case of structures in any district, which are reconstructed, enlarged, structurally altered, changed in occupancy to a more intensive use category, or otherwise increased in capacity, off-street parking shall be required only for that portion of structures or use constituting the increase in capacity; except that:
- a. No additional parking need be provided for nonresidential uses if the increased capacity results in an increase of four or fewer required parking spaces, and
 - b. No additional parking shall be required for residential uses if the increased capacity results in an increase of no more than one required parking space.
5. Reduction of Parking Requirements for Historic Building Survey Buildings and Landmarks, and on Lots with Contributing Buildings within an Historic District. The normal parking requirement for (a) use(s) in a building that is listed on the historic building survey, or a landmark, may be modified in order to maintain the value of the listing or designation in accord with Section 24.12.445. Prior to modifying the requirement, the approving body shall find that the modification is necessary in order to allow appropriate findings per Section 24.08.930, findings for historic alteration permit, and that such modification will not significantly adversely affect traffic and parking on adjacent and nearby streets and properties.

Section 4. One illustration of “Sample Parking Design Standards” following Section 24.12.296 of Chapter 24.12 of the Santa Cruz Municipal Code, and adopted as an attachment to Ordinance 85-46 is hereby amended to appear as follows:



Section 5. This ordinance shall take effect and be in force thirty (30) days after final adoption for areas of the City outside the Coastal Zone, and shall take effect and be in force upon certification by the California Coastal Commission for areas of the City located inside the Coastal Zone.

ORDINANCE NO. 2020-21

PASSED FOR PUBLICATION this 13th day of October, 2020, by the following vote:

AYES: Councilmembers Beiers, Mathews, Brown, Golder, Watkins; Vice Mayor Meyers; Mayor Cummings.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

APPROVED: _____
Justin Cummings, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

PASSED FOR FINAL ADOPTION this 27th day of October, 2020, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Justin Cummings, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

This is to certify that the above and foregoing document is the original of Ordinance No. 2020-21 and that it has been published or posted in accordance with the Charter of the City of Santa Cruz.

Bonnie Bush, City Clerk Administrator

RESOLUTION NO. NS-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AUTHORIZING
AND DIRECTING THE CITY MANAGER TO SUBMIT THE PROPOSED AMENDMENTS TO
TITLE 24, THE ZONING ORDINANCE OF THE CITY OF SANTA CRUZ MUNICIPAL CODE,
AS LOCAL COASTAL IMPLEMENTATION PLAN AMENDMENTS TO THE CALIFORNIA
COASTAL COMMISSION FOR FINAL CERTIFICATION

WHEREAS, the Work Program for the City of Santa Cruz Planning and Community Development Department includes amendments to the City Municipal Code regulations for Parking Standards; and

WHEREAS, the City's adopted 2030 General Plan, the Climate Action Plan, and the Housing Blueprint Subcommittee Recommendations all contemplate increasing efficiencies for parking requirements in both existing and new development; and

WHEREAS, on September 17, 2020, the Planning Commission held a regularly scheduled meeting and conducted a public hearing to review and consider the proposed amendments to the Municipal Code and recommended that City Council adopt the amendments to the Municipal Code as amended by the Planning Commission; and

WHEREAS, consistent with the California Environmental Quality Act (CEQA) and City Guidelines, the proposed code amendments were determined to be addressed by the Environmental Impact Report (EIR) drafted for the City's General Plan and approved by the City Council in April, 2012; and

WHEREAS, on October 13, 2020, the City Council held a public hearing at which the proposed amendments to the Municipal Code were introduced; and

WHEREAS, on October 27, 2020, the City Council held a public hearing for the second reading of the proposed amendments to the Municipal Code; and

WHEREAS, the City Council directs the City Manager to submit the amendments to Title 24 of the Municipal Code as Local Coastal Implementation Plan Amendments to the California Coastal Commission for final certification; and

WHEREAS, the City Council now finds:

1. The proposed amendments to Title 24 are in the public interest as they address parking requirements and remove existing restrictions that burden the development of housing.
2. The proposed amendments to Title 24 are consistent and compatible with the General Plan and any implementation programs that may be affected.

3. The proposed amendments to Title 24 are intended to be carried out in a manner fully in conformity with the Coastal Act (CA Section 30510).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz that it hereby approves the amendments to Title 24 of the City of Santa Cruz Municipal Code and Local Coastal Program are hereby amended as shown in Exhibit A, attached hereby and made a part hereof.

BE IT FURTHER RESOLVED, that amendments to the Local Coastal Implementation Plan will become effective inside the Coastal Zone upon final certification by the California Coastal Commission.

PASSED AND ADOPTED this 27th day of October, 2020, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Justin Cummings, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

DECLARATION OF POSTING

STATE OF CALIFORNIA)
) SS.
COUNTY OF SANTA CRUZ)

On the 19th day of October, 2020, I posted conspicuously in three public places within the City of Santa Cruz, Ordinance No. 2020-21, to wit:

1. City Hall: 809 Center Street: Bulletin Board outside Room 9/10
2. City Hall: Bulletin Board outside Council Chambers
3. The City of Santa Cruz website

The document, posted in its entirety, consists of pages 1—19.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 21st day of October, 2020, in Santa Cruz, California.

Julia Wood
Deputy City Clerk Administrator

**Proof of Publication
(2015 C.C.P.)**

I, the undersigned, declare:


That I caused the attached legal notice/advertisement to be published in the Santa Cruz *Good Times*, a weekly newspaper published and circulated in the County of Santa Cruz, and adjudged a newspaper of general circulation by the Superior Court of California in and for the County of Santa Cruz, under Proceeding No. 68833; and that the legal notice/advertisement was published in the above-named newspaper on the following date(s), to wit:

October 21, 2020

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

This 21st day of October, 2020, Santa Cruz, California

Julia Wood
Deputy City Clerk Administrator

<div><p>NOTICE OF PUBLICATION OF ORDINANCE BY POSTING (ORDINANCE NO. 2020-21)</p><p>The City Council of the City of Santa Cruz having authorized the City Clerk Administrator, that the ordinance hereafter entitled and described, be published by posting copies thereof in three (3) prominent places in the City, to wit:</p><p>The City of Santa Cruz website www.cityofsantacruz.com City Hall – 809 Center Street: Bulletin Board, Room 9/10 Bulletin Board outside Council Chambers</p><p>NOTICES HEREBY GIVEN that copies of said ordinance were posted according to said order. (Original on file with city clerk). Said ordinance was introduced on October 13th, 2020, and is entitled and described as follows:</p><p style="text-align: center;">ORDINANCE NO. 2020-21 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ RELATING TO THE REGULATION OF PARKING</p><p>This ordinance amends sections of the Santa Cruz Municipal Code related to residential and non-residential parking. PASSED FOR PUBLICATION on this 13th day of October, 2020, by the following vote: AYES: Councilmembers Beiers, Mathews, Brown, Golder, Watkins; Vice Mayor Meyers; Mayor Cummings. NOES: None. ABSENT: None. DISQUALIFIED: None. APPROVED: ss/ Mayor Cummings. ATTEST: ss/Bonnie Bush, City Clerk Administrator. This Ordinance is scheduled for further consideration and final adoption at the Council meeting of October 27th, 2020.</p></div> <div></div>
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ORDINANCE NO. 2020-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AMENDING SECTIONS 24.04 – ADMINISTRATION; 24.08 – LAND USE PERMITS AND FINDINGS; 24.10 – LAND USE DISTRICTS; 24.12 – COMMUNITY DESIGN; 24.16 – AFFORDABLE HOUSING PROVISIONS; 24.18 – NON-CONFORMING USES AND STRUCTURES; AND 24.22 – DEFINITIONS OF THE SANTA CRUZ MUNICIPAL CODE AND LOCAL COASTAL PROGRAM

BE IT ORDAINED By the City of Santa Cruz as follows:

Section 1. Section 24.04.090 – Public Hearing Requirement of Chapter 24.04 – Administration of the Santa Cruz Municipal Code is hereby amended as follows:

24.04.090 PUBLIC HEARING REQUIREMENT.

A public hearing shall be required for the following:

1. Appeals;
2. Coastal permit except for an accessory dwelling unit;
3. Conditional fence permit when required by Section 24.08.062;
4. Design permit:
 - a. When accompanying another permit requiring a public hearing or upon a zoning administrator determination that a public hearing is required;
 - b. For new two-story structures and/or second-story additions on substandard residential lots;
 - c. For large homes in R-1 Districts per Section 24.08.450;
5. Demolitions: residential, except for a single-family residence, and historical buildings;
6. Historic building survey: building designation, deletion;
7. Historic landmark alteration permit;
8. Historic landmark designation;
9. Mobile home park conversion;

10. Planned development permit;
11. Relocation of structures;
12. Revocation of permits;
13. Use permits:
 - a. Administrative use permit, except when the proposed use is temporary, as defined in this title; for variations to parking design requirements and number of spaces; and half baths in accessory structures;
 - b. Special use permit (including historic district/historic landmark use permit);
14. Variance;
15. Watercourse variance;
16. Project modifications, pursuant to Section 24.04.160(4)(c);
17. Zoning Ordinance and General Plan text and map amendments.

Section 2. Section 24.04.130 – Decision-Making Body with Final Authority on Application Approval of Chapter 24.04 – Administration of the Santa Cruz Municipal Code is hereby amended as follows:

24.04.130 DECISION-MAKING BODY WITH FINAL AUTHORITY ON APPLICATION APPROVAL.

The following table indicates the decision-making body who can approve, deny or conditionally approve an application, whether or not a public hearing is required, and the bodies to which appeals can be made:

1. The planning commission and city council may refer certain aspects of any application to the zoning administrator for final action.
2. The zoning administrator may refer any of the matters on which he/she is authorized to act to the planning commission or historic preservation commission.
3. Recommendations for approval on General Plan matters and zoning ordinance text and map amendments shall require a majority vote of the planning commission; all other actions shall require a majority of the hearing body present at the meeting.

Permits/Actions****	Public Hearing Requirement and Decision-Making Body Which Can Approve an Application			Appeal Bodies (in order)
	No Public Hearing	Public Hearing		
	Action	Recommendation	Action	
Coastal Permit	ZA (ADU)		ZA*	CPC/CC/CCC*
Administrative Use Permit: Large Family Daycare Homes, Temporary Uses, and half baths in accessory buildings	ZA			CPC/CC
Administrative Use Permit: Variations to Parking Design Requirements OR Variations to Number of Required Spaces	ZA			CPC/CC/CCC
Other uses as listed by individual zoning districts as requiring an Administrative Use Permit			ZA	CPC/CC
Conditional Fence Permit	ZA		ZA	CPC/CC
Slope Regulations Modifications (Variance)			CPC	CC
Slope Regulations Modifications (Design Permit)	ZA			CPC/CC
Design Permit – Substandard lots: new two-story structures and second-story additions, including ADUs	ZA		ZA	CPC/CC CPC/CC
Large homes per Section 24.08.450			ZA	CPC/CC
Wireless telecommunications facilities	ZA		ZA	CPC/CC
New structures or improvements to existing structures in the WCD Overlay	ZA			CPC/CC

which are exempt or excluded from coastal permit requirements				
New structures or improvements to existing structures in the WCD Overlay which require a coastal permit			ZA	CPC/CC
Demolition Permit				
1. Single-family residential	ZA			CPC/CC
2. Multifamily residential			CPC	CC
3. Historic demolition permit			HPC	CC
4. Nonresidential	ZA**		ZA**	CPC/CC
General Plan Text and Map Amendments		CPC	CC/CCC***	
Historic Alteration Permit			HPC	CC
Administrative Historic Alteration Permit	ZA			HPC/CC
Historic Building Survey:				
Building designation, deletion		HPC	CC	
Historic District Designation		HPC/CPC	CC	
Historic Landmark Designation		HPC	CC	
Mobile Homes (Certificate of Compatibility)	ZA			CPC/CC
Mobile Home Park Conversion			CPC	CC
Outdoor Extension Areas per Section 24.12.192	ZA			CPC/CC
Planned Development Permit		CPC	CC	
Project (Major) Modification	Reviewed by ZA or body approving application			Appeal to next highest body(ies)
Project (Minor) Modification	ZA			CPC/CC
Relocation of Structures Permit	ZA			CPC/CC
Revocation Permit	Hearing by ZA or body approving application			Appeal to next highest body(ies)
Sign Permit	ZA			CPC/CC

Special Use Permit			CPC	CC
Variance			ZA	CPC/CC
Watercourse Variance			CPC	CC
Watercourse Development Permit	ZA			CPC/CC
Zoning Ordinance Text and Map Amendments				
Amendments recommended by CPC		CPC	CC/CCC***	
Amendments not recommended by CPC		CPC		CC/CCC***
<p>CCC = California Coastal Commission CC = City Council CPC = City Planning Commission HPC = Historic Preservation Commission ZA = Zoning Administrator</p> <p>* For projects seaward of the mean high tide line, and in the case of appealable actions, the California Coastal Commission shall be the decision-making body which can finally approve an application.</p> <p>** Such permits shall be issued administratively, without a public hearing, unless a cultural resources evaluation, prepared by a qualified consultant as determined by the zoning administrator, determines that the building or structure is eligible for listing on the city Historic Building Survey.</p> <p>*** California Coastal Commission in case of CLUP policy, CLIP elements.</p> <p>**** At a regularly scheduled meeting, a majority of the council may take an action to direct any project or amendment to be called from a lower hearing body prior to a final action or during an appeal period in accordance with Section 24.04.175(2).</p>				

Section 3. Section 24.04.160 – Life of Permit of Chapter 24.04 - Administration of the Santa Cruz Municipal Code is hereby amended as follows:

24.04.160 LIFE OF PERMIT.

Sections 24.04.160(1) through (3) remain unchanged.

4. Modifications.

- a. Minor Modifications. The zoning administrator may modify conditions imposed on any permit at the request of the permit holder where evidence has been submitted that the requested modifications:

- (1) Will not significantly alter the approved permits; and
 - (2) Are made on the basis of changed circumstances since the original approval; and
 - (3) Would not contradict or go against any direction in the record that was instrumental in the approval of the original permit.
- b. Minor Modification Criteria. The zoning administrator may approve any requested minor modifications on any permit which involves minor increases in floor area that do not exceed fifteen percent of the approved project or involve use intensifications permitted by the zone that do not increase parking above fifteen percent of the approved parking for the project without a public hearing as long as the proposed modification is consistent with all sections of the Zoning Ordinance. Only one such modification or project will be allowed within any five-year period without review by the Planning Commission or at a publicly noticed Zoning Administrator hearing if the original approval was administrative or was decided at a public hearing before the Zoning Administrator. Additional modifications not related to such increases in floor area or use intensifications may be approved without a public hearing.
- c. Major Modifications. The zoning administrator shall refer to the decision-making body with final authority for review and action any requested modifications which involve significant increases in size or nature of an approved project beyond those limits set in subsection (b). A public hearing will be required unless the permit proposed for modification was approved administratively, in which case the modification may also be decided administratively.

Section 4. Section 24.08.025 – Use Permit Modifications of Part 1: Use Permits of Chapter 24.08 – Land Use Permits and Findings of the Santa Cruz Municipal Code is hereby amended as follows:

24.08.025 USE PERMIT MODIFICATIONS.

An application for modification to a use permit for property or portion thereof upon which a use permit has been previously issued, shall be treated as an application for a new use permit and, in the coastal zone, for a new coastal permit or coastal exclusion with the exception of minor amendments conforming with Section 24.04.160(4)(a) and (b) that are consistent with current General Plan Policies and Zoning regulations, which can be processed as a Minor Modification pursuant to the procedures set forth in Section 24.04.160(4)(a) and (b). Consistency with Section 24.04.160(4)(a) and (b) does not preclude a referral of a Minor Modification to the Planning Commission for action. A new use permit supersedes or revokes only those use permits authorizing use of the same space authorized by the existing permit. It will not affect other uses or use permits on the same site.

Section 5. Section 24.08.030 – Procedure – Administrative Use Permit of Part 1: Use Permits of Chapter 24.08 – Land Use Permits and Findings of the Santa Cruz Municipal Code is hereby amended as follows:

24.08.030 PROCEDURE – ADMINISTRATIVE USE PERMIT.

1. The zoning administrator is hereby authorized to issue use permits for all uses designated in the district regulations of this title as being subject to the issuance of an administrative use permit.
2. A public hearing shall be held, except in the following cases:
 - a. Where the proposed use is temporary, as defined herein;
 - b. Where the proposed use pertains to a large family daycare home as defined in Section 24.22.355;
 - c. Where the proposed use permit is for a variation to design standards for parking or for a reduction to the required number of parking spaces; or
 - d. Where the proposed use is for the construction of a half bathroom in an accessory building, subject to the requirements in section 24.12.140.

Section 6. Section 24.08.410 – General Provisions of Part 5: Design Permit of Chapter 24.08 – Land Use Permits and Findings of the Santa Cruz Municipal Code is hereby amended as follows:

24.08.410 GENERAL PROVISIONS.

A design permit shall be required for the following types of projects:

1. Multiple dwellings and dwelling groups containing three or more dwelling units;
2. New structures intended for commercial use;
3. New structures intended for industrial use;
4. Commercial or industrial uses of land not involving a building;
5. Accessory structures and uses except those accessory uses or structures customarily associated with and accessory to a single-family dwelling unless a design permit is otherwise required in this title;
6. Any structure on, or use of, a substandard residential lot, except for structures which provide access to the first floor for the physically challenged and accessory structures that are less than

120 square feet and less than 15 feet in building height. Such accessory structures shall be included in the calculation of maximum lot coverage pursuant to Section 24.08.440 of this title;

7. Any exterior remodeling and/or site alteration of either fifty thousand dollars or twenty-five percent additional floor area to any existing commercial or industrial building or structure, except within the Central Business District (CBD) zone and for properties within the Mission Street Urban Design Plan area, within which a design permit shall be required for any exterior alteration or remodeling for which the construction costs of such work exceed ten thousand dollars; the design of such exterior improvements shall be consistent with the applicable design requirements contained in the Downtown Plan or Mission Street Urban Design Plan.
8. Any project where the applicant is a public agency over which the city may exercise land use controls;
9. Public projects in the Coastal Zone, including but not limited to buildings, roads, bridges, wharf structures, shoreline riprap, and port district projects;
10. Any project which requires a design permit as a result of a specific city action or as a result of a condition of a prior project approval;
11. Parking lots with capacity for five or more spaces;
12. Any project which requires a planned development permit;
13. Single-family homes over four thousand square feet in R-1-10, three thousand five hundred square feet in R-1-7, and three thousand square feet in R-1-5 zoning districts;
14. Any structures in the West Cliff Drive Overlay District.

Electric vehicle charging stations are exempt from the requirement for a design permit.

Section 7. Section 24.08.430 – Findings Required - General of Part 5: Design Permit of Chapter 24.08 – Land Use Permits and Findings of the Santa Cruz Municipal Code is hereby amended as follows:

24.08.430 FINDINGS REQUIRED – GENERAL.

All applications for design permits shall be reviewed in relation to established criteria for design review. Applications for design review shall be approved if proposed buildings, structures, streets, landscaping, parking, open space, natural areas and other components of the site plan conform with the following criteria, as applicable:

1. The site plan and building design are consistent with design and development policies of the General Plan, any element of the General Plan, and any area plan, specific plan, or other city

policy for physical development. If located in the Coastal Zone, the site plan and building design are also consistent with policies of the Local Coastal Program.

2. For non-residential projects, the project's location, size, height, operations, and other significant features and characteristics are compatible with and do not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, safety, and welfare. For residential projects, the project complies with the objective standards and requirements of the zoning district in which it is located, as well as any objective standards of any area plan or other regulatory document that applies to the area in which the project is located.
3. For non-residential projects, the project provides for an arrangement of uses, buildings, structures, open spaces, and other improvements that are compatible with the scale and character of the adjacent properties and surrounding neighborhood.
4. The exterior design and appearance of buildings and structures and the design of the site plan shall be compatible with design and appearance of other existing buildings and structures in neighborhoods which have established architectural character worthy of preservation.
5. Design of the site plan respects design principles in terms of maintaining a balance of scale, form and proportion, using design components which are harmonious, and materials and colors which blend with elements of the site plan and surrounding areas. Location of structures takes into account maintenance of public views; rooftop mechanical equipment is incorporated into roof design or screened from public rights-of-way to the extent possible. Utility installations such as trash enclosures, storage units, traffic-control devices, transformer vaults and electrical meters are accessible and screened.
6. Where a site plan abuts, or is in close proximity to, uses other than that proposed, the plan shall take into account its effect on other land uses. Where a nonresidential use abuts or is in close proximity to a residential use, the effect of the site plan should maintain the residential quality of adjacent or nearby areas.
7. To the extent feasible, the orientation and location of buildings, structures, open spaces and other features of the site plan maintain natural resources including significant trees and shrubs, minimize impacts to solar access of adjacent properties, and minimize alteration of natural land forms; building profiles, location, and orientation must relate to natural land forms.
8. The site plan ensures that the scale, bulk, and setbacks of new development preserves important public views along the ocean and of designated scenic coastal areas. Where appropriate and feasible, the project shall restore and enhance visual quality of visually degraded areas.
9. The site plan shall reasonably protect against external and internal noise, vibration and other factors which may tend to make the environment less desirable. The site plan should respect the need for privacy of adjacent residents.

10. Building and structures shall be designed and oriented to make use of natural elements such as solar radiation, wind, and landscaping for heating, cooling, ventilation, and lighting.

Section 8. Section 24.08.440 – Standards for Substandard Lot Residential Development of Part 5: Design Permit of Chapter 24.08 – Land Use Permits and Findings of the Santa Cruz Municipal Code is hereby amended as follows:

24.08.440 STANDARDS FOR SUBSTANDARD RESIDENTIAL LOT DEVELOPMENT.

Whenever a project is proposed for a substandard residential lot, as defined in Section 24.22.520, applications for design review shall be approved if the findings set forth in Section 24.08.430 can be made and proposed buildings, structures, landscaping and other components of the site plan conform to the following additional criteria:

1. The maximum allowable lot coverage for structures shall be forty-five percent. Lot coverage shall include the footprints of the first floor, garage and other accessory buildings (attached and detached), decks and porches (greater than thirty inches in height and not cantilevered), and any second-story cantilevered projection (enclosed or open) beyond two and one-half feet. Decks under thirty inches in height or fully cantilevered with no vertical support posts do not count toward lot coverage for this purpose. Second-story enclosed cantilevered areas that project less than thirty inches from the building wall do not count toward lot coverage. For such areas that project more than thirty inches from the building wall, only the floor area that projects more than thirty inches shall be counted toward lot coverage.

Sections 24.08.440(2) through (7) remain unchanged.

Section 9. Section 24.08.450 – Guidelines for Large Homes in Single-Family Areas of Part 5: Design Permit of Chapter 24.08 – Land Use Permits and Findings of the Santa Cruz Municipal Code is hereby amended as follows:

24.08.450 GUIDELINES FOR LARGE HOMES IN SINGLE-FAMILY AREAS.

1. Purpose. The intent of the design permit findings for large-scale residential buildings is to protect existing neighborhood character and identity by development guidelines that promote a variable streetscape by requiring a variety of building massing and placements, and also by maintaining existing neighborhood patterns to limit obtrusive visual impacts on nearby properties.
2. Determination of Large Home. Single-family homes over four thousand square feet in R-1-10 zoning districts, three thousand five hundred square feet in R-1-7 zoning districts, and three thousand square feet in R-1-5 zoning districts are considered “large homes.” The square footage of the home shall be calculated based on the gross square footage of the main structure, including any attached and detached garages or other accessory structures, not including accessory dwelling units. For properties with detached garages in the rear one-half of the lot,

a credit shall be given for the size of the garage up to four hundred twenty square feet, which shall not be counted toward the square footage of the home. Detached garage square footage over four hundred twenty square feet shall be included in the square footage of the home. The square footage of accessory dwelling units shall not be counted as part of the home.

Section 10. Section 24.10.330 – Use Permit Requirement of Part 4: R-1 Single-Family Residential District of Chapter 24.10 – Land Use Districts of the Santa Cruz Municipal Code is hereby amended as follows:

24.10.330 USE PERMIT REQUIREMENT.

Section 24.10.330(1)(e) through (f) remain unchanged.

2. The following uses are subject to approval of an administrative use permit and a design permit:

Sections 24.10.330(2)(a) through (g) remain unchanged.

h. Two-family dwellings (duplexes) on corner lots having an area of seven thousand five hundred square feet or more, and subject to the following limitations:

- (1) Such duplexes shall maintain at least two thousand square feet of usable open space, one thousand square feet of which shall be directly accessible to each unit within the duplex;
- (2) Setbacks from the street shall be the same as for a single-family dwelling, i.e., the setback from one street shall be considered a front yard setback and the setback from the other street shall be considered an exterior side yard setback; however, garages or carports shall have a minimum setback of twenty feet from the property line to the vehicle entrance of the structure.

Section 11. Section 24.10.410 – Principal Permitted Uses of Part 5: R-L Multiple Residence - Low Density District of Chapter 24.10 – Land Use Districts of the Santa Cruz Municipal Code is hereby amended as follows:

24.10.410 PRINCIPAL PERMITTED USES.

The following uses are permitted outright if a design permit is obtained for new structures_and environmental review is conducted in accordance with city and state guidelines. Design permits are not required for accessory structures and additions that are less than 120 square feet and less than 15 feet in building height. (Numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Further refinement of uses within these categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

1. Multiple dwellings, townhouse dwelling groups, and condominium projects in one or more structure(s). (830, 840)
2. Community care facilities including daycare (except family daycare homes), retirement homes and foster homes (six or fewer).
3. Small family daycare homes.
4. Large family daycare homes in single-family dwellings or duplexes.
5. Two-family dwellings, subject to the density requirements in the General Plan.
6. Community garden.
7. Single-family dwellings, subject to the density requirements in the General Plan.
8. Accessory uses are principally permitted when they are a subordinate use to the principal use of the lot.
 - a. Home occupations subject to home occupation regulations as provided in Section 24.10.160.
 - b. Park and recreational facilities.
 - c. Room and board for not more than two paying guests per dwelling unit, when located within principal building.
 - d. Residential accessory uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, Accessory Buildings, and Section 24.10.430.
9. Accessory dwelling units subject to the provisions of Chapter 24.16, Part 2, except accessory dwelling units are not subject to approval of a design permit.
10. Supportive and transitional housing.

Section 12. Section 24.10.510 – Principal Permitted Uses of Part 6: R-M Multiple Residence - Medium Density District of Chapter 24.10 – Land Use Districts of the Santa Cruz Municipal Code is hereby amended as follows:

24.10.510 PRINCIPAL PERMITTED USES.

The following uses are permitted outright if a design permit is obtained for new structures and environmental review is conducted in accordance with city and state guidelines. Design permits are not required for accessory structures and additions that are less than 120 square feet and less

than 15 feet in building height. (Numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Further refinement of uses within these categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

1. Multiple dwellings, townhouse dwelling groups, and condominium projects in one or more structures. (830, 840)
2. Community care facilities including daycare (except family daycare homes), foster home, and retirement home (six or fewer persons).
3. Community garden.
4. Small family daycare homes.
5. Large family daycare homes in single-family home or duplex.
6. Accessory uses are principally permitted when they are a subordinate use to the principal use of the lot.
 - a. Park and recreational facilities.
 - b. Home occupations subject to home occupation regulations as provided in Section 24.10.160.
 - c. Room and board for not more than two paying guests per dwelling unit, when located within principal building.
 - d. Residential accessory uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, Accessory Buildings, and Section 24.10.530.
7. Supportive and transitional housing.

Section 13. Section 24.10.565 – Principal Permitted Uses of Part 6A: R-H Multiple Residence - High Density District of Chapter 24.10 – Land Use Districts of the Santa Cruz Municipal Code is hereby amended as follows:

24.10.565 PRINCIPAL PERMITTED USES.

The following uses are permitted subject to a design permit for new structures in compliance with the Beach and South of Laurel Design Guidelines and other requirements of the Municipal Code (numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Further refinement of uses within these categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses). Design permits

are not required for accessory structures and additions that are less than 120 square feet and less than 15 feet in building height. Environmental review must be conducted in accordance with city and state guidelines:

1. Multiple dwellings, townhouse dwelling groups, and condominium projects in one or more structures; (830, 840)
2. Small community care residential facilities including daycare (except family daycare homes), foster homes, and retirement homes, with six or fewer persons; (800A)
3. Small family daycare homes; (510a)
4. Large family daycare homes in single-family dwellings or duplexes; (510a)
5. Supportive and transitional housing.

Section 14. Section 24.10.570 – Accessory Uses of Part 6A: R-H Multiple Residence - High Density District of Chapter 24.10 – Land Use Districts of the Santa Cruz Municipal Code is hereby amended as follows:

24.10.570 ACCESSORY USES.

Accessory uses are principally permitted subject to a Design Permit when they are a subordinate use to the principal use of the lot. Design permits are not required for accessory structures and additions that are less than 120 square feet and less than 15 feet in building height.

1. Garages and parking areas, private;
2. Home occupations subject to home occupancy regulations as provided in Section 24.10.160;
3. Residential accessory uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Sections 24.12.140 and 24.10.575.

Section 15. Section 24.12.130 – Extended Storage or Parking in Yard Areas of Part 2: General Site Design Standards of Chapter 24.12 – Community Design of the Santa Cruz Municipal Code is hereby amended as follows:

24.12.130 EXTENDED STORAGE OR PARKING IN YARD AREAS.

1. General. The extended parking or storage of vehicles, trailers, airplanes, boats, building materials or the like, within the front and exterior side yard creates a fire hazard; constitutes a nuisance per se; constitutes an attractive nuisance to children; may create a traffic hazard by obscuring vision of cross traffic at corners; may cut off light and air from adjacent buildings;

and detracts from the attractiveness of the city and lowers property values therein, defeats the purposes of this title and does not conform with the intent and purpose of the General Plan.

2. **Parking and Storage Prohibited.** No motor vehicle, mobilehome, trailer, airplane, boat, parts of any of the foregoing, or the like or building materials or discarded or salvaged materials shall be parked or stored in any front or exterior side yard for more than forty-eight consecutive hours. This regulation shall not apply to:
 - (i) Building materials for use on the premises and stored therein during the time a valid building permit is in effect for construction on the premises; nor to
 - (ii) Motor vehicles that are registered for operation and are in fully assembled condition when parked on a paved surface.

Section 16. Section 24.12.140 – Accessory Buildings of Part 2: General Site Design Standards of Chapter 24.12 – Community Design of the Santa Cruz Municipal Code is hereby amended as follows:

24.12.140 ACCESSORY BUILDINGS.

Accessory buildings are subject to the regulations and permit requirements of the zoning district in which they are located. Accessory buildings are separate and distinct from Accessory Dwelling Units, which are subject to the regulations in Part 2 of Chapter 24.16 of this title.

1. No setback shall be required for an accessory building except as otherwise provided.
2. No accessory building shall be located in a front or exterior side yard. The vehicle entry side of a garage or other covered parking may not be located closer than twenty feet from front or exterior side yard lot lines; except that the vehicle entry side of a garage or other covered parking may be built to the front and exterior side yard lot lines where the slope of the front half of the lot is greater than one foot rise or fall in a distance of seven feet from the established street elevation at the property line, or where the elevation of the lot at the street line is five feet or more above or below the established street elevation.
3. Accessory buildings that are less than one hundred twenty square feet in floor area are not required to conform to the distance-between-buildings requirement set forth in the district regulations, Chapter 24.10; however, such structures are subject to all other standards, regulations, and requirements of this title and other state and local requirements including Title 18 and the California building standards code.
4. Accessory buildings that are less than one hundred twenty square feet in floor area and less than 15 feet in height are not subject to Design Permit approval when constructed on substandard lots or when constructed on lots within a residential zone district that requires Design Permit approval for new structures; however, such structures are subject to all other

standards, regulations, and requirements of this title and other state and local requirements including Title 18 and the California building standards code.

5. Habitable accessory buildings shall not be located within the front yard nor closer than six feet to the nearest point of the principal building; and shall conform to principal building rear and side yard requirements of the district in which they are located. No habitable accessory building shall be used as a separate dwelling unit except accessory dwelling units as described in Part 2 of Chapter 24.16. Guesthouses for nonpaying guests are allowed only if permitted in the zoning district in which they are located.
6. Accessory buildings may not cover an area in excess of thirty percent of any required yard area. The footprint of accessory dwelling units shall count toward the maximum allowable lot coverage by other accessory structures; however, the maximum allowable lot coverage does not apply to the accessory dwelling unit itself.
7. An accessory building attached to a main building by a breezeway is not part of the main building.
8. An accessory building may have one sink and/or a clothes washer installed in it if a building permit is obtained. A property with multiple accessory buildings may have a sink in only one accessory building without approval of an administrative use permit. Any additional plumbing fixtures would require an administrative use permit subject to findings listed in subsection (9) and a building permit for the approved improvements.
9. Except for accessory dwelling units, accessory buildings may contain a full bathroom only when an administrative use permit is approved in accordance with district regulations and all of the following findings are made:
 - a. The structure and use are subordinate to the principal use; and
 - b. The purpose of the use is incidental to the principal use; and
 - c. The use is customarily or reasonably appurtenant to the permitted use; and
 - d. The structure will not be used as a dwelling unit except as set forth in Chapter 24.16, Part 2, Accessory Dwelling Units; and
 - e. A deed restriction will be recorded limiting the use of the structure to that approved under the permit unless otherwise authorized by the city.

Section 17. Section 24.12.190 – Outdoor Storage, Display, or Sale of Merchandise of Part 2: General Site Design Standards of Chapter 24.12 – Community Design of the Santa Cruz Municipal Code is hereby amended as follows:

24.12.190 OUTDOOR STORAGE, DISPLAY, OR SALE OF MERCHANDISE.

All merchandise storage, display, or sales areas shall be wholly within a completely enclosed building or structure or shall be screened so as not to be visible from an adjacent public street or publicly operated parking lot, except that the area within a completely roofed street alcove or entryway may be utilized for merchandise display; provided, that such merchandise is displayed inside the line of the building face and does not present a hazard to pedestrians or encroach on a required building exit.

1. Exceptions. The following outdoor sales and commercial activities shall not be subject to the provisions of this section:
 - a. Automobiles, boat, trailer, camper, motorcycle, and motor-driven vehicle sales and rentals;
 - b. Building material and supplies areas in the I-G District;
 - c. Fish markets and beach, surfing, and fishing equipment in the C-B and OF-R Districts;
 - d. Fruit and vegetable stands;
 - e. Horticultural nurseries;
 - f. Vending machines, when located in service stations, motels and other drive-in businesses;
 - g. Gasoline pumps, oil racks and accessory items when located on pump islands;
 - h. Vending carts and stands;
 - i. Parking lot sales not to exceed three days during any six-month period;
 - j. Sidewalk sales, when sponsored by business or civic organizations, not to exceed three days during any six-month period;
 - k. Garage sales when conducted on residentially used property, for a period not to exceed three days during any six-month period;
 - l. Sidewalk cafes on private property, subject to approval of an administrative use permit;
 - m. Outdoor extension areas for commercial uses, including outdoor sidewalk cafes or retail areas on public property, subject to approval of an administrative use permit and a revocable license per Section 24.12.192;
 - n. Temporary circus or carnival activities, subject to approval of an administrative use permit;
 - o. Cut flowers;
 - p. Activities similar to the above, as determined by the zoning administrator.

Section 18. Sections 24.12.300 through 24.12.352 of Part 4: Advertising Devices, Signs and Billboards of Chapter 24.12 – Community Design of the Santa Cruz Municipal Code is hereby amended as follows:

24.12.300 PURPOSE.

Regulations in this ordinance governing signs (not in public right-of-way) are established in order to:

1. Accommodate the community's need to communicate political, civic, public service, religious and other noncommercial messages with a minimum of restraint and to regulate commercial signs;
2. Protect the aesthetic amenities on which the city's economy and quality of life depend;
3. Promote traffic safety and minimize structural hazards posed by unsafe signs;
4. Achieve consistency between General Plan goals and regulations dealing with size, location and content of exterior signs.

24.12.310 CLASSIFICATION AND REGULATION.

The zoning administrator shall designate an appropriate classification from the following categories (Sections 24.12.320 through 24.12.342 inclusive) for each sign. This section shall apply to all signs citywide unless superseded by regulations specific to an area plan, overlay district, or similar special regulations. Disputes concerning the proper sign category may be appealed to the Planning Commission. In calculating the area of signs, only one side of a two sided sign shall be counted if the parallel planes are not more than twenty inches apart. Time and temperature devices are not included in the sign area, but may not exceed twenty percent of the allowed sign area.

24.12.312 DEFINITIONS

- a. "A-frame sign/sandwich board" shall mean a portable freestanding sign in the shape of the letter "A" as viewed from the side, typically with two sides facing opposite directions.
- b. "Animated sign" shall mean a sign or any device designed to attract attention by visual means through the movement or semblance of movement of the whole or any part of the sign.
- c. "Canopy/awning sign" shall mean any sign that is part of a structural protective cover over a door or entrance.
- d. "Freestanding sign" shall mean any sign standing on the ground or the support for which stands or rests on the ground. Such signs are usually, but not necessarily, supported from the ground by one or more poles or posts, or similar uprights, with or without braces.
- e. "Halo illumination" shall mean a light source that is not visible, where the light fixture is placed on the back side of the letter or sign face, resulting in a glow around the outside of the lettering or sign.
- f. "Hanging sign" shall mean a projecting sign which is suspended from an overhang, canopy, marquee, or awning, or from a mounting attached directly to the building wall.

- g. "Icon sign" shall mean hanging or projecting signs that depict a physical object, such as a shoe, as opposed to signs that utilize lettering to convey the sign message. Icon signs may or may not include the name of the establishment.
- h. "Master Sign Program" shall refer to a program established to integrate all signs into a site or building design to achieve a unified architectural statement. A Master Sign Program provides a means for flexible application of sign regulations for properties with multiple signs, multi-tenant properties, and other properties with unified development, in order to encourage creativity and provide incentives to achieve, not circumvent, the intent of this division.
- i. "Projecting sign" shall mean any sign which uses a building structure as its main source of support and contains copy that is mounted at an angle to the building face. Projecting signs may be mounted vertically or horizontally on the support structure.
- j. "Public art" shall mean original works of art in any medium, whether two- or three-dimensional, created for placement in public places or integrated projects where the artwork is a part of the underlying architecture or landscape design and that is not prefabricated or a standard design. Artwork should not use letters, words, numerals, figures, emblems, logos or any part or combinations thereof for the purpose of advertising goods, services, or merchandise. Public art should enhance rather than impair pedestrian use of the area, particularly with respect to pedestrian visibility and circulation.
- k. "Roof sign" shall mean any sign erected upon or over the roof or parapet of any building.
- l. "Sign" shall mean any structure, device, or design and appurtenant light structures used principally to advertise or attract attention of the public. The term shall not include the United States flag, or any governmental flag, properly displayed in an approved manner, patriotic bunting, historic building plaques, and donor's memorial plaques.
- m. "Sign area" shall mean the area which is framed either physically or visually by the construction, design, or layout of the sign itself, but not including supporting structures.
- n. "Sign valuation" shall mean the valuation of a sign shall prima facie be the total cost or contract price of the sign. In the event such a cost or price is not available or does not fairly represent the true value of the sign, the valuation shall be based on a reasonable value estimate established by the building official.
- o. "Temporary sign" shall mean sign(s) placed for a time not to exceed thirty consecutive calendar days. These signs are generally used for special events or grand openings, but may include the name of a business. Banners are a type of temporary sign which hang over a public street, walkway, or wall to advertise a special event or business.
- p. "Time and temperature device" shall mean any mechanism that displays the time and/or temperature, but does not display any advertising or establishment identification.
- q. "Wall sign" shall mean any sign posted or painted on, suspended from, or otherwise affixed to the wall of any building or structure in an essentially flat position, or with the exposed face of the sign in a plane approximately parallel and in close proximity to the plane of such wall.

- r. “Wind sign” shall mean a flag, pennant, whirligig, or any device which is designed to wave, flutter, rotate, or display other movement under the influence of wind.
- s. “Window sign/graphics” shall mean any building sign, pictures, symbols, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window pane or glass and is visible from the exterior of the window.

24.12.315 TEMPORARY SIGNS.

1. Temporary signs not exceeding two in number and six square feet in total area for each business are allowed provided they meet the description in Section 24.12.312. Such signs shall be professionally designed and printed.
2. Temporary signs such as hastily hand-painted “Sale” signs printed on paper and plastered in windows are not permitted and shall be subject to the enforcement procedures provided under Title 4 of the City of Santa Cruz Municipal Code.
3. Temporary signs shall be allowed no more than three times per year for each individual business.

24.12.317 MASTER SIGN PROGRAM.

A Master Sign Program as described in Section 24.12.312 may be created to allow for a coordinated, long-term sign plan for a multi-tenant building or property, subject to approval of a Sign Permit per Chapter 24.08, Part 6 of this title.

24.12.320 FREESTANDING SIGNS.

1. Freestanding Signs Five Feet or Under. Freestanding signs five feet or less in height shall be permitted in all districts subject to the limitations in this chapter. Specific regulations for the CBD district are contained in Section 24.12.352.
 - a. Area. The area of such signs may be one-half square foot per lineal foot of frontage with a maximum area of thirty-two square feet.
 - b. Location. Except for projecting signs, every such sign shall be wholly on the owner’s property.
 - c. Number. There may be no more than one such sign for each frontage. In the case of shopping centers and other multiple occupancies sharing a common frontage, the frontage shall be deemed to be that of the shopping center or commonly used parcel and not the frontages of the individual businesses or occupancies.
2. Freestanding Signs Over Five Feet. Freestanding signs over five feet in height shall be permitted only in accordance with the terms of a Sign Permit.

- a. Area. The maximum area of such signs shall be as indicated on Table 1, Section 24.12.390.
- b. Height. No such sign shall exceed thirty feet in height.
- c. Location. Subject to obtaining an encroachment permit, such signs may project over public property, or public vehicular or pedestrian easements or ways a distance determined by the clearance of the bottoms thereof above the level of the sidewalk or grade of the public property immediately below, as set forth in the following table:

Clearance	Maximum Projection
Less than 8 feet	Not permitted
8 to 14 feet	1 foot plus 6 inches for each foot of clearance in excess of 8 feet
Over 14 feet	4 feet

No sign shall project within two feet of the curbline. No sign or sign structure shall project into any public alley whatsoever, below a height of fourteen feet above grade, nor more than six inches when over fourteen feet.

- d. Number. Subject to the provisions of Section 24.12.334 below, there may be one such sign for each street frontage. In the case of shopping centers and other multiple occupancies having a common frontage, the frontage shall be deemed to be that of the shopping center or commonly used parcel and not the frontage of the individual businesses or occupancies.
 - e. Distance Apart. Where two or more signs are permitted because of multiple frontages (two or more street frontages), such signs shall be at least thirty feet apart.
3. Sandwich Board and Movable Freestanding Signs. Sandwich board and movable freestanding signs shall be prohibited.

No changes in Sections 24.12.322 through 24.12.344

24.12.350 SPECIAL PURPOSE SIGN REGULATIONS.

1. Construction Project Signs.
 - a. Signs may be erected in conjunction with construction projects onsite and used for the purpose of publicizing the future occupants of the building, or the architects, engineers and construction organizations participating in the project.
 - b. In all districts, no such sign shall exceed twelve square feet in area, and no freestanding sign shall exceed five feet in height.

- c. All such signs shall be removed before a final release on the construction is given by the building official.
2. On-Site Directional Signs.
 - a. Directional signs may be erected for the purpose of facilitating or controlling the efficient or safe movement of pedestrians or vehicles on or onto private property and shall be located on the property to which they pertain.
 - b. Such signs shall not be used for advertising purposes.
 - c. Such signs shall not exceed an area of six square feet nor a height of five feet, and shall be located at least twenty feet from the nearest property line. A directional sign within twenty feet of a property line may be approved through express written permission by the Director of Planning or Public Works.
3. Off-Site Directional Signs. Off-site directional signs designating community service facilities (e.g., hospital, fire stations, municipal wharf, etc.) shall be permitted subject to the issuance of an administrative use permit for each such sign or series of signs.
4. Open House Signs. Open house signs, advertising real estate open for inspection for prospective sale, may be placed off the site of the open house only on private property in all districts, with the consent of the owner, lessee or occupant of the property on which the sign is to be placed. Such signs shall contain only the words "Open House" and a directional arrow, and may also contain the address of the open house. Such signs shall not exceed four square feet in area, nor three in number for any one sale.
5. Noncommercial Signs. Noncommercial signs containing political, civic, public service, religious or other noncommercial messages may be erected in conformity with this part in all districts. Such signs may be located on or off site.
6. Nameplate. One nameplate or marker shall be allowed for each dwelling unit, to indicate the occupant's name; and shall not exceed one square foot in area, nor shall it contain an occupation designation.
7. Subdivision Signs.
 - a. Signs offering real estate or homes for sale in an approved subdivision may be erected under the following conditions:
 - (1) Not more than two such signs shall be allowed per subdivision.
 - (2) Such signs shall be located on the subdivision being advertised.

- (3) No such sign shall be erected on or situated within one hundred feet of any occupied residential property.
 - (4) No such sign shall exceed forty square feet in area.
 - (5) No such sign shall be illuminated.
 - (6) Such signs shall be removed when all lots and houses in the subdivision have been sold.
- b. The application for a permit for any such sign shall be accompanied, in addition to the permit fee, by a deposit of \$50.00 for each sign to guarantee proper maintenance and ultimate removal thereof.
- (1) The permit for any such sign shall be issued for a period not to exceed twelve months. At the end of such period, additional extensions of six months each may be granted by the building official for good cause.
 - (2) Upon expiration of the permit or any extension thereof, the sign shall be removed by the applicant. Following the removal of the sign, and upon request, the deposit shall be refunded to the applicant.
 - (3) If for any reason the applicant fails to remove the sign, the city may cause it to be removed and shall apply the cost of such removal against the deposit, and return the remainder to the applicant.

24.12.351 PUBLIC ART EXCEPTION

The zoning administrator shall determine whether a proposal contains the characteristics of a sign, i.e., whether its principal function is to serve as an advertisement or notice of a business entity location. If the zoning administrator determines that the proposal is a sign, it shall be subject to the requirements of this part and may be subject to building and construction codes or other requirements of the municipal code.

24.12.352 SIGN REGULATIONS FOR CENTRAL BUSINESS DISTRICT (CBD) ZONE.

1. Purpose. The sign regulations have been created in order to: ensure the visibility of Central Business District (CBD) zoned businesses; to maintain safe and accessible public pedestrian areas; to ensure that signs are integrated with and harmonious to the buildings and sites which they occupy; to eliminate excessive and confusing sign displays; to preserve and improve the appearance of the CBD zone as a place in which to live and to work as an attraction to nonresidents, and to restrict signs which increase the probability of accidents by distracting attention or obstructing vision.

2. Permitting Requirements. Signs within the CBD zone are subject to the sign permit requirements of Chapter 24.08, Part 6 of the City of Santa Cruz Zoning Code, except as modified by this chapter.
 - a. Projecting signs and hanging signs that conform to all provisions provided under subsection (6)(b) shall be permitted and do not require a sign permit.
 - b. Exceptions and variations to the requirements may be considered by the zoning administrator without a public hearing, subject to the exception procedure set forth in Section 24.08.580; sign permit findings set forth in Section 24.08.530; and the following criteria:

The alternate sign design is necessary to achieve visibility due to: 1) the location of existing, permitted sign, awnings/canopies, or other architectural features on surrounding structures, 2) the location of existing vegetation, required landscaping, or other natural elements worthy of preservation, or 3) the physical location of the building.
3. Prohibited Signs. Signs prohibited within the CBD zone are subject to the regulations in Part 4 of Chapter 24.12. Additional types of signs prohibited include:
 - a. Sandwich board/A-frame signs.
 - b. Temporary signs that are displayed for longer than thirty days and/or that are prohibited under subsection (6)(f).
4. Definitions. The definitions listed in Section 24.12.312 apply to the CBD District Sign Regulations.

Sections 24.12.352(5) through 24.12.352(6)(e) remain unchanged

Section 19. Chapter 24.18 – Nonconforming Uses and Structures of the Santa Cruz Municipal Code is hereby amended as follows:

Chapter 24.18 NONCONFORMING USES AND STRUCTURES*

24.18.010 PURPOSE.

The purpose of this chapter is to provide for the control, improvement and termination of uses or structures which do not conform to the regulations of this title for the district in which they are located. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan.

24.18.020 GENERAL APPLICATION.

1. Any lawfully established building or structure, or lawfully established use of a building or structure, existing at the effective date of this title, or of any amendments thereto, that does not conform to the regulations for the district in which it is located, shall be deemed to be legally nonconforming and may be continued, except as otherwise provided in this chapter.
2. Any legal nonconforming use may be continued as stipulated in this Chapter 24.18, provided there is no increase in the intensity of such use.
3. Any legal nonconforming building or structure shall not be made more nonconforming.
4. A building, structure or part thereof for which a building permit was issued prior to the enactment of amendments to this title making aspects of the building or structure nonconforming may be completed provided that work is prosecuted continuously and without delay. When completed, such building shall be deemed to be a legal nonconforming structure and shall thereafter be subject to the regulations set forth herein.
5. A building, structure, or use nonconforming only because of noncompliance with setbacks from a watercourse or wetland as required in Section 24.08.2100, shall be considered legally nonconforming.
6. Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the building official.

24.18.030 NONCONFORMING STRUCTURES – ENLARGEMENT AND ALTERATIONS.

A nonconforming structure may be enlarged or structurally altered, provided that it is not made more nonconforming.

1. Exception. When a single-family residence has nonconforming side or rear yards, additions to such structures shall be permitted on the first floor, while maintaining side and rear yards no less than existing yards, and provided a design permit is obtained. Additions above the first story must conform to required setbacks.

24.18.040 NONCONFORMING STRUCTURES – RECONSTRUCTION.

A nonconforming structure which is damaged or destroyed by fire, flood, wind, earthquake, or other disaster may be repaired or reconstructed. A nonconforming structure damaged to more than fifty percent of its value as determined by the chief building official shall require approval of a reconstruction permit (Chapter 24.08, Part 20). Buildings or structures damaged more than fifty percent as described above that are nonconforming only because of noncompliance with setbacks from a watercourse or wetland as required in Chapter 24.08, Part 21 may be reconstructed subject to a building permit only provided that the general requirements in Section 24.08.2030 are met.

24.18.050 NONCONFORMING USE – CHANGE.

1. Where a nonresidential use is nonconforming because of failure to meet parking requirements, another nonconforming use may be substituted, provided its sole nonconformity pertains to parking and its parking requirement does not exceed the parking requirement for the use it replaces.
2. When a nonconforming use in a residential R- District is changed to a permitted use, it shall meet the Zoning Ordinance requirement for the permitted use.
3. Variations to Nonconforming Use Regulations for Lots with Historic Buildings Listed on the City Historic Building Survey and on Lots with Contributing Buildings within an Historic District. Variations may be allowed in accord with Section 24.12.445.

24.18.060 NONCONFORMING USE – EXPANSION PROHIBITED.

Any nonconforming use may be maintained and continued, provided there is no expansion in the area or volume occupied or devoted to such nonconforming use, and further provided there is no increase in the intensity of such nonconforming use except as otherwise provided in this title. A home occupation in a nonconforming residential use shall not be considered an expansion of the use so long as the home occupation is in compliance with the home occupation regulations in Section 24.10.160 and the area devoted to the nonconforming residential use is not expanded in area or volume as a result of the home occupation.

Variations to nonconforming use regulations for Lots with Historic Buildings Listed on the City Historic Building Survey and on lots with Contributing Buildings within a Historic District. Variations may be allowed in accord with Section 24.12.445.

24.18.070 NONCONFORMING USE – DISCONTINUANCE.

1. Any nonconforming, nonresidential use that is nonconforming due to district use regulations and/or violates performance standards and which is discontinued or abandoned or otherwise ceases operation for a period of six months or more shall not be resumed, and all subsequent use of such structure or portion of structure or site shall conform to this title. An administrative use permit shall be required for a new use exceeding the parking requirement for the use it replaces. The approving body shall find that the reduction in parking requirements will not adversely affect parking on adjacent and nearby streets and properties.
2. Whenever any part of a building, structure or land occupied by a nonconforming use is changed to or replaced by a use conforming to the provisions of this title, regardless of the period of time such conforming use occupies the building, such premises shall not thereafter be used or occupied by a nonconforming use.
3. Any uses nonconforming by reason of noncompliance with performance standards established herein shall be deemed illegal until compliance with performance standards is achieved.

4. Notwithstanding the provisions of subsection (1), above, any legal nonconforming use which operates on property being acquired by the city by eminent domain or under threat of condemnation and which is required to discontinue or otherwise cease operation because of construction activities undertaken by the city may resume said use without losing its status as legal nonconforming: (1) within two years; or (2) within six months after the city's construction activities are completed so as to enable said use to resume, whichever is later. Nothing contained in this subsection shall be construed as having any effect upon the city's proprietary interest in property acquired by eminent domain or under threat of condemnation.

24.18.080 NONCONFORMING USE – MAINTENANCE, REPAIRS AND NONSTRUCTURAL ALTERATIONS TO BUILDINGS.

1. Normal and routine maintenance or nonstructural alterations of any structure for the purpose of preserving its existing condition, retarding or eliminating wear and tear or physical depreciation, rendering the space more usable, or complying with the requirements of law shall be permitted.
2. Structural alterations or enlargement of the building containing nonconforming, nonresidential uses shall be permitted only to accommodate a conforming use, or when made to comply with the requirements of the law.
3. Buildings containing nonconforming residential uses may be altered to improve livability, provided no structural alterations shall be made which would increase the number of dwelling units or the bulk of the building.

24.18.090 NONCONFORMING USE – CONVERSION TO CONDITIONAL USE.

Any use legally existing on the effective date of this title, or amendments thereto, which is listed as a conditional use in the district in which it is located but which has never obtained a conditional use permit, shall be and remain a nonconforming use until a conditional use permit is obtained as provided in this title.

24.18.100 RESERVED.

24.18.110 BURDEN OF PROOF.

1. In any administrative or judicial proceeding wherein it is claimed that a structure or use is allowable as a nonconforming structure or use, the party asserting that such nonconforming status exists shall have the burden of providing proof of the same.
2. In any administrative proceeding such burden of proof shall be met only if the following findings can be made:
 - a. That the structure or use was lawful when commenced; and
 - b. No conditions have occurred since then that would require its abatement; and

- c. No unlawful expansion, enlargement, or intensification of this structure or use has occurred and remains in place.

Section 20. This ordinance shall take effect and be in force thirty (30) days after final adoption for areas of the City outside the Coastal Zone, and shall take effect and be in force upon certification by the California Coastal Commission for areas of the City located inside the Coastal Zone.

PASSED FOR PUBLICATION this 13th day of October, 2020, by the following vote:

AYES: Councilmembers Beiers, Mathews, Brown, Golder, Watkins; Vice Mayor Meyers; Mayor Cummings.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

APPROVED: _____
Justin Cummings, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

PASSED FOR FINAL ADOPTION this 27th day of October, 2020, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Justin Cummings, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

This is to certify that the above and foregoing document is the original of Ordinance No. 2020-22 and that it has been published or posted in accordance with the Charter of the City of Santa Cruz.

Bonnie Bush, City Clerk Administrator

RESOLUTION NO. NS-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AUTHORIZING
AND DIRECTING THE CITY MANAGER TO SUBMIT THE LOCAL COASTAL PLAN
IMPLEMENTING REGULATIONS AMENDMENT TO THE CALIFORNIA COASTAL
COMMISSION FOR APPROVAL

WHEREAS, the California Coastal Commission certified the City's major Local Coastal Plan (LCP) amendment #2-93 on March 10, 1995; and

WHEREAS, on September 17, 2020 the Planning Commission held a public hearing on proposed amendments to sections of the City's Zoning Ordinance that serve as Implementation Regulations to the LCP, including revisions to Chapters 24.04 – Administration; 24.08 – Land Use Permits and Findings; 24.10 – Land Use Districts; 24.12 – Community Design; 24.16 – Affordable Housing Provisions; 24.18 – Non-Conforming Uses and Structures; and 24.22 – Definitions to remove obsolete sections and references, streamline application processes, update sections to conform to changes in State law, provide internal consistency, and to update and improve sections of the Zoning Ordinance and voted to recommend that City Council approve the amendments, with modifications; and

WHEREAS, on October 13, 2020 City Council held a public hearing at which the proposed amendments as modified by the Planning Commission were introduced; and

WHEREAS, on October 27, 2020 City Council held a public hearing for the second reading of the proposed amendments; and

WHEREAS, consistent with the California Environmental Quality Act (CEQA) and City Guidelines, the proposed code amendments were determined to be addressed by the Environmental Impact Report (EIR) drafted for the City's General Plan and approved by the City Council in April 2012; and

WHEREAS, the City Council hereby directs the City Manager to submit the amendments to Title 24 of the Municipal Code as Local Coastal Plan Implementing Regulation Amendments to the California Coastal Commission for final certification; and

WHEREAS, the City Council now finds:

1. The proposed amendments to Title 24 are in the public interest as they remove obsolete sections and references, streamline application processes, update sections to conform to changes in State law, provide internal consistency, and update and improve sections of the Zoning Ordinance.
2. The proposed amendments to Title 24 are consistent and compatible with the General Plan and any implementation programs that may be affected.

RESOLUTION NO. NS-

3. The proposed amendments to Title 24 are intended to be carried out in a manner fully in conformity with the California Coastal Act (CA Section 30510).

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz that Title 24 of the Santa Cruz Municipal Code and Local Coastal Program are hereby amended as shown in Exhibit A, attached hereby and made a part hereof.

BE IT FURTHER RESOLVED that the City Council authorizes and directs the City Manager or his designee to submit the amendments to the Local Coastal Program to the California Coastal Commission for final certification.

BE IT FURTHER RESOLVED that amendments to Title 24 of the Santa Cruz Municipal Code and the Local Coastal Program will become effective within the Coastal Zone upon final certification by the California Coastal Commission.

PASSED AND ADOPTED this 27th day of October, 2020, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Justin Cummings, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

DECLARATION OF POSTING

STATE OF CALIFORNIA)
) SS.
COUNTY OF SANTA CRUZ)

On the 19th day of October, 2020, I posted conspicuously in three public places within the City of Santa Cruz, Ordinance No. 2020-22, to wit:

1. City Hall: 809 Center Street: Bulletin Board outside Room 9/10
2. City Hall: Bulletin Board outside Council Chambers
3. The City of Santa Cruz website

The document, posted in its entirety, consists of pages 1—29.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 21st day of October, 2020, in Santa Cruz, California.

Julia Wood
Deputy City Clerk Administrator

**Proof of Publication
(2015 C.C.P.)**

I, the undersigned, declare:

That I caused the attached legal notice/advertisement to be published in the Santa Cruz *Good Times*, a weekly newspaper published and circulated in the County of Santa Cruz, and adjudged a newspaper of general circulation by the Superior Court of California in and for the County of Santa Cruz, under Proceeding No. 68833; and that the legal notice/advertisement was published in the above-named newspaper on the following date(s), to wit:

October 21, 2020

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

This 21st day of October, 2020, Santa Cruz, California

Julia Wood
Deputy City Clerk Administrator

**NOTICE OF
PUBLICATION
OF ORDINANCE
BY POSTING
(ORDINANCE NO. 2020-22)**


The City Council of the City of Santa Cruz having authorized the City Clerk Administrator, that the ordinance hereafter entitled and described, be published by posting copies thereof in three (3) prominent places in the City, to wit:

The City of Santa Cruz website
www.cityofsantacruz.com
City Hall – 809 Center Street:
Bulletin Board, Room 9/10
Bulletin Board outside Council Chambers

NOTICES HEREBY GIVEN that copies of said ordinance were posted according to said order. (Original on file with city clerk). Said ordinance was introduced on October 13th, 2020, and is entitled and described as follows:

**ORDINANCE NO. 2020-22
AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF SANTA CRUZ AMENDING
SECTIONS 24.04 – ADMINISTRATION; 24.08 –
LAND USE PERMITS AND FINDINGS; 24.10 –
LAND USE DISTRICTS; 24.12 – COMMUNITY
DESIGN; 24.16 – AFFORDABLE HOUSING
PROVISIONS; 24.18 – NON-CONFORMING
USES AND STRUCTURES; AND 24.22
– DEFINITIONS OF THE SANTA CRUZ
MUNICIPAL CODE AND LOCAL
COASTAL PROGRAM**

This ordinance relates to subdivision and zoning ordinance cleanup amendments and require certification by the California Coastal Commission. PASSED FOR PUBLICATION on this 13th day of October, 2020, by the following vote: AYES: Councilmembers Beiers, Mathews, Brown, Golder, Watkins; Vice Mayor Meyers; Mayor Cummings. NOES: None. ABSENT: None. DISQUALIFIED: None. APPROVED: ss/Mayor Cummings. ATTEST: ss/Bonnie Bush, City Clerk Administrator. This Ordinance is scheduled for further consideration and final adoption at the Council meeting of October 27th, 2020.



SANTA CRUZ

ORDINANCE NO. 2020-23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AMENDING THE FOLLOWING SECTIONS OF THE SANTA CRUZ MUNICIPAL CODE: SECTIONS 23.16.060 – EXPIRATION AND EXTENSIONS – EXTENSION (TENTATIVE SUBDIVISION MAPS); 23.20.030 – EXPIRATION AND EXTENSIONS (PARCEL MAPS) 24.08.1350 – RELOCATION ASSISTANCE; 24.10.160 – HOME OCCUPATION REGULATIONS; 24.10.2800 THROUGH 24.10.2850 – HIGH DENSITY OVERLAY DISTRICT; 24.12.730 – HARDSHIPS (UNDERGROUND UTILITIES); 24.12.1340 – PERFORMANCE STANDARDS (CANNABIS); 24.16.100 THROUGH 24.16.141 – ACCESSORY DWELLING UNITS; 24.16.255 – STANDARDS FOR INCENTIVES AND CONCESSIONS AND WAIVERS FOR HOUSING DEVELOPMENTS; AND THE FOLLOW DEFINITIONS: 24.22.013 – ACCESSORY USE OR STRUCTURE; 24.22.124 (NEW) – BICYCLE, ELECTRIC; 24.22.522 – LOT, THROUGH; 24.22.586 – OPEN SPACE, USABLE; 24.22.702 THROUGH 24.22.746 – SIGN-RELATED DEFINITIONS; 24.22.882.1 (NEW) – VEHICLE, INOPERABLE; AND 24.22.822.3 (NEW) – VEHICLE, MOTOR

BE IT ORDAINED By the City of Santa Cruz as follows:

Section 1. Section 23.16.060 – Expiration and Extensions of Chapter 23.16 – Subdivision Procedures – Five or More Lots of the City of Santa Cruz Municipal Code is hereby amended as follows:

23.16.060.2 EXPIRATIONS AND EXTENSIONS – EXTENSIONS

- (a) Request by Subdivider. A subdivider may request an extension of the expiration date of an approved or conditionally approved tentative subdivision map by written application to the director of planning. The application shall be filed before the map is to expire and shall state the reasons for requesting the extension. Upon submittal of a complete application by the subdivider prior to the expiration of an approved or conditionally approved tentative map or parcel map to extend that map, the map shall automatically be extended for sixty days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. The completeness determination for a tentative subdivision map extension application shall follow the procedures contained in Section 24.04.052 of the Zoning Ordinance.
- (b) Action Taken. The planning director shall review the request for time extension and submit the application together with a report to the planning commission. A copy of the director's report shall be forwarded to the subdivider prior to the planning commission meeting on the extension. The planning commission shall consider the director's report approve, conditionally approve, or deny the application for extension. The planning commission shall specify the new expiration date of the tentative subdivision map.

If the advisory agency denies a subdivider's application for extension, the subdivider may appeal to the City Council within ten days after the Planning Commission has denied the extension. The map shall automatically be extended until the appeal has been decided.

- (c) Time Limit of Extension. The approved extension shall not exceed a period or periods totaling six years. The approved new expiration date shall not extend more than nine years beyond the date of the resolution adopted by the city council approving or conditionally approving the original tentative subdivision map, or as may be authorized by the state of California Subdivision Map Act.
- (d) Conditions of Approval. As a condition of the extension of a tentative subdivision map, the Planning Commission may impose new conditions or revise existing conditions on the approved tentative map as deemed necessary.
- (e) Litigation. If a tentative subdivision map is subject to litigation, the subdivider may apply for a stay of the expiration date for the period of the litigation up to five years. The application shall be submitted to the Planning Director after service of the initial petition or complaint in the lawsuit upon the City or the subdivider and prior to the expiration of the tentative subdivision map. The application to stay the expiration date shall be administratively reviewed by the Zoning Administrator and a decision shall be made within forty days after receiving a complete application. The completeness determination for a tentative subdivision map extension application shall follow the procedures contained in Section 24.04.052 of the Zoning Ordinance.

Section 2. Section 23.20.030 – Expirations and Extensions of Chapter 23.20 – Minor Land Divisions (Four or Fewer Parcels) of the City of Santa Cruz Municipal Code is hereby amended as follows:

23.20.030 EXPIRATIONS AND EXTENSIONS.

23.20.030.1 EXPIRATIONS AND EXTENSIONS – EXPIRATION.

The approval or conditional approval of a tentative parcel map shall expire twenty-four months from the date of approval. The expiration of the approved or conditionally approved tentative parcel map shall terminate all proceedings and no parcel map of all or any portion of the real property included within such tentative parcel map shall be filed without first processing a new tentative parcel map.

23.20.030.2 EXPIRATIONS AND EXTENSIONS – EXTENSIONS.

- (a) Request by Subdivider. The subdivider or the engineer may request an extension of the expiration date of the approved or conditionally approved tentative parcel map by written application to the director of planning. The application shall be filed prior to the expiration date of such approval and shall state the reasons for requesting the extension. Upon submittal of a complete application to extend an approved or conditionally approved tentative parcel map

by the subdivider prior to the expiration of that map, the map shall automatically be extended for sixty days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first.

- (b) Approval or Denial. The time at which a tentative parcel map expires may be extended, upon application of the subdivider, for a period or periods not exceeding a total of six years, in conformance with the provisions of the state Subdivision Map Act, Section 66463.5. Any extension of time shall commence with the expiration date of the approved or conditionally approved tentative parcel map. The zoning administrator shall review the request for extension and recommend approval, conditional approval, or denial. Conditions of approval of the extension shall be in accordance with the provisions of this title.
- (c) Appeal. If the zoning administrator denies a subdivider's request for an extension, the subdivider may appeal this decision to the Planning Commission within ten calendar days after such denial.
- (d) Litigation. If a tentative parcel map is subject to litigation, the subdivider may apply for a stay of the expiration date for the period of the litigation up to five years. The application shall be submitted to the Planning Director after service of the initial petition or complaint in the lawsuit upon the City or the subdivider and prior to the expiration of the tentative parcel map. The application to stay the expiration date shall be administratively reviewed by the Zoning Administrator and a decision shall be made within forty days after receiving a complete application.

Section 3. Section 24.08.1350 – Relocation Assistance of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.08.1350 RELOCATION ASSISTANCE.

All low- or moderate-income households displaced by demolition or conversion of use shall receive relocation assistance. For purposes of this section, a residential dwelling unit shall be occupied by a person or family of low or moderate income if a low- or moderate-income household currently occupies or had occupied the dwelling unit within one year prior to the date of submission of the application for the demolition/conversion permit, or if substantial evidence exists that a low- or moderate-income household had occupied the unit within two years of the date of the submission of the application for the demolition/conversion authorization permit and had been evicted for the purpose of avoiding the requirements of this section.

Relocation assistance shall be defined as two months' rent or other arrangements agreeable to the tenant, as evidenced by a written agreement between the tenant and the demolition/conversion authorization permit applicant, however, in no case shall the agreement allow for no relocation assistance to be provided. Payment of relocation assistance or other agreed upon assistance shall be made by the applicant to eligible tenants prior to issuance of the building permit for replacement project or use, or at the time of termination of tenancy, whichever occurs first.

Section 4. Section 24.10.160 – Home Occupation Regulations of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.10.160 Home Occupation Regulations.

1. Intent. The discretionary approval of a home occupation is intended to allow for home enterprises that are clearly incidental and secondary to the use of the dwelling unit and compatible with surrounding residential uses. A home occupation allows for the gainful employment in the home by any occupant of a dwelling so long as the enterprise does not require frequent customer access or have associated characteristics which would reduce the surrounding residents' enjoyment of their neighborhood.
2. General. A home occupation shall be operated and maintained only by a resident of the dwelling unit in which it occurs; shall employ no more than one person at the residence or the property other than the members of the resident family or household; shall not change the residential character of the dwelling units; shall not generate a vehicular traffic increase of more than eight round trips-per day, including deliveries and clients. Residents who are performing job duties at home for a company or other entity located elsewhere are not considered to have a home occupation unless they are classified by their employer(s) as independent contractors.
3. Restrictions. A home occupation shall not involve:
 - a. The use of an area greater than four hundred square feet;
 - b. The use of any required front or exterior side yard area or setback area, nor the use of any required covered or uncovered on-site parking space;
 - c. Storage or use of hazardous or unsanitary materials;
 - d. Creation of noise levels exceeding the standards of this title and/or other nuisance factors inconsistent with Chapter 24.14, Part 2: Performance Standards;
 - e. Auto/truck/motorcycle/motor boat repair except vehicle repair that is in compliance with the requirements and standards of Section 24.12.1200;
 - f. The placement of a sign advertising the business.
4. Permits Required. A zoning clearance and business license shall be required, except for small family daycare, which is exempt from local regulations.

Section 5. Chapter 24.10, Part 29: HD-O High Density Overlay District of the City of Santa Cruz Municipal Code is hereby removed in its entirety:

Section 6. Section 24.12.730 – Hardships of Part 8: Underground Utilities of Chapter 24.12 – Community Design of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.12.730 IN LIEU FEE.

The city council shall, by resolution, establish an underground utility in lieu fee to be paid where the enforcement of the provisions of Section 24.12.710 are not feasible at the time of construction or would more easily be installed at a later date for the immediate neighborhood. Application for the in lieu fee option is applicable to single family, multi-family residential up to 4 units, and accessory dwelling units and shall be made in the following manner:

1. Written application shall be filed with the zoning administrator, with copy to the director of public works, for approval to pay an in lieu fee rather than undergrounding the utilities. The in lieu fee option must be approved prior to the issuance of a building permit for the project.
2. Such application shall include all information necessary to properly apprise the zoning administrator and the director of public works of the circumstances existing which require such exception.
3. The zoning administrator shall consider said application and the purpose to be attained by this part and shall, within thirty days after the filing of said application, administratively grant or deny the request to pay an in lieu fee rather than undergrounding the utilities. The decision of the zoning administrator is appealable in accordance with the appeal provisions contained in Section 24.04.180.
4. In approving an application to pay an in lieu fee rather than meeting the regulations of this part, at least one of the following findings shall be made:
 - a. The cost to underground the utility is highly disproportionate to the cost of the improvement; or
 - b. The immediate, neighborhood has aboveground utility and/or communications extensions and the city plans to install underground utilities for the entire area at one time; or
 - c. The utility company installing the connecting line has said it is physically impossible to make such a connection underground at this time; or
 - d. The circumstances are similar in nature to those listed above, as determined by the zoning administrator.
5. The in lieu fee option does not apply to the installation of streetlights as may be required by the conditions of approval for a project.

Section 7. Section 24.12.1340 – Performance Standards of Part 14: Commercial Medical and Adult Use Cannabis Regulations of Chapter 24.12 – Community Design of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.12.1340 PERFORMANCE STANDARDS.

Commercial cannabis businesses, once permitted, shall meet the following operating procedures and performance standards for the duration of the use:

1. The business shall meet all the operating criteria, including security procedures, for the cultivation, distribution and warehousing, manufacturing, testing, and retail sales of cannabis and cannabis products as may be required by the state of California, the Santa Cruz city council and police department, and/or the county health department or their designee.
2. No product shall be smoked, ingested, or otherwise consumed on the premises.
3. The hours of operation shall be limited to no more than 7:00 a.m. to 10:00 p.m. dependent upon the specific site characteristics and conditions of approval of the administrative use permit issued for the site. All cannabis retailer businesses holding an administrative use permit prior to October 13, 2020 are allowed to operate and be open to the public until 10:00 p.m. despite the operating hours stated in their original administrative use permit conditions of approval that limit the business to an earlier closure. In general, no cannabis retail business shall open earlier or close later than the other businesses in the vicinity.

Subsections 24.12.1340(4) through (18) remain unchanged.

Section 8. Part 2: Accessory Dwelling Units of Chapter 24.16 – Affordable Housing Provisions of the City of Santa Cruz Municipal Code is hereby amended as follows:

Part 2: ACCESSORY DWELLING UNITS

24.16.100 through 24.16.125 remain unchanged

24.16.130 PERMIT PROCEDURES.

1. Accessory dwelling units shall be principally permitted uses within the zoning districts specified in Section 24.16.120 and subject to the development standards in Section 24.16.140 et seq.
2. Accessory dwelling units on substandard lots shall not be required to obtain a design permit unless they are associated with the construction of a new single-family dwelling per Section 24.08.400 et seq.
3. City shall issue a ministerial building permit for an accessory dwelling unit or junior accessory dwelling unit without discretionary review or a hearing, consistent with the provisions of this

Chapter and state law, within sixty (60) days of submittal of a complete building permit application, unless provided otherwise. The sixty (60) day review period shall not apply when:

- a. Additional administrative or discretionary review is required under applicable provisions of the Santa Cruz Municipal Code or otherwise allowed by state law;
 - i. Applications to construct accessory dwelling units shall be subject only to ministerial permitting processes to the extent necessary to allow construction of a single-story accessory dwelling unit conforming to the size limits stated in Section 24.16.140.3. Applications that propose to locate an accessory dwelling unit on a parcel or portion of a parcel triggering additional administrative or discretionary review shall only be relieved of the requirement for those reviews when no alternative site plan or project proposal can be created which would allow the creation of an up to eight-hundred square foot accessory dwelling unit that would not trigger additional reviews.
 - b. If the permit application to create an accessory dwelling unit or junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the same lot or parcel; or
 - c. When the applicant seeks a delay.
4. Applications to construct accessory dwelling units on properties that are designated as historic resources by the City, the State of California, or by the National Register of Historic Places, shall show substantial compliance with the guidelines of the Secretary of the Interior for development on such properties.
 5. Applications to construct accessory dwelling units on properties that are subject to the Citywide Creeks and Wetlands Plan shall demonstrate compliance with the requirements established in that plan for such properties, as implemented by Section 24.08.2100 et seq of the Santa Cruz Municipal Code.

24.16.140 DEVELOPMENT STANDARDS.

All accessory dwelling units, both new construction and conversion, must conform to the following requirements:

1. Number of Accessory Dwelling Units per Parcel.
 - a. For parcels zoned for and including a proposed or existing Single Family Home: One accessory dwelling unit shall be allowed for each parcel. Each parcel may also include a junior accessory dwelling unit conforming to the standards set forth in 24.16.170.
 - b. For parcels developed with an existing Multi-Family structure(s): Two new construction and at least 1 conversion accessory dwelling unit shall be allowed on each parcel. Up to 25% of the number of existing dwellings in the structure may be added

as conversion accessory dwelling units. When the 25% limit results in a fraction of a unit, the total number of accessory dwelling units that may be added shall be determined by rounding the fraction up to the next whole number.

- i. For the purposes of this section, multi-family structures are those that contain more than one dwelling unit, including but not limited to duplexes, triplexes, apartment buildings, and condominium buildings.
2. **Parking.** No off-street parking shall be required for any accessory dwelling unit. Any parking spaces, covered or uncovered, removed in order to create an accessory dwelling unit shall not be required to be replaced.
3. **Unit Size.**
 - a. The floor area for new construction detached accessory dwelling units shall not exceed ten percent of the net lot area or eight hundred and fifty square feet for a studio or one-bedroom ADU, or one thousand square feet for an ADU with more than one bedroom, whichever is greater, and no detached new construction ADU shall exceed a maximum of one thousand two hundred square feet of habitable area.
 - b. The floor area for new construction accessory dwelling units attached to the principal residential use on the property shall not exceed fifty percent of the existing habitable floor area of the principal residential use on the property or eight hundred and fifty square feet for a studio or one-bedroom ADU, or one thousand square feet for an ADU with more than one bedroom, whichever is greater.
 - c. The floor area for conversion accessory dwelling units shall not be limited, subject to compliance with Section 24.16.142 of this code.
 - d. Accessory units that utilize alternative green construction methods that cause the exterior wall thickness to be greater than normal shall be accommodated by calculating the unit square footage size in a manner that accounts for the difference between the square footage of the proposed structure and the square footage of a traditional frame house.
 - e. Stairways which provide access to accessory dwelling units do not count toward the floor area of an accessory dwelling unit when the stairs are not part of the conditioned space, the stairs do not include any other rooms or room-like areas that would function as habitable floor area for the ADU, and there is a fire-rated entry door at the top of the stairs at the entrance to the accessory dwelling unit.
4. **Existing Development on Lot.** One of the following conditions must be present in order to approve an application to create an accessory dwelling unit:
 1. One or more single-family dwellings exists on the lot or will be constructed in conjunction with the accessory dwelling unit;

2. The lot contains an existing multi-family structure, as defined in 24.16.140.1.b.i.
5. Rear Yard Lot Coverage. In no case shall any accessory dwelling unit be limited in size based on Rear Yard Lot Coverage requirements contained in Section 24.12.140.5. In the application of Section 24.12.140.5, accessory dwelling units shall count toward the limit on allowable coverage by other accessory structures.
6. The following standards apply to accessory dwelling units located outside the standard side and rear yard setbacks for the zone district in which they are proposed:

The entrance to the accessory dwelling unit shall face the interior of the lot unless the accessory dwelling unit is directly accessible from an alley, a public street, or the Monterey Bay Sanctuary Scenic Trail.

Windows which face an adjoining residential property shall be designed to obscure views of neighboring yards by ADU occupants, including transom windows, translucent glass, or other methods; alternatively, fencing or landscaping shall be required to provide screening.

7. Alley or Rail Trail Orientation. When an accessory dwelling unit is adjacent to an alley or the Monterey Bay Sanctuary Scenic Trail, the accessory dwelling unit is encouraged to be oriented toward the alley or trail with the front access door and windows facing the alley. Parking provided off the alley shall maintain a twenty-four-foot back out which includes the alley. Fences shall be three feet, six inches tall along the alley. However, higher fencing up to six feet can be considered in unusual design circumstances subject to review and approval of the zoning administrator.
8. Occupancy.
 - a. For accessory dwelling units permitted between January 1, 2020 and January 1, 2025, owner occupancy shall not be required and no land use agreement requiring owner occupancy shall be recorded or enforced on properties containing these units.
 - b. For accessory dwelling units permitted on or before December 31, 2019 or on or after January 1, 2025, the property owner or an adult member of the property owner's immediate family limited to the property owner's spouse, adult children, parents, or siblings, and subject to verification by the city, must occupy either the primary or accessory dwelling as his or her principal place of residence except under circumstances as established by resolution by the city council that may allow the property owner or the executor or trustee of the property owner's estate, to apply to the city council for approval of a temporary change in use allowing both units to be rented for a period of no more than two years with a possible extension of one year by the planning director if circumstances warrant. Upon the expiration of the rental period, the property owner and/or the property owner's immediate family member, as specified above, shall reoccupy the property or the property owner shall cease renting one of the

units, or sell the property to a buyer who will reside on the property. A fee for such a request shall be in an amount established by resolution by the city council.

- c. For purposes of this chapter, the property owner is the majority owner of the property as shown in the most recent Santa Cruz County assessor's roll.
 - d. If there is more than one property owner of record the owner with the majority interest in the property shall be deemed the property owner for purposes of this chapter. Any property owner of record holding an equal share interest in the property may be deemed the majority property owner if no other property owner owns a greater interest. (For example, if the property is owned by two people, each with a fifty percent interest, either of the two owners may be deemed the property owner for purposes of the owner occupancy requirement. If three people own the property, each with a thirty-three and one-third percent interest, any one of the three may be deemed the property owner for purposes of the owner occupancy requirement.)
 - e. Notwithstanding subsection (8)(a), the community development director, in consultation with the city manager and city attorney, shall be authorized to promulgate regulations intended to legalize accessory dwelling units which are nonconforming solely by virtue of the fact that the property owner has failed to comply with subsection (9)(a)'s owner occupancy requirement, including but not limited to regulations providing for the amortization of the nonconformity by specifying a period of time within which the absentee owner must either establish occupancy or discontinue the accessory dwelling unit use of the property or alternatively sell the property, and regulations providing for the recordation of land use agreements specifying the terms of amortization.
 - f. Accessory dwelling unit properties shall be used for long-term residential purposes. Accessory dwelling unit properties may neither be used on a transient occupancy basis nor for short-term/vacation rental purposes. Within condominium or townhouse properties that contain an accessory dwelling unit associated with a specific individual unit and not the larger common condominium or townhouse complex, neither the accessory dwelling unit nor the associated condominium or townhouse unit shall be used as a short term rental.
 - i. Exception. A legal accessory dwelling unit property that had legal status prior to November 10, 2015, and was in use as a short-term/vacation rental prior to that date, and for which the owner remits transient occupancy tax in compliance with Chapter 3.28 in full in a timely manner for the use of the property as short-term/vacation rental purposes, may continue the use. The owner must meet the owner-occupancy requirement of this code.
9. Connections Between Units. At the discretion of the planning director, accessory dwelling units may be permitted to create direct access between units, or common access to a shared garage, laundry room, or storage area; provided, that each unit meets the definition of dwelling unit found in Section 24.22.320.

10. Other Code Requirements. The accessory dwelling unit shall meet the requirements of the California Building Standards Code including the alternative means and methods section as prescribed therein.
11. Large Home Design Permit. The square footage of an accessory dwelling unit shall not be counted with the square footage of the single-family home in determining whether a large home design permit is required.

24.16.141 NEW CONSTRUCTION ACCESSORY DWELLING UNIT DEVELOPMENT STANDARDS.

1. Design. The design of the accessory dwelling unit shall relate to the design of the principal single-family dwelling by use of the compatible exterior wall materials, window types, door and window trims, roofing materials and roof pitch.
2. Setbacks for New Construction Detached Accessory Dwelling Units.
 - a. The side yard and rear yard setbacks for a new construction detached single-story accessory dwelling unit shall not be less than three feet and the distance between buildings on the same lot must be a minimum of six feet.
 - b. Any portion of a new construction accessory dwelling unit that is over sixteen feet in height shall provide side setbacks of at least five feet and rear setbacks of at least ten feet.
 - i. Exception: Any two-story accessory dwelling unit oriented toward an alley, street, or the Monterey Bay Scenic Sanctuary Trail provide a setback of no less than five feet from the side and rear property lines.
 - c. If any portion of a new construction accessory dwelling unit is located in front of the principal structure, then the front and side yard setbacks shall be the same as those required for single-family homes in the zoning district.
3. Setbacks for New Construction Attached Accessory Dwelling Units. New construction attached accessory dwelling units shall meet the same setbacks required for the principal structure, either the single-family dwelling or the multi-family structure, by the zoning district, except that any requirement for an additional setback based on height over fifteen feet shall not apply to the portion of the structure that contains the accessory dwelling unit.
4. Building Height and Stories.
 - a. A one-story detached new construction accessory dwelling unit shall be no more than sixteen feet in height measured to the roof peak.

- b. A two-story detached new construction accessory dwelling unit shall meet one of the following standards, with height measured to the roof peak:
 - i. Any two-story accessory dwelling unit that is built within four feet of a side and rear property line shall be subject to a height limit of sixteen feet.
 - ii. Any two-story accessory dwelling unit that is oriented toward an alley, street, or the Monterey Bay Scenic Sanctuary Trail shall be subject to a height limit of twenty two feet.
 - iii. Any other two-story accessory dwelling unit shall be subject to a height limit of twenty-two feet.
 - c. Any two-story detached new construction accessory dwelling unit shall place access stairs, decks, entry doors, and windows toward the interior of the lot, an alley, road, or the Monterey Bay Sanctuary Scenic Trail if applicable. Second story windows shall be oriented to obscure views of neighboring yards by ADU occupants, by using transom windows, translucent glass, or other methods. These requirements do not apply to two-story ADUs that conform to the setbacks required for the primary structure on the parcel.
 - d. An attached new construction accessory dwelling unit may occupy any level of the principal single-family dwelling and must comply with the height standard established for single-family homes in the zone district, except as noted in section 24.16.141.3.
 - e. If the design of the principal structure has special roof features that should be matched on the detached accessory dwelling unit to enhance design compatibility, the maximum allowed building height of the accessory dwelling unit may be exceeded in order to include such similar special roof features subject to review and approval of the zoning administrator as part of the review of the building permit application.
5. Substandard Lots. When a new construction accessory dwelling unit is proposed on a substandard residential lot, as defined in Section 24.22.520, the following design standards shall apply, but shall not serve to limit the accessory dwelling unit to a size of less than 800 square feet:
- a. The maximum allowable lot coverage for all structures shall be forty-five percent. Lot coverage shall include the footprints of the first floor, garage (attached and detached), decks and porches (greater than thirty inches in height and not cantilevered), and any second-story cantilevered projection (enclosed or open) beyond two and one-half feet. Decks under thirty inches in height or fully cantilevered with no vertical support posts do not count toward lot coverage for this purpose. Second-story enclosed cantilevered areas that project less than thirty inches from the building wall do not count toward lot coverage. For such areas that project more than thirty inches from the building wall, only the floor area that projects more than thirty inches shall be counted as lot coverage.

- b. The floor area for all second stories shall not exceed fifty percent of the first floor area for all structures, except in cases where the first floor area of the structure to which a second story is being added constitutes thirty percent or less of the net lot area.
 - c. Continuous long walls parallel to the side property line with narrow side yards shall be minimized.
 - d. Landscaping shall be required at least for front yard areas.
 - e. Structures, landscaping or other features shall incorporate methods to lessen the visibility of garages on a street facade.
6. Large Home Design Permit. Accessory dwelling units, both attached and detached, conversion and new construction, shall not contribute to the need for a Large Home Design Permit, and consistent with Section 24.16.130, shall be subject only to ministerial review. The City reserves the right to delay action on an application to build an accessory dwelling unit until such time as the permits for the primary residential use on the parcel have been approved.

Section 9. Section 24.16.255 – Standards for Incentives and Concessions and Waivers for Housing Development of Part 5: Density Bonus Provisions for Residential Units of Chapter 24.16 – Affordable Housing Provisions of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.16.255 STANDARDS FOR INCENTIVES, CONCESSIONS, AND WAIVERS FOR HOUSING DEVELOPMENTS.

- 1. For purposes of this Part 3, concessions and incentives include the following:
 - a. A reduction of site development standards or a modification of zoning code requirements or architectural design requirements which exceed the minimum building standards provided in California Health and Safety Code Division 13, Part 2.5 (commencing with Section 18901), and which result in identifiable and actual cost reductions to provide for affordable ownership costs or affordable rents.
 - b. Approval of mixed-use development in conjunction with the housing development if nonresidential land uses will reduce the cost of the housing development and if the city finds that the proposed nonresidential uses are compatible with the housing development and with existing or planned development in the area where the proposed housing development will be located.
 - c. Other regulatory incentives or concessions proposed by the developer or the city which result in identifiable and actual cost reductions to provide for affordable ownership costs or affordable rents.

2. Concessions Allowed by Right. The following concessions and incentives may be approved without any requirement that the applicant demonstrate to the city that the requested concession or incentive results in identifiable and actual cost reductions to the project to provide for affordable ownership costs or affordable rents:
 - a. Up to a twenty percent reduction in a yard setback or building setback requirement, with each structure in a required yard setback or building setback counting as one concession or incentive;
 - b. Up to a twenty percent increase in maximum lot coverage;
 - c. Up to a twenty percent reduction in required landscape area;
 - d. Up to a twenty percent reduction in required common open space area or private open space area per unit, or the elimination of private open space for twenty percent of units;
 - e. Reduction of off-street parking requirements as described in Section 24.16.256;
 - f. Approval of a city rental housing density bonus pursuant to Section 24.16.220, if the density bonus is greater than that to which the developer would otherwise be entitled; or
 - g. Approval of fee waivers pursuant to Part 4 of this chapter.
3. Concessions Requiring Additional Analysis. For requests for any concessions other than those listed in subsection (2), the applicant shall provide a pro forma and/or other reasonable documentation demonstrating to the city that the requested concession or incentive results in identifiable and actual cost reductions to the project to provide for affordable ownership costs or affordable rents. For the purposes of this section, the term “reasonable documentation” may include cost estimates prepared by a California-licensed professional contractor, architect, engineer, or other professional with such financial expertise.
4. Applicants may seek a waiver or modification of development standards that will have the effect of physically precluding the construction of a housing development eligible for a density bonus at the density or with the incentives or concessions permitted by this Part 3. The applicant shall bear the burden of demonstrating that the development standards that are requested to be waived will have the effect of physically precluding the construction of the housing development with the density bonus and incentives.
5. Nothing in this section requires the city to provide direct financial incentives for the housing development, including but not limited to the provision of publicly owned land or waiver of fees or dedication requirements.
6. For the purposes of calculating the number of density bonus units in areas where a maximum density range is not provided in the zone district or general plan, an implicit residential density shall be calculated based on a project put forward by the applicant that meets all applicable

development standards. Objective development standards such as setbacks, floor area ratio, and height limitations, while not defining the maximum density range per se, can be utilized to determine the implicit residential density allowed. In this approach, a project defines the applicable residential density for itself based on meeting applicable development standards. The average size of the units presented in the base density project must be equal to or greater than the average size of the units presented in the density bonus project.

Section 10. Section 24.22.013 – Accessory Use or Structure of Chapter 24.22 - Definitions of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.22.013 ACCESSORY USE OR BUILDING.

A use or building subordinate to the principal use of a lot, or of a building on the same lot, and serving a purpose clearly or customarily incidental to the principal use of the lot or of the building.

Section 11. Section 24.22.124 – Bicycle, Electric (e-bike) of Chapter 24.22 - Definitions of the City of Santa Cruz Municipal Code is hereby added as follows:

24.22.124 BICYCLE, ELECTRIC (E-BIKE)

An “electric bicycle” is a bicycle equipped with fully operable pedals and an electric motor of less than 750 watts.

- (1) A “class 1 electric bicycle,” or “low-speed pedal-assisted electric bicycle,” is a bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.
- (2) A “class 2 electric bicycle,” or “low-speed throttle-assisted electric bicycle,” is a bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.
- (3) A “class 3 electric bicycle,” or “speed pedal-assisted electric bicycle,” is a bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour, and equipped with a speedometer.

Section 12. Section 24.22.522 – Lot, Through of Chapter 24.22 - Definitions of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.22.522 LOT, DOUBLE FRONTAGE (THROUGH).

A lot having a frontage on two parallel, or approximately parallel, streets.

Section 13. Section 24.22.586 – Open Space, Usable of Chapter 24.22 - Definitions of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.22.586 OPEN SPACE, USABLE.

Outdoor area on the ground, roof, balcony, deck, or porch which is designed and used for outdoor living, recreation, pedestrian access, or landscaping. The term shall not include off-street parking or driveway areas, nor shall more than twenty-five percent of the required open space be assigned to private balcony areas, nor shall such area have a slope greater than ten percent, or any dimension of less than ten feet. The term may include private balconies if their least dimension is four feet or more.

Section 14. Section 24.22.702 through 24.22.746, the Sign definitions of Chapter 24.22 - Definitions of the City of Santa Cruz Municipal Code is hereby removed:

Section 15. Section 24.22.882.3 – Vehicle, Inoperable of Chapter 24.22 - Definitions of the City of Santa Cruz Municipal Code is hereby added as follows:

24.22.882.1 VEHICLE, INOPERABLE

Any motor vehicle designed to be operated on a street that cannot be moved under its own power, or which is not currently registered for operation.

Section 16. Section 24.22.882.1 – Vehicle, Motor of Chapter 24.22 - Definitions of the City of Santa Cruz Municipal Code is hereby added as follows:

24.22.882.3 VEHICLE, MOTOR

A device by which any person or property may be propelled, moved or drawn upon a street, except an electric bicycle (e-bike) as defined in Section 24.22.124 or a device moved by human power or used exclusively upon stationary rails or tracks.

ORDINANCE NO. 2020-23

Section 17. This ordinance shall take effect and be in force thirty (30) days after final adoption.

PASSED FOR PUBLICATION this 13th day of October, 2020, by the following vote:

AYES: Councilmembers Beiers, Mathews, Brown, Golder, Watkins; Vice Mayor Meyers; Mayor Cummings.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

APPROVED: _____
Justin Cummings, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

PASSED FOR FINAL ADOPTION this 27th day of October, 2020, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Justin Cummings, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

This is to certify that the above and foregoing document is the original of Ordinance No. 2020-23 and that it has been published or posted in accordance with the Charter of the City of Santa Cruz.

Bonnie Bush, City Clerk Administrator

DECLARATION OF POSTING

STATE OF CALIFORNIA)
) SS.
COUNTY OF SANTA CRUZ)

On the 19th day of October, 2020, I posted conspicuously in three public places within the City of Santa Cruz, Ordinance No. 2020-23, to wit:

1. City Hall: 809 Center Street: Bulletin Board outside Room 9/10
2. City Hall: Bulletin Board outside Council Chambers
3. The City of Santa Cruz website

The document, posted in its entirety, consists of pages 1—17.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 21st day of October, 2020, in Santa Cruz, California.

Julia Wood
Deputy City Clerk Administrator

**Proof of Publication
(2015 C.C.P.)**

I, the undersigned, declare:


That I caused the attached legal notice/advertisement to be published in the Santa Cruz *Good Times*, a weekly newspaper published and circulated in the County of Santa Cruz, and adjudged a newspaper of general circulation by the Superior Court of California in and for the County of Santa Cruz, under Proceeding No. 68833; and that the legal notice/advertisement was published in the above-named newspaper on the following date(s), to wit:

October 21, 2020

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

This 21st day of October, 2020, Santa Cruz, California

**NOTICE OF
PUBLICATION
OF ORDINANCE
BY POSTING
(ORDINANCE NO. 2020-23)**



The City Council of the City of Santa Cruz having authorized the City Clerk Administrator, that the ordinance hereafter entitled and described, be published by posting copies thereof in three (3) prominent places in the City, to wit:
The City of Santa Cruz website
www.cityofsantacruz.com
City Hall – 809 Center Street:
Bulletin Board, Room 9/10
Bulletin Board outside Council Chambers

NOTICES HEREBY GIVEN that copies of said ordinance were posted according to said order. (Original on file with city clerk). Said ordinance was introduced on October 13th, 2020, and is entitled and described as follows:

ORDINANCE NO. 2020-23
**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF SANTA CRUZ AMENDING
THE FOLLOWING SECTIONS OF THE
SANTA CRUZ MUNICIPAL CODE: SECTIONS**
23.16.060 – EXPIRATION AND EXTENSIONS
– EXTENSION (TENTATIVE SUBDIVISION
MAPS); 23.20.030 – EXPIRATION AND
EXTENSIONS (PARCEL MAPS) 24.08.1350
– RELOCATION ASSISTANCE; 24.10.160
– HOME OCCUPATION REGULATIONS;
24.10.2800 THROUGH 24.10.2850 – HIGH
DENSITY OVERLAY DISTRICT; 24.12.730 –
HARDSHIPS (UNDERGROUND UTILITIES);
24.12.1340 – PERFORMANCE STANDARDS
(CANNABIS); 24.16.100 THROUGH
24.16.141 – ACCESSORY DWELLING UNITS;
24.16.255 – STANDARDS FOR INCENTIVES
AND CONCESSIONS AND WAIVERS
FOR HOUSING DEVELOPMENTS; AND
THE FOLLOW DEFINITIONS: 24.22.013
– ACCESSORY USE OR STRUCTURE;
24.22.124 (NEW) – BICYCLE, ELECTRIC;
24.22.522 – LOT, THROUGH; 24.22.586
– OPEN SPACE, USABLE; 24.22.702
THROUGH 24.22.746 – SIGN-RELATED
DEFINITIONS; 24.22.882.1 (NEW) –
VEHICLE, INOPERABLE; AND 24.22.822.3
(NEW) – VEHICLE, MOTOR

This ordinance is related to subdivision and zoning ordinance amendments. PASSED FOR PUBLICATION on this 13th day of October, 2020, by the following vote: AYES: Councilmembers Beiers, Mathews, Brown, Golder, Watkins; Vice Mayor Meyers; Mayor Cummings. NOES: None. ABSENT: None. DISQUALIFIED: None. APPROVED: ss/Mayor Cummings. ATTEST: ss/Bonnie Bush, City Clerk Administrator. This Ordinance is scheduled for further consideration and final adoption at the Council meeting of October 27th, 2020.

Julia Wood
Deputy City Clerk Administrator

ORDINANCE NO. 2020-24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AMENDING
APIARY REGULATIONS IN CHAPTER 24.12 OF THE MUNICIPAL CODE

BE IT ORDAINED By the City of Santa Cruz as follows:

Section 1. Section 24.12.650 BEES (APIARIES) of Chapter 24.12 of the Santa Cruz Municipal Code is hereby amended to read as follows:

24.12.650 BEES (APIARIES).

1. Purpose.

The purpose of this ordinance is to encourage the environmentally beneficial practice of beekeeping in Santa Cruz by ensuring the use of best practices, with a focus on the safety of neighbors, beekeepers and honeybees. The ordinance includes guidance to minimize conflicts between neighbors and the general public while supporting healthy bee colonies.

2. Definitions.

For the purposes of this section, the following definitions shall apply:

“Apiary” shall mean any single or group of hives placed together on a property.

“Hive” shall mean the box or boxes in which honeybees are kept and from which honey and honeycomb are collected.

“Responsible beekeeper” shall mean the person or entity responsible for the placement, maintenance and safety of any individual hive or apiary.

3. Standards.

In accordance with section 29000 of the California State Food and Agricultural code, which states, *A healthy and vibrant apiary industry is important to the economy and welfare of the people of the State of California. Protection and promotion of this important industry is in the interest of the people of the State of California*, Santa Cruz City maintains the lawful keeping of honeybees according to the following standards:

- a. The installation and maintenance of apiaries does not require a permit or registration with the City.
- b. Apiaries shall be accompanied by a constant, permanent source of water onsite with hives. This can be a natural body of water or an artificial water source provided by the responsible beekeeper.
- c. Before hives are placed on lots with non-residential uses, including hives on public land, the responsible beekeeper shall first obtain written consent from the property

- owner and shall provide written notice to all property owners and tenants within a fifty (50) foot radius of the hive(s). The notice must include but is not limited to the specific location of the hive(s); the name, telephone, and email contact information for the beekeeper; the name, telephone, and email contact information of the property owner where the hive(s) will be located; and the date in which permission from the property owner is intended to be granted. The notification must be provided to neighbors at least ten (10) days prior to owner permission being granted to the beekeeper. The responsible beekeeper must also clearly stencil their name and phone number on the box's exterior.
- d. Before hives can be placed on multifamily residential-use lots, the responsible beekeeper shall first obtain written consent from the property owner and the Homeowner's Association, where one exists, and shall provide written notice to all current residents and owners on the lot or within the residential development that are within a 150 foot radius of the hive placement site. The notice must include but is not limited to the specific location of the hive(s); the name, telephone, and email contact information for the beekeeper; the name, telephone, and email contact information of the property owner or Homeowner's Association where the hive(s) will be located; and the date in which permission from the property owner or Homeowner's Association is intended to be granted. The notification must be provided to neighbors at least ten (10) days prior to owner permission being granted to the beekeeper. The responsible beekeeper must also clearly stencil their name and phone number on the box's exterior.
 - e. Within community housing projects or similar developments such as townhouses, hives shall not be placed within 10 feet of any private balcony, private yards, or common open space except for those spaces exclusively owned or leased by the responsible beekeeper.
 - f. Where a hive is located adjacent to a pedestrian right of way including a sidewalk, public trail, or street where no sidewalk has been constructed, hives shall be either:
 - i. Setback a minimum of 10 feet from the pedestrian right of way; or
 - ii. Placed behind a barrier at least six (6) feet in height consisting of a non-penetrable structure not limited to a fence, wall, building or dense vegetation. Fences, walls, and vegetation used to meet this standard shall also comply with Municipal Code Section 24.12.160, and accessory buildings used to meet this standard shall comply with Municipal Code Section 24.12.140.
 - g. All apiaries shall be maintained and placed in a manner that encourages bees to disperse, rather than concentrate, before potentially encountering neighbors or other members of the public. This requirement may be achieved by any of the following strategies:

- i. Positioning hive entrances in such a way that bees are encouraged to fly across the property on which they are kept, orienting the entrances to face the interior of the property.
- ii. Placing hive boxes at least ten (10) feet from property lines.
- iii. Placing hives behind a barrier at least six (6) feet in height consisting of a non-penetrable structure not limited to a fence, wall, building or dense vegetation. Fences, walls, and vegetation used to meet this standard shall also comply with Municipal Code Section 24.12.160, and accessory buildings used to meet this standard shall comply with Municipal Code Section 24.12.140.
- iv. Placing hives in an elevated position, a minimum of eight (8) feet off the ground.

Section 2. This ordinance shall take effect and be in force 30 days following the second reading.

PASSED FOR PUBLICATION this 13th day of October, 2020, by the following vote:

AYES: Councilmembers Beiers, Mathews, Brown, Golder, Watkins; Vice Mayor Meyers; Mayor Cummings.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

APPROVED: _____
Justin Cummings, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

ORDINANCE NO. 2020-24

PASSED FOR FINAL ADOPTION this 27th day of October, 2020, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Justin Cummings, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

This is to certify that the above and foregoing document is the original of Ordinance No. 2020-24 and that it has been published or posted in accordance with the Charter of the City of Santa Cruz.

Bonnie Bush, City Clerk Administrator

DECLARATION OF POSTING

STATE OF CALIFORNIA)
) SS.
COUNTY OF SANTA CRUZ)

On the 19th day of October, 2020, I posted conspicuously in three public places within the City of Santa Cruz, Ordinance No. 2020-24, to wit:

1. City Hall: 809 Center Street: Bulletin Board outside Room 9/10
2. City Hall: Bulletin Board outside Council Chambers
3. The City of Santa Cruz website

The document, posted in its entirety, consists of pages 1—4.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 21st day of October, 2020, in Santa Cruz, California.

Julia Wood
Deputy City Clerk Administrator

**Proof of Publication
(2015 C.C.P.)**

I, the undersigned, declare:


That I caused the attached legal notice/advertisement to be published in the Santa Cruz *Good Times*, a weekly newspaper published and circulated in the County of Santa Cruz, and adjudged a newspaper of general circulation by the Superior Court of California in and for the County of Santa Cruz, under Proceeding No. 68833; and that the legal notice/advertisement was published in the above-named newspaper on the following date(s), to wit:

October 21, 2020

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

This 21st day of October, 2020, Santa Cruz, California

Julia Wood
Deputy City Clerk Administrator

<div><p>NOTICE OF PUBLICATION OF ORDINANCE BY POSTING (ORDINANCE NO. 2020-24)</p><p>The City Council of the City of Santa Cruz having authorized the City Clerk Administrator, that the ordinance hereafter entitled and described, be published by posting copies thereof in three (3) prominent places in the City, to wit:</p><p>The City of Santa Cruz website www.cityofsantacruz.com City Hall – 809 Center Street: Bulletin Board, Room 9/10 Bulletin Board outside Council Chambers</p><p>NOTICES HEREBY GIVEN that copies of said ordinance were posted according to said order. (Original on file with city clerk). Said ordinance was introduced on October 13th, 2020, and is entitled and described as follows:</p><p style="text-align: center;">ORDINANCE NO. 2020-24 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AMENDING APIARY REGULATIONS IN CHAPTER 24.12 OF THE MUNICIPAL CODE</p><p>This ordinance amends regulations of beekeeping on residential and non-residential properties. PASSED FOR PUBLICATION on this 13th day of October, 2020, by the following vote: AYES: Councilmembers Beiers, Mathews, Brown, Golder, Watkins; Vice Mayor Meyers; Mayor Cummings. NOES: None. ABSENT: None. DISQUALIFIED: None. APPROVED: ss/Mayor Cummings. ATTEST: ss/Bonnie Bush, City Clerk Administrator. This Ordinance is scheduled for further consideration and final adoption at the Council meeting of October 27th, 2020.</p></div> <div></div>



City Council AGENDA REPORT

DATE: 10/12/2020

AGENDA OF: 10/27/2020

DEPARTMENT: City Clerk

SUBJECT: Parks and Recreation Commission Appointment (One Vacancy with a Term Expiration of 1/1/22) (CC)

RECOMMENDATION: Motion to appoint one Parks and Recreation Commissioner.

BACKGROUND: Due to a resignation, there is a vacancy on the Parks and Recreation Commission.

DISCUSSION: The following people are seeking appointment to the Parks and Recreation Commission:

Althaus, Ryan
Angell, Bradley
Christie, Deborah
Cruz, Jorge Leonardo
Loijos, Dena
Pollock, Dino
Rockom, Rebecca

FISCAL IMPACT: None.

Prepared By:
Bonnie Bush
City Clerk Administrator

Submitted By:
Laura Schmidt
Assistant City Manager

Approved By:
Martin Bernal
City Manager

ATTACHMENTS:
APPLICATIONS

CITY OF SANTA CRUZ APPLICATION FOR APPOINTMENT TO ADVISORY BODIES

Applications will be considered active for two years from date of submission.

RECEIVED

NAME Ryan Althaus DATE Jan 8, 2019 JAN 08 2019
 RESIDENCE ADDRESS [REDACTED] CITY CITY CLERK'S DEPT.
 RESIDENCE PHONE [REDACTED] BUSINESS PHONE [REDACTED] EMAIL [REDACTED]
 EMPLOYER PCUSA/Presby San Jose OCCUPATION Minister/Nonprofit Exec
 REGISTERED CITY VOTER? YES ☒ NO ☐ YEARS LIVED IN CITY OF SANTA CRUZ 4
 EMPLOYED BY CITY OF SANTA CRUZ? YES ☐ NO ☒ ARE YOU PRESENTLY SERVING ON AN ADVISORY BODY? ** YES ☐ NO ☒
 PERSONAL REFERENCE (Optional) Mike McConnel: County senior/vet services PHO [REDACTED]

ADVISORY BODIES

If you are applying for more than one advisory body, please rank your preferences numerically with #1 as your first choice.

<u> </u> Arts Commission*	<u> 2 </u> Parks and Recreation Commission*
<u> </u> Board of Building Appeals*	<u> </u> Planning Commission*
<u> </u> Commission for the Prevention of Violence Against Women*	<u> </u> Transportation and Public Works Commission*
<u> 1 </u> Downtown Commission*	<u> </u> Sister Cities Committee
<u> 3 </u> Equal Employment Opportunity Committee	<u> </u> Water Commission*
<u> </u> Historic Preservation Commission*	<u> </u> Other <u> </u>

If you are applying for a specialized category, please indicate:

Advisory Body Category

* A Statement of Economic Interest must be filed after appointment by those appointed to the advisory bodies marked with an asterisk (*). The statement includes, but is not limited to, disclosure of financial, business and real property interests held by the appointee (and spouse) in the City of Santa Cruz or within 2 miles of the jurisdiction of the City of Santa Cruz.

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Certain personal information on this application is confidential and will be used by City personnel only; however, please note that personal information pertaining to applicants who are appointed to City Boards or Commissions, including address and phone number, will become a matter of public record.

Return to: City Clerk's Department
 809 Center St., Room 9
 Santa Cruz, CA 95060

Fax: 420-5031

Signature of Applicant

• PLEASE USE THE REVERSE SIDE FOR ADDITIONAL INFORMATION •

Please list in the following space any relevant qualifications or experiences you think would enhance your effectiveness on the advisory body for which you are applying. Feel free to attach additional sheets.

I have been commissioned by the county as the 2019 'Minister of Lonliness' in Santa Cruz (see <https://www.santacruzsentinel.com/2018/12/17/santa-cruz-effort-aims-to-match-employment-care-social-needs/>) in response to my work with and inspiring collaboration between various nonprofits throughout the area. I lead the regional work of the National Presbyterian Church USA hunger and social inclusion programming for San Jose/Santa Cruz and am the director of local nonprofit, www.sweatysheep.com, which utilizes deliberate shared experience (recreation, gardening, art) to bridge social gaps and inspire diverse social integration.

I was the interim development director of the Homeless Garden Project and still work with their trainees doing holistic community integration along with Downtown St. Team. I work closely with Dean Kaufmen from Vet services and the downtown vet memorial building and do nonprofit consulting for the Community Foundation of Santa Cruz. I hold 2 masters degrees (Theology and Business Communications) and am active in the Santa Cruz Association of Faith Community group, the taskforce for senior loneliness, the USCS interfaith Commission, shared adventures, and I am the house chaplain for a downtown based 14 person Sobriety home.

I myself am a young adult city resident which is important and pride myself on staying engaged in the city through a variety of channels. My passion for social inclusion and diverse interaction/empowerment has inspired my work with recovery, special needs, and houseless populations. I have experience in houselessness as I have (as a learning experience/experiment) lived homeless for various periods of time in Santa Cruz, Portland, Louisville and Jackson Hole. I have worked with various schools (even spending time in town as a substitute teacher) conducting youth homeless awareness and education.

I'd love to answer additional questions and here more about the programs. I feel called to three taskforces:

Downtown- There is so much misperception, anger, etc around the homelessness situation in town that I think my work in that population coupled with my experience as in business communications and nonprofits could be very helpful. Our programatic mission, 'to utilize recreation and deliberative shared experience to break social, economic, and faith barriers' is very in line with the city's intentions to create a more cohesive, fun, and holistic environment.

Recreation- As just mentioned, recreation is our passion with my program and it would be great to dive in with the city in helping heal our community through play! For as Plato wrote, 'we learn more through an hour of play than a lifetime of conversation.'

Employment- Having worked on the Homeless Garden Project team for 2 years and now partnering alongside the county to revitalize the 'in home supportive service' employment program, I have a passion and experience for paving paths for diverse individuals to take positive steps towards health, happiness, and social/self sustainability

How did you hear about the advisory body opening?

☐ City website ☐ Word of mouth ☐ Display ad ☒ City staff or commissioner

Other (explain) _____

CITY OF SANTA CRUZ APPLICATION FOR APPOINTMENT TO ADVISORY BODIES

Applications will be considered active for two years from date of submission.

NAME Bradley E. Angell DATE January 15, 2020
RESIDENCE ADDRESS [REDACTED] CITY Santa Cruz ZIP 95060
RESIDENCE PHONE [REDACTED] BUSINESS PHONE [REDACTED] EMAIL [REDACTED]
EMPLOYER UC Santa Cruz OCCUPATION Edu. Facilities Planner/Architect
REGISTERED CITY VOTER? YES ☒ NO ☐ YEARS LIVED IN CITY OF SANTA CRUZ 9 Yrs. (Since Nov. 2011)
EMPLOYED BY CITY OF SANTA CRUZ? YES ☐ NO ☒ ARE YOU PRESENTLY SERVING ON AN ADVISORY BODY? YES ☐ NO ☐
PERSONAL REFERENCE (Optional) Robert Kardon PHONE [REDACTED]

ADVISORY BODIES

If you are applying for more than one advisory body, please rank your preferences numerically with #1 as your first choice.

- | | |
|---|--|
| <input type="checkbox"/> Arts Commission* | <input checked="" type="checkbox"/> Parks and Recreation Commission* |
| <input type="checkbox"/> Board of Building Appeals* | <input type="checkbox"/> Planning Commission* |
| <input type="checkbox"/> Commission for the Prevention of Violence Against Women* | <input type="checkbox"/> Transportation and Public Works Commission* |
| <input type="checkbox"/> Downtown Commission* | <input type="checkbox"/> Sister Cities Committee |
| <input type="checkbox"/> Equal Employment Opportunity Committee | <input type="checkbox"/> Water Commission* |
| <input type="checkbox"/> Historic Preservation Commission* | <input type="checkbox"/> Other _____ |

If you are applying for a specialized category, please indicate:

Advisory Body _____ Category _____

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Please note: this application is considered a public document, and will be available for release upon request.

Return to: City Clerk's Department
809 Center St., Room 9
Santa Cruz, CA 95060

Fax: 420-5031



Signature of Applicant

Please list in the following space any relevant qualifications or experiences you think would enhance your effectiveness on the advisory body for which you are applying. Feel free to attach additional sheets.

Personal Investment in the City Parks

In November 2011, when our small family moved to Santa Cruz, a major reason we decided to land in the Grant Park Neighborhood was the availability of the park for quality recreational, family friendly outdoor space. In the past (nearly) decade, I have spent countless hours in the Santa Cruz, Soquel, and Capitola public parks with birthday parties, friendly get-togethers, community picnics, food-truck/beer outings, live music performances, and innumerable random activities. I am personally, and happily invested in the success of the City's parks.

Proven, Consistent Advocacy for Grant Park

In December 2018, our local park was under threat due to the opioid crisis, a lack of homeless services, and other administrative difficulties faced by the City to manage the impacts of on-the-ground conditions. With a handful of neighbors, we began a community advocacy group (that now numbers over 100 members) to speak up for Grant Park and the local neighborhood. After adopting the park, holding bi-weekly meetings, having clean-ups, and regular community events, we hope the next year continues to prove fruitful, safe, and fun for our neighborhood park.

Professional Training in Sustainable Urbanism

With not an architecture school in sight (nearest architecture schools are in Berkeley, SF, or San Luis Obispo), actual urban-scale design training and experience is hard to come by on the Central Coast of California. I am one of the rare folks that has committed a significant portion of their time to seriously studying successful urban design. I completed a Ph.D 2012 in Architecture, studying basic distributed resource network units called urban-architectural forms. One of my successful case studies was the Isla Vista Recreation & Park District (ivpakrs.org) on the coast, just south of Goleta, California. I am a licensed architect and attorney, with nearly a decade of experience in planning practice. I am also an USGBC LEED Accredited Professional and have a Graduate Certificate in Sustainable Urbanism from Texas A&M University, College Station, Texas.

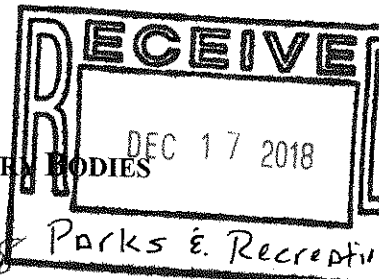
How did you hear about the advisory body opening?

☒ City website ☐ Word of mouth ☐ Display ad ☐ City staff or commissioner

Other (explain) Dannettee Shoemaker reminded us of this opportunity at the GPN meetings.

RECEIVED

DEC 20 2018



CITY OF SANTA CRUZ APPLICATION FOR APPOINTMENT TO ADVISORY BODIES

Applications will be considered active for two years from date of submission.

NAME Deborah Christie DATE 12/15/18
 RESIDENCE ADDRESS [REDACTED] CITY SC ZIP 95062
 RESIDENCE PHONE [REDACTED] BUSINESS PHONE 0 EMAIL [REDACTED]
 EMPLOYER PVUSD OCCUPATION teacher
 REGISTERED CITY VOTER? YES ☒ NO ☐ YEARS LIVED IN CITY OF SANTA CRUZ since 1979
 EMPLOYED BY CITY OF SANTA CRUZ? YES ☐ NO ☒ ARE YOU PRESENTLY SERVING ON AN ADVISORY BODY? YES ☐ NO ☒
 PERSONAL REFERENCE (Optional) Caryn Lane (principal) PHONE [REDACTED]

ADVISORY BODIES

If you are applying for more than one advisory body, please rank your preferences numerically with #1 as your first choice.

- | | |
|--|---|
| <u> </u> Arts Commission* | <u> 1 </u> Parks and Recreation Commission* |
| <u> </u> Board of Building Appeals* | <u> </u> Planning Commission* |
| <u> 2 </u> Commission for the Prevention of
Violence Against Women* | <u> </u> Transportation and Public Works Commission* |
| <u> </u> Downtown Commission* | <u> </u> Sister Cities Committee |
| <u> </u> Equal Employment Opportunity Committee | <u> </u> Water Commission* |
| <u> </u> Historic Preservation Commission* | <u> </u> Other <u> </u> |

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Advisory Body Category

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Return to: City Clerk's Department
 809 Center St., Room 9
 Santa Cruz, CA 95060

Fax: 420-5031

[Signature]
 Signature of Applicant

• PLEASE USE THE REVERSE SIDE FOR ADDITIONAL INFORMATION •

Please list in the following space any relevant qualifications or experiences you think would enhance your effectiveness on the advisory body for which you are applying. Feel free to attach additional sheets.

① Commission appointments: Women's Commission received a grant from ARLU to further education @ UC Berkeley extension-writing received Emily's List Training

② educator locally since 1980, 31 years in Pajaro Valley Unified Schools

- MS in Education
- Bilingual teaching credential (Spanish)
- experience with court related juveniles, students with learning challenges and students who excel (GATE) Gifted + Talented Education

③ Many years ago I worked as a naturalist in an outdoor Education Programs. Worked YCC (Youth Conservation Corps) as a supervisor. Avid backpacker, outdoor enthusiast, environmentalist + I've lived in my home behind Arana Gulch since 1985. Raised 3 children ages 29, 26 + 19. ☺

How did you hear about the advisory body opening?



City website



Word of mouth



Display ad



City staff or commissioner

Other (explain) _____

Please use the following space to provide any relevant qualifications or experiences you think would enhance your effectiveness on the advisory body for which you are applying. Feel free to attach additional sheets.

I have enjoyed our local parks and also brought youth from south county to enjoy the parks through the first and only outdoor bilingual education program called Growing Up Wild / Creciendo a lo salvaje based in the corralitos mountains.

I think open public spaces are essential to community development and I would like to work with other community members to ensure that all people in Santa Cruz feel welcomed and invited to these spaces. I would also like for people to be able to recreate and appreciate the balance that the Awaswas people were able to maintain in these lands with the local habitat of their time and uncover the rich natural history that surrounds us.

How did you hear about the advisory body opening?

☒ City Website ☐ Word of mouth ☐ Display ad ☒ City Staff or Commissioner

Other (explain) _____

Please use the following space to provide any relevant qualifications or experiences you think would enhance your effectiveness on the advisory body for which you are applying. Feel free to attach additional sheets.

I moved to Santa Cruz right after the earthquake in 1990 to attend UCSC. I completed a degree in biology and women's studies and was fortunate enough to find employment adequate for sustaining my life in Santa Cruz. I received a graduate degree in Public Health from San Jose State. During my thirty years here, I have worked, played and lived all over the city, thoroughly enjoying the many assets of Santa Cruz. I have had the joy of watching my kids grow up in Santa Cruz, again, enjoying all that it has to offer.

I spent 23 years working at the Santa Cruz County Public Health Department managing prevention programs of all types including tobacco control, bike and traffic safety, HIV, HCV, teen pregnancy prevention, health in all policies, and syringe exchange. While working for the health department I oversaw and staffed many community coalitions, task forces and advisory groups, deepening my understanding of group work and decision making. I currently work at Santa Cruz Community Health as the Chief Program and Evaluational Officer. I am part of a diverse leadership team whose job it is to solve complex problems to satisfy a broad group of end users. I have had many years of experience working in multidisciplinary settings, establishing and maintaining relationships while holding cooperation and coordination as a core value. I have served on many boards of directors for local non-profit agencies, I am currently on the board of the Teen Kitchen Project.

I am mission driven and work every day for equity and justice. Service is in my nature, I am excited by the possibility of continued service in and for the City of Santa Cruz.

How did you hear about the advisory body opening?

☐ City Website

☐ Word of mouth

☐ Display ad

☒ City Staff or Commissioner

Other (explain)

Santa Cruz Sentinel



CITY OF SANTA CRUZ APPLICATION FOR APPOINTMENT TO ADVISORY BODIES

Applications will be considered active for two years from date of submission.

NAME* Dino L. Pollock DATE September 28, 2020
RESIDENCE ADDRESS* [REDACTED] CITY Santa Cruz ZIP 95060
EMAIL* [REDACTED] HOME # [REDACTED] CELL # [REDACTED]
EMPLOYER UC Santa Cruz OCCUPATION Attorney
REGISTERED CITY VOTER? Yes ☒ No ☐ YEARS LIVED IN CITY LIMITS OF SANTA CRUZ 2.5
EMPLOYED BY CITY OF SANTA CRUZ? Yes ☐ No ☒ PRESENTLY SERVING ON ADVISORY BODY?** Yes ☐ No ☒
PERSONAL REFERENCE (optional) _____ PHONE _____

*required fields.

ADVISORY BODIES

If you are applying for more than one advisory body, please rank your preferences numerically with #1 as your first choice.

<u> </u> Arts Commission*	<u>1</u> <input checked="" type="checkbox"/> <u> </u> Parks and Recreation Commission*
<u> </u> Board of Building Appeals*	<u> </u> Planning Commission*
<u> </u> Commission for the Prevention of Violence Against Women*	<u> </u> Transportation and Public Works Commission*
<u> </u> Downtown Commission*	<u> </u> Sister Cities Committee
<u> </u> Equal Employment Opportunity Committee	<u> </u> Water Commission*
<u> </u> Historic Preservation Commission*	Other: _____

If you are applying for a specialized category, please indicate:

Advisory Body Parks and Recreation Commission Category _____

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SIGN AND RETURN TO CITY CLERK'S DEPARTMENT

Signature of Applicant

By Email jwood@cityofsantacruz.com

By Mail/In Person: 809 Center Street, Room 9
Santa Cruz, CA 95060

Fax: 831-420-5031

● PLEASE USE THE REVERSE SIDE FOR ADDITIONAL INFORMATION ●

Please note: This application is considered a public document, and will be available for release upon request.

Please use the following space to provide any relevant qualifications or experiences you think would enhance your effectiveness on the advisory body for which you are applying. Feel free to attach additional sheets.

I believe that I can be of service and add value to the Parks and Recreation Commission's important work and function as an advisory body to the City Council. I am a trained attorney (licensed in Indiana) and currently work as a senior athletics administrator in the Department of Athletics and Recreation at UC Santa Cruz. I moved here from Indianapolis where I worked in various positions at the NCAA National Office, the Indiana Attorney General's Office, and the Indiana Supreme Court. In my current position, I oversee the compliance and eligibility of all of our 300-plus varsity student athletes, and the sports medicine and sports information units of our department. As a member of the senior leadership team I also have significant input into all of our department's functions including adventure recreation, boating, scuba diving, etc. Additionally, I have several years of recreation expertise from my days as a Physical Instructor and Acting Park Supervisor at the Chicago Park District where I developed, taught, and administered youth and adult recreation programs at two urban parks. I also administered recreation programs as Sports Supervisor for youth at the Southside YMCA in Chicago. I believe my legal, supervisory, athletic, and recreation backgrounds could serve the citizens of Santa Cruz and the Parks and Recreation Commission well. I look forward to the opportunity to serve my fellow citizens with passion and integrity. Thank you.

How did you hear about the advisory body opening?

☐ City Website ☐ Word of mouth ☐ Display ad ☒ City Staff or Commissioner

Other (explain) _____



CITY OF SANTA CRUZ APPLICATION FOR APPOINTMENT TO ADVISORY BODIES

Applications will be considered active for two years from date of submission.

NAME* Rebecca Rockom DATE October 14, 2020
RESIDENCE ADDRESS* [REDACTED] CITY Santa Cruz ZIP 95060
EMAIL* [REDACTED] HOME # N/A CELL # [REDACTED]
EMPLOYER N/A OCCUPATION Graduate Student in Urban Planning
REGISTERED CITY VOTER? Yes ☐ No ☐ YEARS LIVED IN CITY LIMITS OF SANTA CRUZ 0
EMPLOYED BY CITY OF SANTA CRUZ? Yes ☐ No ☒ PRESENTLY SERVING ON ADVISORY BODY? ** Yes ☐ No ☒
PERSONAL REFERENCE (optional) _____ PHONE _____

*required fields.

ADVISORY BODIES

If you are applying for more than one advisory body, please rank your preferences numerically with #1 as your first choice.

<u>2</u> Arts Commission*	<u>1</u> Parks and Recreation Commission*
<u> </u> Board of Building Appeals*	<u>4</u> Planning Commission*
<u> </u> Commission for the Prevention of Violence Against Women*	<u> </u> Transportation and Public Works Commission*
<u> </u> Downtown Commission*	<u> </u> Sister Cities Committee
<u> </u> Equal Employment Opportunity Committee	<u> </u> Water Commission*
<u>3</u> Historic Preservation Commission*	Other: _____

If you are applying for a specialized category, please indicate:

Advisory Body _____ Category _____

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SIGN AND RETURN TO CITY CLERK'S DEPARTMENT


Signature of Applicant

By Email jwood@cityofsantacruz.com
By Mail/In Person: 809 Center Street, Room 9
Santa Cruz, CA 95060
Fax: 831-420-5031

• PLEASE USE THE REVERSE SIDE FOR ADDITIONAL INFORMATION •

Please note: This application is considered a public document, and will be available for release upon request.

Please use the following space to provide any relevant qualifications or experiences you think would enhance your effectiveness on the advisory body for which you are applying. Feel free to attach additional sheets.

I am a 2nd year Master's candidate in Urban and Regional Planning at Portland State University (with only 6 remote credits remaining). Although my husband and I have recently relocated to Santa Cruz, we both have roots in the area. I would love the opportunity to get involved in the community and dive into understanding the city's goals, concerns & challenges.

My Urban Planning studies have been concentrated on Real Estate Development and Sustainability. I completed PSU's Real Estate Development Graduate Certificate, and as part of the curriculum, I have taken classes in Real Estate Finance, Site Planning, and Real Estate Legal Processes. Through my studies, I have become very familiar with state and city plans & zoning codes, community outreach, and planning processes.

My previous career was as Gallery Director for a well respected contemporary fine art gallery. (I received my undergraduate degree from the University of Oregon in Art History.) I spent over 15 years working in the arts prior to shifting my focus towards Urban Planning. I've spent the last several months interning with the City of Beaverton's Downtown Association. In addition, I worked as an enumerator with the 2020 Census to enhance my skills at gathering data and communicating with the general public.

Career wise, I ultimately aspire to a planning or development position that utilizes my skills in research, database development, and communication; my passion for historic preservation and adaptive reuse, as well as my special interest in creating and maintaining public space and community gathering areas. I hope to develop places that appeal to and purposely include a broad range of residents: pocket parks, greenways, plazas, libraries, recreational facilities. The idea of place making appeals to me: how we can maintain the unique character of a community within an increasingly homogenized global market.

How did you hear about the advisory body opening?

☒ City Website ☐ Word of mouth ☐ Display ad ☐ City Staff or Commissioner

Other (explain) _____

[E-MAIL FORM](#)

[PRINT FORM](#)



City Council AGENDA REPORT

DATE: 10/15/2020

AGENDA OF: 10/27/2020

DEPARTMENT: Economic Development/Public Works

SUBJECT: Award Contract for Mixed Use Library Owner's Representative Contract to Griffin Structures, Inc. (ED/PW)

RECOMMENDATION: Motion to award the contract for the Mixed Use Library Owner's Representative for Phase 1 to Griffin Structures, Inc. in an amount up to \$240,000 and authorize the City Manager to execute an agreement in a form to be approved by the City Attorney.

BACKGROUND: Following the yearlong Downtown Library Subcommittee process, the City Council (Council) voted on June 23, 2020 to proceed with the Mixed-Use Downtown Library Project (Project) and directed staff to proceed with the selection of an Owner's Representative to manage the overall project implementation.

On September 22, 2020, staff brought forward a recommendation to approve an Owner's Representative contract for Council approval. Following the staff presentation, public comment and further discussion, the Council voted to:

- Continue the agenda item to the first meeting in October, but no later than the second meeting of October; and
- Direct staff to provide in the report general broad-based financial information on costs and available funding for both affordable housing and parking components of the Project, a copy of the proposed contract, information on potential developers of affordable housing, and links to relevant information on the library project.

AFFORDABLE HOUSING BACKGROUND AND FINANCIAL INFORMATION

In response to our severe housing crisis, our community has become increasingly engaged in finding local and regional housing solutions, particularly in the area of affordable housing creation. Numerous City, regional, and community led efforts over the last few years have resulted in initiatives, measures and policy decisions that encourage and enable future housing creation in our community. The City Council, through the work of the Housing Blueprint Council Subcommittee, adopted specific recommendations for the Downtown around parking and land use to encourage affordable housing creation. Several of the recommendations include surface parking lot consolidation to enable downtown affordable housing creation.

More recently, the City Council has taken a number of actions related to affordable housing and the proposed Library Mixed-Use Project. On September 11, 2018 the City Council voted to include affordable housing as part of their approval of the Library Mixed use project. On June

23, 2020 the City Council voted to approve the Library Mixed-Use Project with a housing component specifically including a minimum of 50 affordable units.

WHO WILL BUILD THIS AFFORDABLE HOUSING?

A number of affordable housing developers have expressed interest in developing housing in the Library Mixed-Use Project. To gauge interest for developing affordable housing in the downtown on City-owned property including surface parking lots, the City released a Request for Qualifications (RFQ) last year. Nine qualified developers responded during the RFQ period. The majority of these developers are non-profits that have built and/or managed affordable housing in Santa Cruz County. Following the Council direction of September 22, 2020, staff reached out to the developers who responded to the initial RFQ regarding the Library Mixed-Use Project specifically and to gauge their interest in developing the affordable housing in the Project. In the week following the Council direction, seven of the nine responded affirmatively. The following is a list of the affordable housing developers (sorted by alphabetical order) from the RFQ that are interested in developing this Project:

1. Allied Housing
2. Anton DevCo
3. EAH
4. Eden Housing
5. First Community Housing
6. For the Future Housing
7. MidPen Housing

HOW WILL THE AFFORDABLE HOUSING BE FINANCED?

The City has significant experience developing affordable housing projects including mixed development projects. And as has been the case for all of the City's successful affordable housing projects such as the Tannery Arts Project, Water Street Apartments, and the Riverwalk Apartments; this project's affordable housing will be funded through a variety of local, state, and federal funding sources. These include the following:

1. Low-Income Housing Tax Credits
2. Tax-exempt bond financing
3. State Housing & Community Development funding programs
4. City's Affordable Housing Trust Fund
5. City's HUD HOME and Community Development Block Grant (CDBG) funding programs
6. Conventional mortgage

As vetted with local affordable housing developers currently active in the Santa Cruz market, while construction costs currently range from \$350- \$450k per unit, total development costs can range as high as \$600 – \$700k per unit, depending on a number of varying factors including project size and number of units, site acquisition costs, environmental conditions and necessary entitlements. While the long-term ownership of the housing has not been determined and will be influenced by the overall funding decisions ultimately determined by the City Council, frequently projects which have significant City investment including land dedication and/or significant gap financing remain in City control or ownership. As the level of commitment to the affordable housing in the proposed project is clear, the City will be directly engaged in the level

of affordability of the units and will be responsible for working closely with the selected developer on project financing. City financial contributions to an affordable housing project can be the gap financing that is needed to enable a project to be built. Such is the case with the majority of affordable housing projects created in the last 20 years.

Per Council direction at the June 23, 2020 meeting, monies from the Affordable Housing Trust Fund (AHTF) will be allocated for building affordable housing for this Project. A public commitment of funding to an affordable housing project additionally helps applicants become more competitive for state and federal funding. This contribution of gap financing from the AHTF, combined with a City-controlled site development cost ensures for the majority of experienced affordable housing developers that the project is financially viable. This is reflected in the robust response the City received from Developers responding to the City's RFQ and specific inquiry's regarding interest in building the affordable housing component of the project.

The City's Housing Division in the Economic Development Department has been working diligently to provide new affordable housing opportunities and preserve the City's existing stock of affordable housing. Please refer to the Actions Supporting Affordable Housing Attachment for a summary of these actions dating back to 2018. This summer the City's Housing Division applied for two state programs which will significantly increase the current funding available for affordable housing creation in our community. The City applied for the \$1.5 million State Permanent Local Housing Allocation (PLHA) program funding, a non-competitive funding source that will be awarded to the City over the next five year period. Additionally, staff applied through the State Local Housing Trust Fund (LHTF) program for a program match up to \$5 million dollars. Both the guaranteed PLHA funding and the LHTF funding, if awarded, will be combined with the current \$3 million balance in the City's AHTF to be allocated to new affordable housing in our community, including the Library Mixed-Use Project.

PARKING BACKGROUND AND FINANCIAL INFORMATION

The consolidation of parking downtown and the construction of a new parking structure has been subject to ongoing analysis and focused study for the several decades. as post-earthquake recovery and development has progressed. Parking Lot #4, along Cedar Street between Cathcart and Lincoln Street, has been a focus for siting a new parking structure since 2002 when the Front and Cedar Street Assessment analyzed the possibility of consolidating several parking lots along Cedar Street and facilitating mixed-use projects on the vacated lots.

In 2004 the Cedar/Church – Cedar/Cathcart Feasibility study was completed. The feasibility study analyzed the cost of building the next downtown parking structure at two locations: the current Cedar/Church garage (Lot 3) and the Cedar/Cathcart surface lot (lot 4). After discussing the higher cost per space of the Cedar/Church lot due to site inefficiencies and the current parking need in the southern portion of Downtown, staff recommended to the Downtown Commission that the Cedar/Cathcart lot be the preferred site.

The City also explored the feasibility of constructing a parking structure on Cathcart/Front surface parking lot (Lot 7) as an alternative to the current site and the proposed public parking in the METRO mixed use project. Due to the irregularity of the lot, the layout efficiency was not optimized and the cost per space, along with the cost of the housing, was significantly higher at this alternative location. As a result, it was determined through study sessions both at the

Downtown Commission and City Council to focus on the existing site, Lot 4, for any new parking project.

NEED FOR THE DOWNTOWN PARKING SUPPLY

The City estimates a significant reduction in overall parking supply as a result of a number of surface parking lots coming off line due to recently completed and planned future housing development projects. Two lots leased to the City for public parking have come offline in the last two years; the recently completed housing project on Lot 2 (Walnut Tree) and the approved housing project on Lot 23 (Front/Laurel). Additionally, Lot 5, owned by Calvary Church, will come offline in the next two years to support a planned housing project currently under review, further reducing the City's supply by an additional 108 spaces. Five other development projects underway, including the City's Pacific Station Phase I (85 100% affordable housing units with no parking) and Pacific Station Phase II will reduce the current parking supply by another four lots while at the same time adding new parking demand on the downtown parking district as at least one, if not more, of the projects will be adding significant demand to the district.

Supporting affordable housing projects to be built without providing parking is an effective means of encouraging affordable housing development and can help offset the costs of development. However, the reality for the downtown is that at least half, if not more, of the future residents in those units will have one or more cars and will need a place to park and will be parking in the downtown.

Overall, the Parking District is estimated to lose approximately 369 public parking spots in the coming years, about 10% of the total public parking supply. On the demand side, with additional housing and commercial development, the Downtown Parking District is modeled to reach a shortfall of 700 spaces at full General Plan build-out, even with incorporating progressive parking and transportation practices that encourage alternative modes of transportation and shared parking. After factoring in changed parking and demand habits, like those seen during the pandemic, and accounting for prudent transportation demand management, it is still anticipated that a significant parking shortfall will negatively impact the future vitality of downtown unless new supply is created to offset the significant loss of public parking downtown. Consolidation of parking from lost surface parking lots into a new 400 space parking structure will reduce the parking surface area dedicated to parking in the downtown while supporting a new library and additional housing.

PARKING FINANCIAL BACKGROUND AND INFORMATION

On December 6th, 2016 City Council directed staff to develop a parking rates matrix for funding the parking portion of a potential project. Following extensive outreach to the Downtown community, including a favorable vote by the Downtown Association Board, a parking rate strategy was presented to the Downtown Commission on June 19th, 2018. The Commission voted to recommend that City Council approve amending downtown fees and rates to increase parking permit rates, increase hourly parking rates for lots, meters and parking structures, to fund the sunset of parking deficiency fee paid by businesses, regular annual funding for Transportation Demand Management enhancement, and construction of a new parking structure. The staff report which includes the Parking Rate Strategy and information on the proposed project budget is including as an attachment to this report. Following the study session, the City Council voted to phase out parking deficiency fees and adopt a resolution amending the parking

and permit rates for Downtown parking lots and structures as part of an overall approval to move forward with a new parking supply project as a component of the Library Mixed-Use Project. The rate increases were implemented beginning in 2019 and will continue through 2023 as the deficiency fees sunset.

On June 23rd, 2020 City Council voted to approve the Library Mixed-Use Project with a maximum of 400 parking spaces. Original project budgets were based off of a 600 space parking garage, with the number of parking spaces reduced to 400 spaces, hard costs are now estimated to be between \$20 million and \$26 million or between \$145/sf - \$188/sf including 3 year escalation of construction costs. The final cost estimate will be available once the final project has been designed and will be funded entirely via the Parking District.

The District is exploring multiple financing options including available bond financing. The smaller size of the structure and lower cost of the stand-alone structure has provided additional funding opportunities. If the Council determines to pursue parking bond financing, the annual costs of the bond payments will be spread out over the Parking District and amortized over a 30 year period. The Parking District has completed a number of financial feasibility analyses to support the project financing. Staff are working through modeling the estimated annual bond payments, the long term revenue projections and factoring in the economic impact of the Covid-19 pandemic. Detailed and updated analyses and modeling of the financial projections along with the Parking District's fund balance will be possible following the selection of a conceptual preliminary design and updated cost estimate for the project. This updated analysis will be presented to the City Council and will demonstrate the parking district's ability to cover the cost of the new debt payment.

LIBRARY BACKGROUND AND FINANCIAL INFORMATION

In 2013, the Santa Cruz Public Libraries engaged in a comprehensive facilities master planning process resulting in the voter approved Measure S bond measure in 2016. The purpose of the secured funding is to address library facility needs across the system. A new library is under construction for the City of Capitola branch and the new Felton Library was completed last year replacing an outdated facility with a larger library and public park. The City of Santa Cruz approved significant remodels of Garfield and Branciforte Libraries last year focused on modernization and increased functionality for users. Funding for the Downtown Library was identified as an urgent need in the 2013 master facilities plan and the City Council directed the formation of a Downtown Library Advisory Committee (DLAC) in 2017 to comprehensively examine the current facility and the feasibility, options and costs for developing a Downtown Library branch that meets the needs of the community and voters.

At the June 19, 2018 study session, the City Council received a report and presentation on Downtown Parking Rates Strategy and the DLAC recommendations for the Downtown Branch. The DLAC recommended that the City Council approve a new Downtown Library combined with other uses in a mixed use project to include commercial retail, parking and affordable housing.

The City Council approved relocating the downtown library into a mixed use project on September 11th, 2018. In 2019, the Council voted to put a hold on the library project and established a Council Subcommittee to explore all of the options. Following a year long process,

which included cost assessments of the mixed use and renovation options, the Council voted on June 23rd, 2020 to move forward with the mixed use project.

The library component of the project will be primarily funded by Measure S funds. The mixed use cost assessment completed by Group 4 earlier this year estimated that an additional 5,000 square feet could be added to the project with the additional budget of \$3 million. The City is exploring a number of ways to fill the projected funding gap, which could include fundraising by the Friends of the Library, fees applied from potential air rights from market rate housing units, and/or and fundraising from private and governmental sources.

DISCUSSION: OWNER’S REPRESENTATIVE CONTRACT & RFP PROCESS

The Owner’s Representative will serve as a project manager, overseeing the budget and schedule, liaising with contractors, and representing the City’s interest and goals throughout the project. The Owner’s Representative will work with staff to assess the best approach moving forward and will manage a competitive bidding process for the development team.

As directed by the City Council earlier this summer, City staff posted a Request for Proposals (RFP) in July of 2020 and received seven proposals. All proposals were evaluated based on the criteria laid out in the RFP, and the top four teams were identified for further consideration. A panel consisting of Economic Development, Library, Public Works, and Planning staff interviewed the top teams, assessing them in the areas of past experience working on similar projects, project team expertise, and approach to project scope. Staff recommends entering into a contract with Griffin Structures Inc. (Griffin) because of their demonstrated experience working on projects of this size and complexity; excellent project management expertise; and solid approach to community engagement. The Owner’s Representative contract with Griffin Structures, Inc. has been included as an attachment to this report and includes a more detailed breakdown of contract scope, fee schedule, and timeline. It is important to note that the contract, as negotiated, allows for the City to terminate for convenience with ten days notice. The City will have the discretion to terminate the contract for any reason and the financial obligation to the Consultant will be limited to services performed up to the time of termination. The Consultant services will be paid on a monthly basis for worked performed to date.

Staff recommends dividing the contract with Griffin into two phases. The first phase, to begin following Council approval of this contract, would include pre-design, design, and permitting. Phase one is estimated to take 23 months. The second phase would include Construction, and would extend to project completion (estimated through December 2024). Staff will return to Council for approval of a phase two contract with Griffin sometime in early 2022.

LINKS TO RELEVANT INFORMATION ON LIBRARY PROJECT

Project background, updates, frequently asked questions, and information on the project components can be found at www.CityofSantaCruz.com/mixeduselibrary. Staff will be working to keep the project website updated with new information and next steps.

FISCAL IMPACT: Staff is recommending authorization to enter into a contract with Griffin not to exceed \$240,000. Sufficient appropriations for this contract were included in the approved FY 2021 budget, and will include funds from Measure S, the Economic Development Trust Fund, the Affordable Housing Trust Fund, and the Parking District.

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ATTACHMENTS:

1. ACTIONS SUPPORTING AFF HOUSING.PDF
2. DEC 6 2016 STAFF REPORT.PDF
3. JUNE 19 2018 STAFF REPORT.PDF
4. SEPT 11 2018 STAFF REPORT.PDF
5. LIBRARY PROJECT FAQs.PDF
6. 2020-10-19 PHASE 1 CONTRACT GRIFFIN.PDF

Actions taken to support Affordable Housing by Housing Division of Economic Development

Year	Action	Summary
1/14/2020	2nd reading of Inclusionary Ordinance	CC increased the percentage to 20% for new projects.
1/14/2020	TEFRA Hearing for Riverfront Apts	Helping to preserve and rehabilitate 2 affordable housing projects in City of SC. 130 units @ 60% AMI; 70 units for Tenant Based Housing Subsidy Holders (such as Section 8). Able to support CalPFA funding of the project with no financial, legal or moral obligation from the City.
1/28/2020	Update to CC and community of Housing Support Programs	Provided information on resources to CC and Community through Council item.
1/28/2020	Relocation Assistance Pilot Program	For the pilot phase of this program, City pursued implementing this program in partnership with the Housing Authority as a potential supplement to households seeking security deposit assistance. The households applying for the security deposit assistance will already be income qualified by the Housing Authority, and it is possible that households applying for this assistance may also be able to meet the qualifications for this moving expense stipend as well.
2/11/2020	CalHome Funding Application	Applied for over \$900,000 to be used for First-Time Homebuyers at or below 80% AMI. State did not award funds to the City.
5/12/2020	HUD Annual Action Plan and 5 Year Consolidated Plan	A plan on how to spend Federal funds through the HUD Department. One of the goals in the CP is to increase and preserve the supply and quality of affordable housing in SC.
6/23/2020	LHTF Match Grant Application	Applied for \$5 Million as a matching grant to the City's Affordable Housing Trust Fund. Pending State approval of application. If awarded, to be spent to develop over 100 units of affordable housing.

6/23/2020	State Permanent Local Housing Allocation (PLHA) Application	Applying for the "over-the-counter" funds over a 5 year period. Estimated that the City will be able to receive at least \$1,588,464 (over 5 years). Funding can be used towards Affordable Housing.
7/2/2020	325 & 329 Front St Purchase and Sale Agmnt & Lease of 818-822 Pacific Ave	Acquisition and agreement to prepapre for Pacific Station Affordable Housing Project.
7/22/2020	Article 34 Compliance Letter	Letter to the State HCD department confirming that the Pacific Station affordable housing project will meet the terms of Article 34/Measure C.
8/25/2020	AB-2162 Use by Right approvals	Allows Affordable, Supportive Housing Projects use by right approvals.
8/25/2020	Arbor Cove Senior Commons Lease Extension	Preserved the affordability of 35 affordable housing units (at 30-60% AMI level).
1/28/2019	Article 34 Compliance Letter	Letter to the State HCD department confirming that the Jessie St. housing project meets the terms of Article 34/Measure C.
2/26/2019	Santa Cruz Affordable Housing Bond	Support for AB 411 to free-up \$16.1 million of funding for the City of Santa Cruz for development of affordable housing. This Bill was vetoed by the Governor at the end of the legislative year in 2019.
5/28/2019	HUD Annual Action Plan	This plan assigned funding for 27 affordable housing units to the Jessie St. project and to CRLA for legal services to low income households.
2/13/2018	Approval of the Last and Final ROPS	Final Recognized Obligation Payment Schedule to set forth the nature, amount and source(s) of payment for all enforceable obligations of the Successor Agency. Some of the funding is for Affordable Housing bonds.
2/13/2018	Agreement with owner of Riverfront Apartments to encourage the extention of HUD Section 8 agreement	City provided up to \$10,000 per year for a period of 5 years for ADA improvements at the Riverfront Apartments to encourage the property owner to extend their agreement with HUD to provide housing to Section 8 voucher holders.

4/24/2018	HUD Annual Action Plan	City supported the consolidation of the Sycamore Commons (60 affordable units) with La Playa Apartments (9 affordable units) to extend the affordability for 55 years, City extended some loan terms were extended to facilitate this action. A new Affordable Housing Solar Installation Program was initiated with GRID Solar, this program helps low income households obtain solar power to help reduce energy costs. Construction began on the 100% Affordable Water St. project. Funding was allocated to the Jessie St. affordable housing project.
8/14/2018	Extension of City commitment for \$750,000 in Fee Deferrals and Loans for Affordable Housing Project (350 Ocean St)	City extended their commitment to provide up to \$750,000 in Fee Deferrals and loans for the 100% affordable housing project at 350 Ocean St. This project will net 61 affordable housing units ranging from 30-60% AMI.
8/28/2018	Federal HOME funding awarded to Habitat for Humanity	This funding helped to create an affordable ADU as part of the City & Habitat for Humanity partnered program "My House My Home"
10/23/2018	ADU Limited Deferral of Owner Occupancy	Updated the Limited Deferral option to require one of the two units (main house or ADU) must be affordable to households at 60% AMI.



CITY COUNCIL AGENDA REPORT

DATE: November 29, 2016

AGENDA OF: December 6, 2016

DEPARTMENT: Library, Public Works

SUBJECT: Downtown Library and Parking Garage Feasibility Study (PW)

RECOMMENDATION: Consider the Feasibility Study results for a new Downtown Library and Parking Garage Project at City Lot #4 (parking lot bounded by Cedar, Cathcart, and Lincoln Streets) and direct staff to:

1. Form a Downtown Library Advisory Committee to advise the City Council, Library Board, and Library Director on the design of a new Downtown Library;
 2. Form a Farmers Market Working Group to develop recommendations regarding the development of a new permanent site for the Downtown Farmer's Market;
 3. Form a Downtown Commission Subcommittee to recommend a supporting parking rate structure to fund the project; and
 4. Direct staff to bring back required actions including a workplan, outreach plan, and funding plan for the project.
-

BACKGROUND: A convergence of circumstances and opportunities has developed recently making it possible for the City to move forward to address several significant needs in Downtown: (1) construction of a new state-of-the-art Downtown library branch; (2) construction of a much needed new parking facility; and (3) the development of a permanent Farmer's Market site.

Downtown Library Branch

In 2013, the Santa Cruz Public Libraries created a Facilities Master Plan to evaluate current library structures and make recommendations for change. The Master Plan identifies the Santa Cruz Downtown Library as a critical resource for the entire region housing a number of special collections (genealogy, history and music), holding the largest print collection and maintaining the strongest patron use in the public library system. The Santa Cruz Public Library Master Plan did not recommend expanding the downtown library beyond a footprint of 44,000 square feet, but it did recommend extensive renovation or preferably complete replacement of the Downtown building due to deferred maintenance, failing infrastructure, and a lack of accessibility. In June 2016, voters approved Measure S, a \$67 million library bond measure, of which approximately \$25 million is available to renovate City of Santa Cruz branches.

Replacement of the Downtown Library building provides the opportunity to:

- Develop 21st century learning environments with appropriate technology.
- Create an energy-efficient, environmentally friendly facility.
- Improve staff productivity through work-flow enhancements.
- Participate in a multi-use facility with adjacencies to organizations that enhance the library user's experience (coffee shops, business support activities, parking).
- Improve the connection with Pacific Avenue and local businesses serving as an anchor institution to bring residents Downtown.

Replacing the Library on another site would avoid the cost and inconvenience of creating a temporary facility while the new Library is being built. Building a new Library on a shared-use site avoids the high cost of land and the difficulty in finding another sufficiently sized parcel. In the Downtown a parcel of this size, if it was available, could exceed \$8 million in acquisition costs. It is also important to point out that there is urgency in moving forward timely with the library projects because the longer it takes to construct, the more expensive it will be, and therefore less can be accomplished with the limited Measure S bond funds.

Parking Garage

The construction of an additional Downtown parking structure has been anticipated for some time as post-earthquake recovery and development has progressed. Parking Lot #4, along Cedar Street between Cathcart and Lincoln Street, has been a focus for siting a new parking structure since 2002 when the Front and Cedar Street Assessment analyzed the possibility of consolidating several parking lots along Cedar Street and facilitating mixed use projects on the vacated lots.

In 2004 the Cedar/Church – Cedar/Cathcart Feasibility was completed. The feasibility study analyzed the cost of building the next downtown parking structure at two locations: the current Cedar/Church garage (Lot 3) and the Cedar/Cathcart surface lot. After discussing the two sites' comparative costs and the current parking need in the southern portion of Downtown, staff recommended to the Downtown Commission that Cedar/Cathcart be the preferred site.

A work program for the new structure was developed by a subcommittee of the Downtown Commission, and was approved by City Council on April 26, 2005. The Downtown Commission (DTC) considered recommendations and staff input on the options of funding a new parking structure on multiple occasions and at a joint study session with City Council on May 6, 2008. At the May 6 study session, staff was given direction to begin the design/development process for the new structure, and staff subsequently developed the Request for Qualifications (RFQ). Ultimately, due to the impending City budget deficit, severe economic downturn, and staff furloughs, City Council deferred action of this item.

A combination of factors has now made the need for a parking facility more urgent. The economy is recovering and with it additional commercial and affordable housing development is anticipated. New housing will require more parking in the Downtown. In addition, existing surface lot parking spaces (90 spaces) at the Calvary Church parking lot (Lot 5) are expected to be lost to a senior

housing development planned to occur within 2 to 3 years. Further, all three City Garages have waitlists and are consistently at capacity every weekday between 12 pm and 4 pm. Additionally, the combined waitlist totals represent requests by 501 persons or businesses, many for multiple permits, for drivers that live or work in the downtown (District). The loss of Lot 5 will require finding a new home for 120 existing permit holders. In total, the Downtown Parking District is modeled to reach a shortfall of 700 spaces at full General Plan build-out (prior to Downtown Recovery Plan amendments).

Downtown Farmers' Market and Santa Cruz Antique Faire

Santa Cruz Community Farmers' Markets came together in the fall of 1990 after the 1989 Loma Prieta earthquake. The Downtown Farmers' Market was initially established as a redevelopment tool, to bring people Downtown after the earthquake to enjoy locally grown organic produce. In 1995, the Santa Cruz Farmers' Market reorganized and became a non-profit under the name Santa Cruz Community Farmers' Market (SCCFM) which operates a number of farmer's market in the County. It is now the largest and oldest farmers' market in the City, celebrating 26 years, and has become an integral part of Downtown's vibrancy, and an important outlet for local farmers to sell their produce.

The Downtown Farmers' Market initially existed at several locations in the Downtown. Beginning in around 1996, the market began to operate in Lot 4 and then expanded to a larger footprint in 2000. Because development on Lot 4 has always been a possibility, the market has wanted to establish a more permanent location and infrastructure in the Downtown. The development of the Library/Parking Garage project provides an opportunity to accomplish this goal, in concert with the City and other stakeholders.

The Santa Cruz Antique Faire would also have to be accommodated. The Faire has operated since 1993 and takes place on Lincoln Street between Pacific and Cedar, but also partially uses Lot 4. The Faire operates on the second Sunday of every month from 8 am - 6 pm. Vendors offer an eclectic blend of antiques and unique items, vintage clothing, collectibles and other items.

DISCUSSION: Library and Public Works (PW) staff met in September to discuss the feasibility of siting a new Library Main Branch at the current site of Parking Lot 4, on Cedar Street between Lincoln and Cathcart Streets. The result was to procure a concept level feasibility study. The study was needed to verify that this site can support the subject shared-use, prior to developing a concept to bring to City Council for consideration and seek direction toward the next steps.

The Downtown Library and Parking Structure Feasibility Study was performed under the basic assumption of gaining a 44,000 square-foot first floor area, as recommended by the Library Master Plan, with enough area remaining to access parking above. Maintaining this ground floor area requires that speed ramps are utilized to access the upper level parking. The speed ramps allow dual access, from both Cathcart and Lincoln streets, with a minimum loss of ground floor Library area. The Feasibility Study verifies that the site could work for a Library/Parking shared use project. The concept plan identifies 34,000 SF of "high-ceilinged" Library and 8,000 SF of

standard to high (area under parking above) Library, all on the ground floor, in conjunction with a 632 space parking garage above.

The concept structure would reach 70 feet in height which is equivalent to the heights allowed along Pacific Avenue, and the height of the neighboring University Town Center Building. In order to continue the same height for this proposed project area an amendment to the Downtown Recovery Plan (DRP) will be required.

While the parking garage could incorporate up to 632 parking spaces, the net new number of parking spaces created by the project is 375. This calculation factors in the 135 public and 8 private surface lot parking spaces already existing on Lot 4, as well the likely loss of 90 spaces on Lot 5 (Calvary Church) that the City has leased for many years. In addition, 24 spaces will be lost from the sale of Lot 23 (Front and Laurel), site of future housing development.

A combined Library/Parking Facility has significant advantages including:

1. The overall project is less expensive than pursuing both projects independently. The Library Bond Measure did not allocate sufficient funding for either a remodeling project or new project, anticipating the need for gap funding. By combining these two projects, the funding gap is significantly reduced.
2. There are savings by not needing separate parking for the library. Typically a new construction project of this size would require additional parking in the range of 100 spaces.
3. The site has ideal dimensions for a very efficient parking garage thus making it more cost effective to construct.
4. Given that the City owns these parcels, it makes the project less expensive and much less complicated as there is very little site acquisition (there is a small parcel owned by Toadal Fitness) and no assembly that is required. It also makes for a reduced project timeline, thus more efficiently meeting the voter mandate to upgrade library facilities within the allocated bond funds.
5. The project frees up existing Downtown Library site for other uses.
6. It is an ideal location for both library and parking. There are no other parcels in the Downtown that can accomplish this. Having convenient parking will be a benefit to the library and its regional users.
7. Mixed-use structure makes for a better Downtown. A mixed-use project makes for a higher and better use of land and meets the City's Smart Growth and Climate Action principles. Surface parking lots are an inefficient use of land.
8. Library makes a great and attractive ground floor use. A single level library with significant street frontage provides for much improved library operations as well as the opportunity for the library to provide emerging 21st century library services.

Given the significant advantages of such a mixed-use development project in our Downtown, and recognizing the need to address the needs of the Downtown Farmers' Market and Antique Faire, it is recommended that the City Council direct the City Manager to:

1. Work with the Library Director, Library Commission, and Library Board to establish a Downtown Library Advisory Committee to help with the design of a new library.

2. Work with the Downtown Farmers' Market to form a Working Group charged with the identifying a new permanent location for the farmers' market. The group would also work with the Antique Faire to accommodate their needs.
3. Request that the Downtown Commission establish a Committee that would develop and recommend a supporting parking rate structure.
4. Bring back to City Council required actions including a workplan, outreach plan, and funding scenarios to move the project forward.

FISCAL IMPACT: The rough order of magnitude (ROM) projections of probable cost for the basic shell and parking structure is \$33-37 million, the Library build-out is \$23-27 million, and the potential 2nd and 3rd floor tenant spaces is \$3-4 million. These estimates include both hard (construction, furnishings, equipment, etc.) and soft costs (design, project management, permits, etc.), are budget estimates and contain a contingency of 10% and an additional 12% for price escalation.

Submitted by:

Submitted by:

Mark R. Dettle
Director of Public Works

Susan Nemitz
Director of Libraries

Approved by:

Martín Bernal
City Manager

Attachment:
Downtown Library and Parking Garage Feasibility Study Presentation Slides



Downtown Commission AGENDA REPORT

DATE: 6/6/2018

AGENDA OF: 6/19/2018

SUBJECT: Downtown Parking Fees and Rates

RECOMMENDATION: That the Downtown Commission recommend that City Council approve amending downtown fees and rates to increase parking permit rates, increase hourly parking rates for lots, meters and parking structures, to fund the sunset of parking deficiency fee paid by businesses, regular annual funding for Transportation Demand Management enhancement, and construction of a new parking structure.

BACKGROUND: On December 6, 2016 City Council discussed the feasibility of a new parking supply project as part of a mixed-use Library, commercial, office, and/or housing project. The Feasibility Study considered the possibility of this collection of uses at the current location of Parking Lot #4, bounded by Cedar Street between Lincoln and Cathcart streets. This site is also where the Santa Cruz County Farmers Market (SCCFM) currently utilizes an annual special use permit to operate the Wednesday downtown market.

At the December 6, 2016 City Council Meeting, Council directed staff to develop a work plan, outreach plan, and funding plan to move the project forward, and to return to Council (Attachment 1). Council directed staff to focus on three main areas: the Downtown Library and a public process for determining the best path forward; developing a permanent home for the Downtown Farmer's Market; and developing a parking rates matrix for funding the parking portion of the potential project.

The focus of this report is on the rates matrix, which presents a parking rate strategy that fulfills the Council direction to develop a rate strategy that supports a new parking supply project as part of the mixed use development. In addition, the framework for a rate strategy also depends upon sound projections of supply of parking, demand for parking, and transportation demand management (TDM) programming. Staff has previously developed and presented a number of pieces to this Commission that are crucial to the discussion. First and foremost is the supply and demand model, which also bears on the TDM (GO Santa Cruz) discussions. Additionally, this Commission heard the Downtown Library Advisory Committee (DLAC) findings of a preferred new library- mixed use project, on the Lot 4 site, at the March 22, 2018 meeting of the DTC.

The supply and demand model results presented at the Special February Downtown Commission meeting were preceded by an update of the City's efforts towards reducing single occupant vehicle trips via projects and programs to encourage alternatives to driving and parking (TDM). Because the supply/demand and TDM discussion is crucial discussion of new parking supply and parking rates, the information is reiterated here.

While the overall District will change over the next five years to likely include sizeable new housing units and the typically required commercial inherent to downtown projects, of special note is the lease on the Calvary Lot. Historically, the City had five year leases to use this lot but this was reduced to a two year lease with a two year option in 2015. We are now in the option period whereby owner can terminate the lease if they enter into a development permit or apply for a building permit. The lease expires on Sept 30, 2019.

The key takeaway is that the fate of this lot, on which the City sells 120 permits to downtown businesses and residents, is uncertain and could be lost for City use at any time.

DISCUSSION: Parking Supply/Demand

Over the years, the City of Santa Cruz has maintained various models to project the future parking needs in the downtown business district. The purpose of this model is to determine existing and future supply and demand requirements to maintain a vibrant downtown for businesses, residents, and visitors.

The City of Santa Cruz contracted with Nelson\Nygaard to produce a parking model to assist in forecasting future parking supply and demand. The purpose of this model is to better understand the existing and future parking needs in the downtown and to proactively plan to address those needs in the immediate and mid-term. This model uses parking supply data, parking occupancy data, and projected land use change to determine future needs. For land use change, past models had used the prescribed parking requirements from the land use code (“code based model”) to establish a baseline of demand. This new model uses actual demand (“measured demand model”) in the field as a starting point. City staff adapted the model to develop two land use scenarios over two time periods, with no pricing changes. Supply, demand, land use scenarios, and time horizons are discussed below:

Supply:

Parking supply in downtown consists of on-street and off-street metered spaces, free time-limited spaces, pay-by-space surface lots, and garage parking spaces. There are a total of 2,950 public parking spaces in the Parking District.

The number of spaces in the parking model include the predicted loss of existing surface parking lots over the planning horizon due to the expiration of existing leases and utilization of existing surface lots for mixed use housing projects.

The City’s Parking District parking requirements are different than elsewhere in the City as they are based on a “shared parking” system. This shared system assumes that people who park downtown are visiting multiple businesses that operate at different peak times and that they will only need one parking space for those multiple trips. The public parking is made available to all customers, employees, and residents in the Parking District and is provided by the city for public use. The shared parking system allows the City to maximize the development potential while minimizing the property devoted to parking.

Demand:

Parking demand is measured by the occupancy rate. The occupancy rate is calculated as the number of occupied spaces divided by the total number of spaces available. Occupancy rates at

or close to 100 percent are undesirable because motorists must hunt for parking and/or may believe that the entire block or structure is full, even if there are additional spaces in upper floors or adjacent streets. Research has shown that approximately 30% of congestion experienced in downtown environments is attributable to motorists circling looking for parking. In addition, occupancy at 100 percent does not allow flexibility for unusual circumstances, busy holidays, or special events. Thus, when evaluating parking, it is the conventional professional practice to look at the “effective” supply instead of the full supply. The effective supply is the maximum number of parking spaces that can realistically be used within a given system, including room for a supply “cushion” to allow people to find parking during temporary occurrences, such as construction, special events and game nights, and lot closures. Different thresholds of full occupancy are used for on-street and off-street parking. In most cases, on-street parking is considered to be full or has reached its effective capacity when it reaches 85 percent occupancy and structured parking is considered to be full when it reaches 80 to 90 percent occupancy. For the purposes of this model, we examined an 85% on-street effective supply and a 90% off-street effective supply.

Land Use Scenarios:

The Downtown Plan establishes the future land use potential in the downtown. Each of the scenarios below uses residential and non-residential projections in line with the assumptions of the downtown plan. These are further supported by the City Council’s Two-Year Work Plan goal to entitle 500-600 housing units downtown.

Scenario 1: No New Parking Supply- This model assumes that there is no new parking supply constructed over the planning horizon except as part of private residential development. This scenario assumes loss of various existing surface parking facilities due to expiration of existing leases and utilization of surface lots for housing development. This results in a net loss of parking over the time horizons.

Scenario 2: New Parking Supply- This model assumes adding 600 (369 replacement and 231 new) parking spaces in the downtown parking district. This scenario also assumes loss of various existing surface parking facilities due to expiration of existing leases and utilization of surface lots for housing development. This results in a net increase in the number of parking spaces.

Planning Horizons:

The model examines two planning horizons: a ten-year and a twenty-year projection.

Ten-Year Planning Horizon: The ten-year planning horizon includes pipeline projects that there is reasonable certainty will start construction in the next ten years. These projects include those currently underway and those where owners have communicated plans for future development. This also includes loss of city owned parking supply to expiration of existing leases and utilization of existing surface parking supply for housing and commercial development. Best available assumptions were used to determine future parking supply and demand in the ten-year planning horizon.

Twenty Year Planning Horizon: The 20-year planning horizon uses the land use assumptions in the adopted Downtown Plan. For the purposes of this model, it was assumed that 80% of the overall downtown plan would be built-out over the twenty-year horizon, which aligns with assumptions in the General Plan buildout scenarios. This 80% was applied to residential and

non-residential land use assumptions in the Downtown Plan to determine future parking supply/demand.

FINDINGS:

Under both land use scenarios and both planning horizons, the downtown parking district is projected to experience a parking deficit. Specific supply/demand deficit numbers are presented graphically in Attachment 2. In both land use scenarios, there is a parking deficit in the 10-year and 20-year planning horizons.

With no new supply, the modeled parking supply results in a shortage of 657 spaces in 10 years and a shortage of 1,210 in twenty years. With a new supply project, the modeled parking supply results in a shortage of 192 spaces in 10 years and a shortage of 745 in twenty years.

Transportation Demand Management:

Santa Cruz is a national leader in reducing single occupancy vehicle trips, having a drive-alone rate almost 20% below the national average (56.5% in Santa Cruz compared to 76.4% nationally). As a city, we've invested heavily in promoting alternative transportation options to the personal automobile to achieve less congestion, lower greenhouse gas emissions, and increase safety for all roadway users. As a city, we are committed to reducing our drive-alone rate, and anticipate further reductions in drive-alone rate in the coming years through expansion of TDM programs.

The parking model baseline assumes a constant 56.5% drive alone mode split over the out years. Multimodal options continue to evolve, which directly affect the supply and demand for parking. To reflect future reductions in drive-alone rate, the city applied various post-processing factors to the parking model to determine future parking demand over a variety of mode splits that all included a reduction in single occupant vehicle (SOV) travel. These reductions can come from any manner of reductions in SOV, including increases in biking, walking, and transit, emerging technology, and others.

Each of these post processing scenarios was run on Land Use Scenario 1 and Land Use Scenario 2. Scenarios included a modest reduction in SOV (53%), and increments of increasingly aggressive SOV rates (50%, 45%, 40%, 35%, 30%), and a "sweet spot" calculation to determine the SOV rate that would achieve a balance in supply/demand.

The findings from these post processing calculations are included in Attachment 3. With no new supply, the City of Santa Cruz would have to reduce single occupant vehicle trips to downtown from the existing 56.5% to 35% by 2026, and to 25% by 2036. With a new supply project, the City of Santa Cruz would have to reduce single occupant vehicle trips to downtown from the existing 56.5% to 53% by 2026, and to 37% by 2036. The key takeaway from these findings is that even with incredible strides in reducing SOV travel, TDM alone will not be enough to meet the parking demand in the downtown parking district.

Parking Rates Strategy

Staff have developed a proposed Parking Rates Strategy that makes changes to user fees and deficiency fees to financially support a new parking supply project as part of the mixed-use library project. The proposed Parking Rates Strategy has been presented to the Downtown Commission Parking Finance Ad-Hoc Subcommittee, attended by Commissioners Farrell and

Prindle. Subsequently, staff reached out to several downtown stakeholders representing a cross-section of downtown business types for feedback. Finally, staff utilized an outside urban economics consulting firm to peer review the proposed Parking Rates Strategy in the form of a Technical Review (Memo attached).

The proposed parking rates strategy was developed to address three main downtown parking issues: (1) Eliminating the Business parking subsidy known as the Parking Deficiency Fee so that parking users pay for the parking they are consuming; (2) adding regular, predictable, annual TDM funding to enhance current TDM efforts; and (3) funding a new parking replacement and supply project (replace 369 surface parking spaces, add 231 net new parking spaces to help serve anticipated new demand and further loss of supply).

The proposed Parking Rates Strategy would adjust rates in the following ways: (1) sunsets the deficiency fee; (2) brings the cost of a monthly parking permit in line with that of a monthly transit pass; (3) incrementally raises on- and off-street hourly parking fees to reflect the true cost of parking; and (4) establishes an annual, reliable funding source to expand TDM programs and projects. The approach to each is described below.

Sunset of the Parking Deficiency Fees: The Parking Deficiency Fee was first assessed in the 1960's for the first consolidated (shared) parking project. The fee is paid by businesses and homeowners associations that do not provide parking required for their respective, anticipated, demand. This amounts to parking deficiency fees helping to subsidize the ongoing maintenance and operations of the parking district. While the parking required is much lower in the District than the rest of the City, a base line requirement of parking does exist, and businesses that pay deficiency fees have not provided sufficient parking supply commiserate with their demand. Paying the fee instead of building scores of small parking lots supplied the funding for shared parking facilities, eliminated "dead space" that parking lots create, and resulted in less District-wide parking required and a parking supply that is more efficiently utilized.

The Deficiency Fee assessment has been effective over the years but has possibly outlived its prime. Because many businesses pay the Deficiency Fee and buy Parking Permits, businesses have expressed that they feel they are being doubly charged. Also, eliminating this business subsidy to the parking district and requiring parking users to fully fund the cost of constructing, operating, and maintaining the facilities is a "best practice" of Parking Management (and TDM) in that parking users may alter their transport choice if they must pay the true cost to park. The proposed parking rates strategy would sunset the deficiency fee (15% per year, which would fully sunset the fee in 6.5 years).

Permit Fees: Monthly permit fees are currently around half the cost of a monthly transit pass. When driving and parking the cheapest, fastest, and most convenient option, individuals will continue to choose to drive. Raising the cost of a monthly parking permit to be in line with the costs of a monthly transit pass creates the need to make an actual financial choice about what mode to use, and brings the true cost of parking to the users of parking. During the outreach process, staff heard from solid support for this change. This shifts the true cost of parking to users and is a component of the City TDM strategy and is in line with best practices. Proposed fees will increase in Year 1 to \$45/month, in year 2 to \$55/month, in Year 3 to \$65/month, and in Year 4 to \$75/month.

Hourly Rates: The proposed parking rate strategy includes a two-step approach to incrementally raising hourly parking fees for on-street meters and off-street lots and structures. This shifts the true cost of parking to users and is a component of the City TDM strategy and is in line with best practices. For lots and garages, in Year 1 hourly fees will be raised from \$0.50/hour to \$1/hour, and in Year 2 will be raised from \$1/hour to \$1.25/hour. For parking meters, in Year 1 hourly rates will be raised by \$0.25/hour and in Year 2 will be raised by \$0.25 – 0.50/hour to resulting in \$1.50/hour across the core of downtown, and \$1.00/hour on the outer fringes.

Transportation Demand Management Fund: Charging the true cost to the actual user of parking is of the first step of TDM. A step beyond is to have parking rates pay for reducing the parking demand. The proposed parking rates strategy does both, and the proposed parking rates strategy uses user fees to fund an on-going TDM fund, which will allow for enhanced TDM measures to be implemented with a regular annual commitment of funding. In particular, any level of Transit subsidy (free or discounted bus passes for downtown employees), Bike Share subsidy, Emergency Ride Home (guarantee for those traveling to work by alternative means), carpool incentives, and ridesharing incentives, will all require new dedicated funding.

As presented, the supply and demand model present a clear need to add additional parking supply in order to accommodate for the needs of our changing downtown, in particular with regard to providing increased housing opportunities downtown. Given the City's Supply and Demand Model coupled with the City's incredibly low drive alone rate, City staff do not believe we can solve our way out of the projected parking shortfalls through expanded transportation demand management alone. We can and must continue to lower the drive-alone rate, but new supply must also be added to replace the lost surface lots and accommodate future growth and development in downtown.

New Supply: The December 6, 2016 Feasibility Study presented to City Council included a rough order of magnitude (ROM) cost for the different portions of the mixed use project. The parking portion ROM ranged between 33 and 37 million dollars to build the 600 space structure. Staff used the high-end ROM, plus bonding costs, to determine the total cost to bond, and then amortized over 30 years to come up with an estimate for annual bond payment in the Rates Strategy. Also added in, is the new costs for operation and maintenance of a new structure.

Rates Strategy Assumptions: The Rates Strategy looks at just the changes to District finances over a 5-6 year horizon. In other words, the Strategy assumes the future District continues to operate and provide the same level of service as it does today. Therefore inflationary values are added for all costs to keep them relevant. Only the new revenue portion of price increases are included and a running Fund Balance is included as the bottom line.

Loss of occupancy due to price increases have been considered and included in the Rates Strategy. Analysis of the price/occupancy "elasticity" is filled with uncertainty due a multitude of contextual issues. Location, both macro and micro, time of day, day of the week, size of price change, the initial price, variance over time, and other options for parking and or driving, street closures, construction projects, seasonal variation all effect the factor used to predict the loss of occupancy.

For the Rates Strategy forecast a low elasticity was used in year one (2019) because the initial price is low, the pent up demand is high, and there will be a loss of supply. In year two, 2020, there are more lots lost, and it is assumed construction would begin on the lot 4 site. Given the

large loss of surface parking, no additional loss due to price increases are included. Year 3 is the same, and in year 4 it is assumed that the structure is complete and open. With the return of the 369 replacement spaces and the 231 new spaces, a loss of occupancy is once more added the forecast. For year 4, a more conservative (higher) elasticity value is included and continues to be included in year 5 and beyond. Staff did not include a diminishment of this loss, although based on past District experience, occupancy increases even after price increases, especially over time.

FISCAL IMPACT: The Parking Rates Strategy seeks to maintain a balanced budget for the District while eliminating the Parking Deficiency Fee over time, raising Permit Fees, raising hourly parking and meter rates and funding an enhanced annual TDM program.

There is no impact to the City's General Fund. There is an anticipated balanced budget in the Parking Fund with new costs and new revenues.

Prepared by:
James Burr
Transportation Manager

Submitted by:
James Burr
Transportation Manager

ATTACHMENTS:

Attachment 1: Minutes of December 6, 2016 Santa Cruz City Council Meeting
Attachment 2: Supply and Demand
Attachment 3: Single Occupant Vehicle (SOV) Mode Split Scenarios
Attachment 4: Summary of Proposed Parking Rates Strategy

City of Santa Cruz
809 Center Street
Santa Cruz, California 95060

MINUTES OF A CITY COUNCIL SPECIAL MEETING

December 06, 2016

5:00 p.m.

Mayor Mathews opened the City Council Closed Litigation Session at 5:00 p.m. in a public meeting in the Council Chambers, for the purpose of announcing the agenda, and receiving public testimony.

Roll Call

Present: Councilmembers Noroyan, Lane, Terrazas, Posner, Comstock; Vice Mayor Chase; Mayor Mathews.

Absent: None.

Staff: City Manager M. Bernal, City Attorney T. Condotti, Director of Economic Development B. Lipscomb, City Clerk Administrator B. Lehr, Deputy City Clerk Administrator B. Bush.

Closed Session

Public Comment

Mayor Mathews opened the public comment period at 5:00 p.m. The following people addressed the Council:

Pamela Davis spoke regarding item #1.2, Potential Acquisition of Property.

Mayor Mathews closed the public comment period at 5:04 p.m. and the Council moved to the Courtyard Conference Room. (See pages 3506-3507 for a report on Closed Session.)

City Council

6:00 PM

Call to Order - Mayor Mathews called the meeting to order at 6:11 p.m. in the Council Chambers.

Roll Call

Present: Councilmembers Noroyan, Lane, Terrazas, Posner, Comstock; Vice Mayor Chase; Mayor Mathews.

Absent: None.

Staff: City Manager M. Bernal, City Attorney T. Condotti, Deputy City Manager S. Collins, Director of Public Works M. Dettle, Transportation Manager J. Burr, Principal Planner R. Powers, Library Director S. Nemitz, City Clerk Administrator B. Lehr, Deputy City Clerk Administrator B. Bush.

Pledge of Allegiance

City Attorney Report on Closed Session

1. Real Property Negotiations (Government Code 54956.8)
 1. Property: 17-E Municipal Wharf (referred initially on 8/23/16)
 APN: 007-331-09
 Owner: City of Santa Cruz
 City Negotiator: Bonnie Lipscomb
 Negotiating Parties: City and Potential Tenants
 Under Negotiation: Municipal Wharf Lease - Price and Terms
 2. Property: Potential Acquisition of Property (referred 5/24/16, discussed 11/22/16)
 APN: 005-152-32
 Owner: Nonprofits Insurance Alliance of California (NIAC)
 City Negotiator: Bonnie Lipscomb
 Negotiating Parties: City of Santa Cruz and NIAC
 Under Negotiation: Potential Acquisition of Property

Council received a status report, instructed the City Negotiator, and took no reportable action.

City Attorney Report on Closed Session (continued)

2. Public Employee Performance Evaluation (Government Code §54957)

Follow-up from the October 18, 2016 City Manager performance evaluation.

The City Manager received a performance evaluation.

Presiding Officer's Announcements

Statements of Disqualification - Mayor Mathews recused herself from General Business Item #4 due to a conflict with property she owns within 500 feet of the proposed location.

Additions and Deletions - None.

Consent Agenda

Mayor Mathews opened the public comment period. There were no speakers. Mayor Mathews closed the public comment period.

Deputy City Manager S. Collins responded to Councilmember questions regarding Item #1.

MOTION: Councilmember Lane moved, seconded by Councilmember Noroyan, to approve the entire Consent Agenda.

ACTION: The motion carried unanimously with the following vote.

AYES:	Councilmembers Noroyan, Lane, Terrazas, Posner, Comstock; Vice Mayor Chase; Mayor Mathews.
NOES:	None.
ABSENT:	None.
DISQUALIFIED:	None.

1. Short-term Extension of Mobile Food Vending Pilot Program (CM)

Resolution No. NS-29,166 was adopted extending the Mobile Food Vending/Truck pilot program by four months to April 13, 2017 to allow for additional community input, review of outcomes and development of recommendations for City Council consideration and rescinding Resolution No. NS-29,129.

Consent Agenda (continued)2. [Award Contract for Santa Cruz Wayfinding Design Services Agreement with Hunt Design \(ED\)](#)

Resolution No. NS-29,167 was adopted awarding a wayfinding design contract to Hunt Design (Pasadena, CA) for phase two design including preparation of construction documents in the amount of \$93,000 not including reimbursables, rejecting all other proposals and authorizing the City Manager or his designee to execute an agreement in a form to be approved by the City Attorney.

3. [City's Classification and Compensation Plans and the FY17 Budget Personnel Complement - Library \(HR\)](#)

Resolution No. NS-29,168 was adopted amending the Classification and Compensation Plans and the FY17 Budget Personnel Complement by the following: Deleting the classification and one position of Library Manager - System Services and Support; Deleting two positions of Library Division Manager; Adding the classification and one position of Assistant Library Director; Adding the classification and three positions of Librarian III and deleting one Librarian II position.

End Consent Agenda**General Business**

Mayor Mathews disqualified herself and left the dais at 6:17 p.m.

4. [Downtown Library and Parking Garage Feasibility Study \(PW\)](#)

City Manager M. Bernal gave a presentation and responded to Councilmember questions.

Library Director S. Nemitz spoke regarding this item and responded to Councilmember questions.

Transportation Manager J. Burr spoke regarding this item and responded to Councilmember questions.

Principal Planner R. Powers spoke regarding this item and responded to Councilmember questions.

General Business (continued)4. [Downtown Library and Parking Garage Feasibility Study \(PW\)](#)

(continued)

Representatives from Group 4 Architects gave a presentation and responded to Councilmember questions.

Vice Mayor Chase opened the public comment period. The following people addressed the Council:

Rick Longinotti
Pat Colby
Robert Marido
Fred Geiger
Keresha Durham
Bonnie Belcher
Jack Nelson
Elyse Casby
Bradley Snyder
Dana Bagshaw
Debbie Bulger
Robert Morgan
Stanley Sokolow
Susan Cavalieri

Vice Mayor Chase closed the public comment period.

Director of Public Works M. Dettle responded to Councilmember questions.

General Business (continued)**4. Downtown Library and Parking Garage Feasibility Study (PW)
(continued)**

MOTION: Councilmember Terrazas moved, seconded by Councilmember Comstock, to direct the City Manager to:

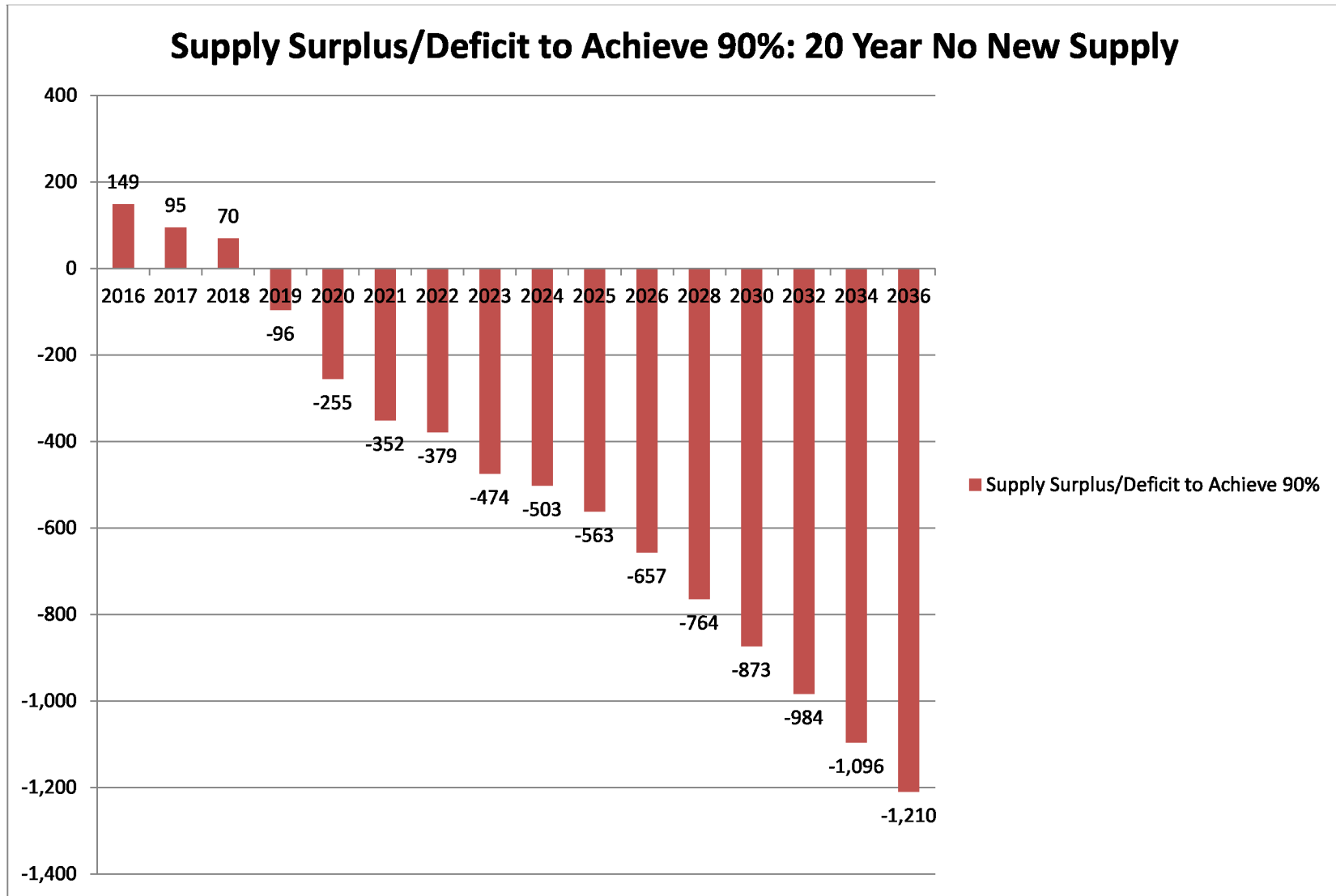
- Work with the Library Director, Library Commission, and Library Board to establish a Downtown Library Advisory Committee to help with the design of a new library.
- Work with the Downtown Farmers' Market to form a Working Group charged with the identifying a new permanent location for the farmers' market. The group would also work with the Antique Faire to accommodate their needs.
- Request that the Downtown Commission establish a Committee that would develop and recommend a supporting parking rate structure.
- Bring back to City Council required actions including a workplan, outreach plan, and funding scenarios to move the project forward.
- Request an independent study to verify savings of renovation versus a new build.

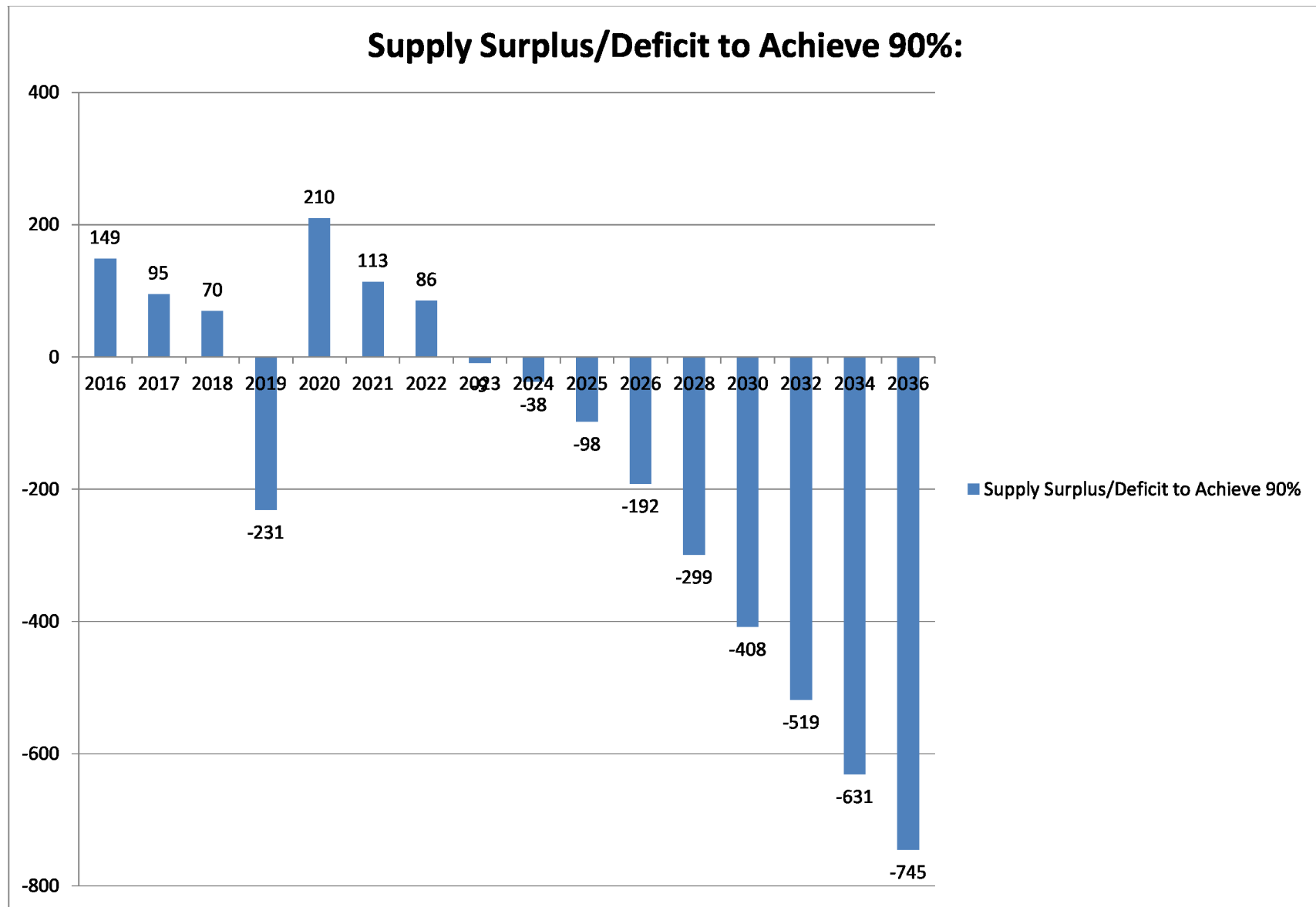
ACTION: The motion carried with the following vote.

AYES:	Councilmembers Noroyan, Lane, Terrazas, Comstock; Vice Mayor Chase.
NOES:	Councilmember Posner.
ABSENT:	None.
DISQUALIFIED:	Mayor Mathews.

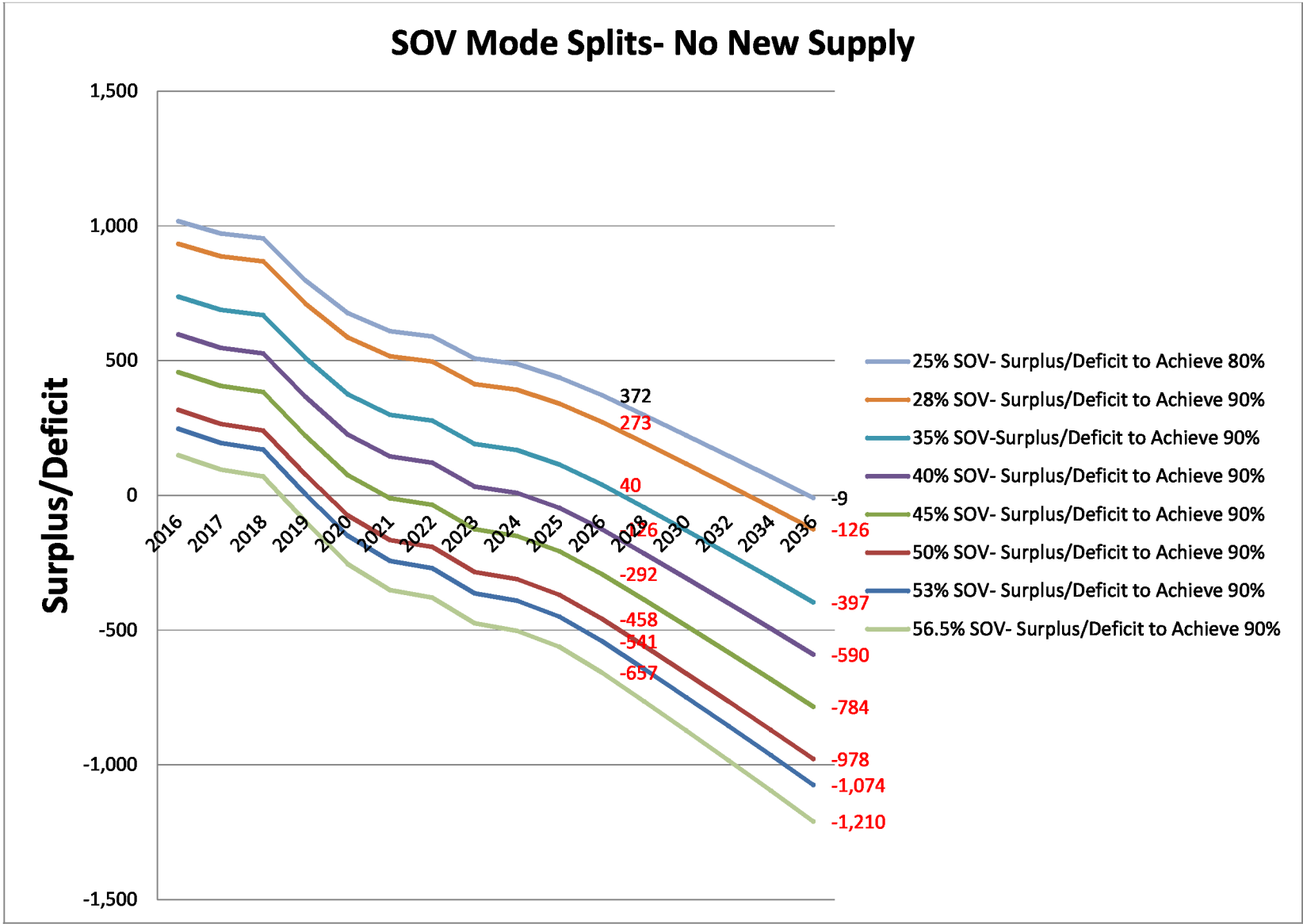
Adjournment - The City Council adjourned at 9:15 p.m.

2.14

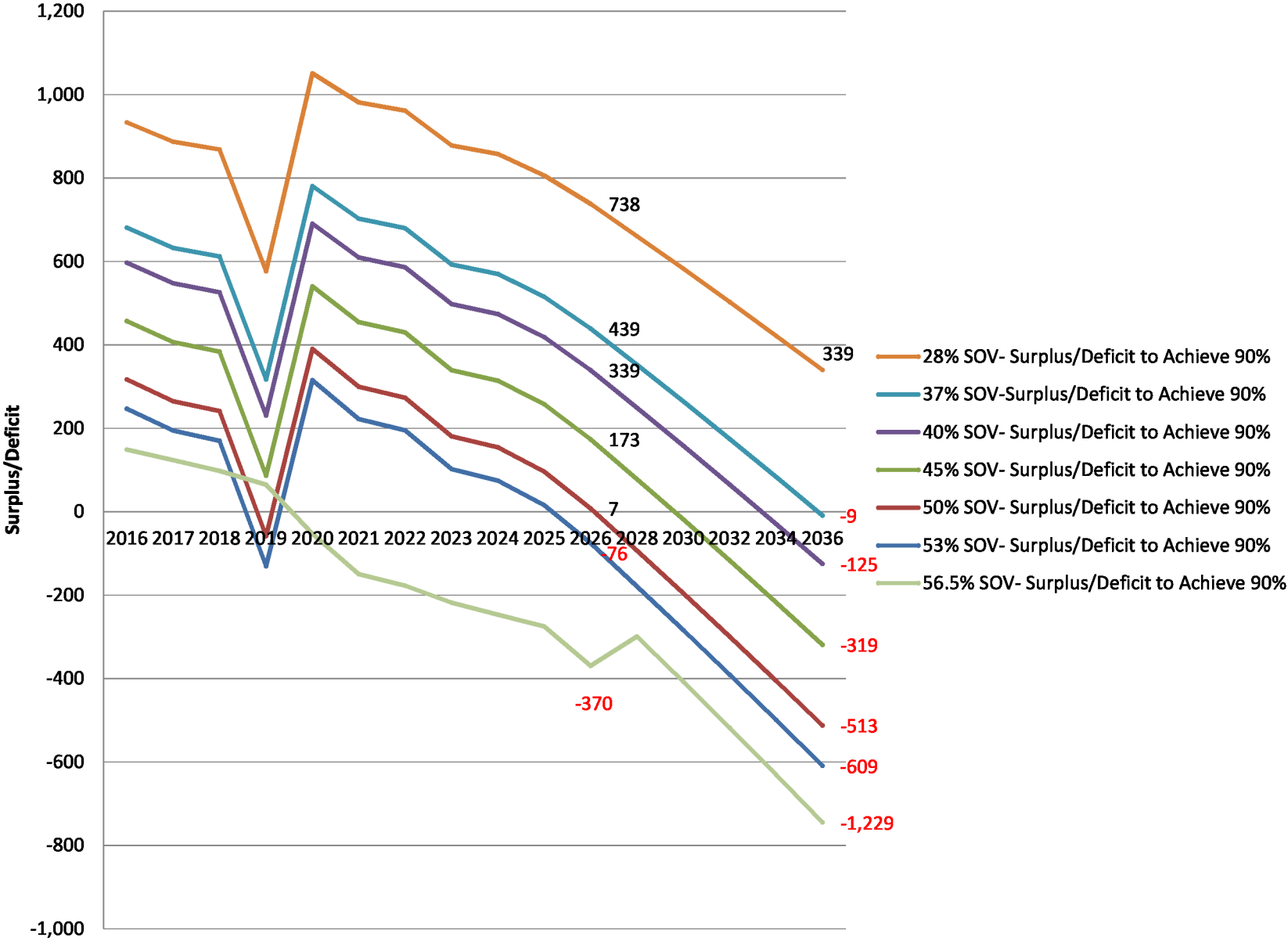




Attachment 3: SOV Mode Split Scenarios



90% Occupancy SOV Mode Splits- New Supply



Attachment 4: Summary of Parking Rate Strategy

Meters:

	Existing Rate	Year 1	Year 2	Year 3	Year 4	Year 5
		Increase 1	Increase 2	No Change	No Change	No Change
20 minute	\$0.75/hour	\$1.00/hour	\$1.50/hour	\$1.50/hour	\$1.50/hour	\$1.50/hour
30 minute	\$1.00/hour	\$1.25/hour	\$1.50/hour	\$1.50/hour	\$1.50/hour	\$1.50/hour
2 hour variable	\$0.75/hour	\$1.00/hour	\$1.50/hour	\$1.50/hour	\$1.50/hour	\$1.50/hour
2 hour variable	\$1.00/hour	\$1.25/hour	\$1.50/hour	\$1.50/hour	\$1.50/hour	\$1.50/hour
12 hour	\$0.50/hour	\$0.75/hour	\$1.00/hour	\$1.00/hour	\$1.00/hour	\$1.00/hour

Lots and Garages:

	Existing	Year 1	Year 2	Year 3	Year 4	Year 5
		Increase 1	Increase 2	No Change	No Change	No Change
Cost/hour	\$0.50/hour	\$1/hour	\$1.25/hour	\$1.25/hour	\$1.25/hour	\$1.25/hour

Monthly Permits:

	Existing	Year 1	Year 2	Year 3	Year 4	Year 5
		Increase \$6/mo	Increase \$10/month	Increase \$10/month	Increase \$10/month	Increase \$10/month
Cost/month	\$39/month	\$45/month	\$55/month	\$65/month	\$75/month	\$75/month



CITY COUNCIL AGENDA REPORT

DATE: 9/6/18

AGENDA OF: September 11, 2018

DEPARTMENT: Library, Public Works, Economic Development

SUBJECT: Recommendation to Proceed with the Library Mixed-Use Project
(LB/PW/ED)

RECOMMENDATIONS:

1. Accept the Downtown Library Advisory Committee recommendations for a new library space program and mixed-use Library Project and direct staff to move forward with the design and development of the project including affordable housing, commercial, and parking uses on the City-owned surface parking lot between Lincoln, Cedar and Cathcart streets (lot 4);
2. Authorization to proceed with selection of an owner's representative to manage overall project implementation and a competitive RFP/RFQ process for selection of a Design-Build project team;
3. Introduce an ordinance of the City of Santa Cruz amending Chapter 10.52 regarding parking meter rates;
4. Resolution amending parking and permit rates for Downtown parking lots and structures;
5. Direct staff to work with the Downtown Commission to update the current parking resolution for a five-year phase out of deficiency fees;
6. Direct staff to work with selected owner's representative and Design-Build team to initiate a community outreach process on project design and to return to Council with preliminary project design options for consideration;
7. Direct the City Manager to initiate an analysis with a land planning organization of needs, options, costs and opportunities for reuse of the existing City library site and nearby City facilities in the context of the broader downtown vision.

BACKGROUND: Our downtown is changing. After more than a decade of stalled downtown development impacted by the recession, new residential projects are coming on line, under construction, or poised to break ground in the next few years. In fact, more than 600 market rate and affordable units are in various stages of development with another 100-200 units in the planning stages. This housing is critically needed in our community, but with this opportunity comes the challenge and City responsibility of planning for the related infrastructure downtown to ensure that our downtown not only survives, but thrives and remains a vibrant community hub for shoppers, visitors, workers and the broader community.

Part of our aging infrastructure is our Downtown Library branch. In 2013, the Santa Cruz Public Libraries engaged in a comprehensive facilities master planning process resulting in the voter

approved Measure S bond measure in 2016 slated to address library facility needs across the system. Funding for the Downtown Library was identified as an urgent need and the City Council directed the formation of a Downtown Library Advisory Committee (DLAC) to comprehensively examine the current facility and the feasibility, options and costs for developing a Downtown Library branch that meets the needs of the community and voters (Attachment 1).

Another part of our downtown infrastructure that is the responsibility of the City is parking management. The City's parking division in Public Works manages the Downtown Parking District and overall downtown public parking supply. Since the origin of the District in 1956, the City has been planning for proposed projects in the pipeline, balancing current and projected needs while implementing best practices in transportation demand management. Santa Cruzans are among the top communities in the region and across the country in choosing alternative means other than the auto for traveling downtown. Despite our community's commitment to bicycling, walking, carpooling and other modes of travel, we still have a large number of downtown visitors, workers and shoppers who drive and need parking. While many of the proposed developments in the pipeline include parking for residential needs, providing new retail or commercial parking in a private development is a much less efficient use of land and a consolidated public structure as part of the shared parking model is more practical and viable for the overall downtown.

An additional challenge that the City's transportation planners are grappling with is the anticipated loss of 10% of the current existing public parking supply as both publicly-owned surface parking lots and privately-owned lots leased to the City are developed for mixed-use housing projects. Over 230 parking spaces have or will be removed from the current public parking supply over the next five years. These collective challenges are part of our changing downtown and, while daunting, provide a number of opportunities and options for discussion and consideration.

DISCUSSION: One of the top goals of the City is to provide long-term sustainability for our vibrant downtown. A mix of housing, both market rate and affordable, along with new retail, office and community spaces including a proposed 21st century library and a permanent downtown Farmers' Market are elements that could go a long way towards successfully planning for the future. A critical element that goes hand in hand with planning for our future downtown must also include a plan for our overall transportation and parking needs.

The City's vision for downtown is informed by planning documents, studies, and reports, including the original Downtown Plan and 2017 Plan amendments and the Santa Cruz Market and Retail Leakage Study, as well as recommendations and actions taken by numerous advisory committees, commissions, and the City Council over recent years. Moving forward with a library project was a focus area specifically called out as a main City infrastructure goal in the City Council's Two-Year Strategic Work Plan, and the DLAC unanimously recommended a new library facility as part of a larger mixed-use project on the City-owned surface parking lot No. 4. The Downtown Commission approved consolidating parking on the existing City-owned surface parking lots as a long-term Downtown strategy which was further approved as a long term Downtown Strategy by the City Council in the recently adopted Housing Blueprint Subcommittee Recommendations. Housing is another strategic goal in the City Council Two-Year Work Plan, and the plan calls for the update of Downtown zoning amendments and entitlements of 500-600 housing units in our Downtown core.

Council Actions to Date

On December 6, 2016, the City Council discussed the feasibility of a new parking supply project as part of a mixed-use Library, commercial, office, and/or housing project at Lot No. 4. The Council directed staff to develop a work plan, outreach plan, and funding plan to move the project forward, and then return to City Council (Attachment 2). Council further directed staff to focus on three main areas: the Downtown Library and a public process for determining the best path forward; developing a permanent home for the Downtown Farmers' Market; and developing a parking rates matrix for funding the parking portion of the potential project.

At the June 12, 2018 meeting, the City Council received a presentation from staff on the overall downtown vision, challenges and opportunities from proposed and new housing development in the pipeline, an overview and analysis of downtown parking, city practices and efforts to support alternative transportation methods downtown and recommendations for a permanent downtown Farmers' Market. The City Council directed staff to work with the Farmers' Market board to develop a permanent home for the Downtown Farmers' market on the City-owned parking lot facing Front and Cathcart streets (City Lot No. 7).

At the June 19, 2018 study session, the City Council received a report and presentation on Downtown Parking Rates Strategy (Attachment 3) and the Downtown Library Advisory Committee (DLAC) recommendations for the Downtown Branch. The DLAC recommended that the City Council approve a new Downtown Library combined with other uses including commercial retail, parking and affordable housing.

Community Outreach and Engagement

In addition to the public outreach included as part of the overall DLAC process, detailed in the DLAC report (Attachment 1), Council directed staff at the June 19th City Council Study Session to conduct additional outreach before returning again to Council for further discussion and action. Throughout the months of July and August, there have been more than 1000 contacts of community outreach across meetings with community groups and organizations, one-on-one and small group meetings, views of the project pages on the City website, and attendance at the August 6th Open House. Attachment 4 provides further detail on the community outreach and feedback on this project.

Community Concerns, Project Constraints and Timing Considerations

While the community outreach, DLAC process and recommendations to date along with the City goals of long-term sustainability support the recommendation to move forward with a mixed-use Library project in the downtown, there are a number of community concerns and project constraints and alternatives to consider.

Major concerns heard about the library component of the mixed-use proposal included:

1. aesthetic issues including adequate natural light, vibrations from vehicles, air quality, ceiling heights and noise issues that might be associated with being on the first story of a multi-use building that contains parking;
2. appreciation for the Library's current location as part of the broader City plaza;
3. affection for and memories of the current building/love of the old building's architecture;
4. appreciation of the current service model - quiet space focused on books - would not like to see computers, digital content, learning spaces, teen spaces, etc;
5. belief that the Library is a legacy for future generations and want to pay more to have an architecturally significant, stand-alone building surrounded by green space and a public plaza;
6. loss of control of the design process if the Library is only a subset of a larger whole.

Additional Library Considerations include the timing of Measure S Funds and viable Library alternatives.

1. Timing of Measure S funds: The voters approved Measure S in 2016, and each jurisdiction has eight years to use their funding. With only 6 years remaining to use Measure S funds, the City will need to move quickly to begin the project recognizing that the design, permitting, EIR, and construction phases of the project are likely to take 3-5 years. As the City has ownership and control of the identified project site and the funding secured for the majority of the project components, the tight timeline is doable, but considerable delays in site location or project compatibility could significantly impact committed project funding.

2. Viable Library Alternatives: The DLAC considered multiple options for addressing future library needs including partial renovation on the existing library site, full renovation on site and new construction on site. The set aside Measure S funds for the Downtown branch could be used to partially renovate the existing site, but most if not all of the funding would be used for replacement and upgrades of library infrastructure (plumbing, HVAC, asbestos abatement, ADA upgrades, etc.) and wouldn't improve the library layout or user experience. Full renovation on the existing site was estimated by the architects to exceed the project budget and funding by over \$10 million and new construction on the existing site was estimated to exceed the project budget and funding by more than \$20 million. Another alternative suggested within the project budget would be to construct a new library approximately half the size of the recommended square footage, which would result in a significant reduction in services that the library would no longer be able to provide.

Each of the options considered by the DLAC, other than the recommended options, were determined not to meet the needs of the community due to inadequate space, excessive cost or both. The proposed Library mixed-use project met all the project needs including cost parameters. By sharing infrastructure costs with the other project mixes, each use pays its own share, but the overall project costs per use are significantly lower than stand-alone projects. With the proposed Library mixed-use project there is the greatest potential to meet all the identified future needs of the Library within the specified budget and funding. Attachment 1 more fully lays out the Library options, considerations, costs and final recommendations supporting the proposed Library mixed-use project.

Parking concerns and considerations

Major concerns heard during the outreach process around the parking component of the project included environmental concerns about climate change, concerns about the overall height and design of a parking structure as part of a mixed-use project and concerns around the future need for additional parking with autonomous vehicles and increased alternative modes of transportation.

Over 230 existing parking spaces in our downtown surface lots, approximately 10% of our current parking supply, will come offline in the next seven years as those lots are developed for current or planned development underway. Most of those projects are providing much needed housing for our community and will also be providing a mix of supporting commercial retail on the ground floor. While the residential parking needs will largely be met for the private development within the projects as they are built, the future commercial retail parking needs as well as the parking needs for the proposed publicly funded affordable housing projects for the

downtown remain largely unmet. Without the addition of a new parking supply project, the downtown is projected to be deficient by over 600 parking spaces by 2026 and potentially over 1,200 parking spaces by 2036.

These projections do not take into consideration future policy considerations to encourage affordable housing development in our downtown which may include reducing or eliminating parking requirements or providing a public parking supply to offset the costs of developing affordable housing. While the City will continue to invest in transportation demand management programs to encourage alternative modes of transportation, the City must still plan and provide an adequate number of spaces for future parking needs. Finding the right balance of parking to meet the diverse needs of our current and future downtown parking users will ensure the long term sustainability of our downtown core as a vibrant and healthy commercial, retail and urban residential hub of our community.

Affordable Housing

In response to our severe housing crisis, our community has become increasingly engaged in finding local and regional housing solutions, particularly in the area of affordable housing creation. Numerous regional, City and community led efforts over the last 18 months have resulted in initiatives, measures and policy decisions that encourage and enable future housing creation in our community. The City Council, through the work of the Housing Blueprint Council Subcommittee, recently adopted specific recommendations for the Downtown around parking and land use to encourage affordable housing creation. Several of the recommendations include surface parking lot consolidation to enable downtown affordable housing creation.

Another recommendation involves the consideration of providing parking spaces for the City-funded Pacific Station affordable housing project within the proposed Library mixed-use project. Including consolidated parking for both projects in the proposed Library mixed-use project would be a significantly lower cost to develop parking and it would additionally enable more affordable units to be included in the Pacific Station project. While overall new parking supply in the proposed Library mixed-use project is limited, the creation of new parking supply as part of the project provides the flexibility and future opportunity of encouraging additional affordable housing development downtown. Offsetting or reducing the related parking costs which can be prohibitive for affordable housing projects which are more challenging to finance may make the difference in the creation of future affordable units in our downtown.

City Council Recommendations:

1. Accept the Downtown Library Advisory Committee recommendations for a new library space program and mixed-use Library Project and direct to move forward with the design and development of the project including affordable housing, commercial, and parking uses on the City-owned surface parking lot between Lincoln, Cedar and Cathcart streets (lot 4).

Following a 6 month extensive process, the DLAC committee unanimously recommended a mixed use project on lot 4. Their recommendation also includes a 44,000 square foot layout and additional space requirements as shown in Attachment 1.

2. Authorization to proceed with selection of an owner's representative to manage overall project implementation and a competitive RFP/RFQ process for selection of a Design-Build project team.

Retaining an owner agent with a specialization in Design-Build contracting will allow a specialized consultant to represent the City's interests at each stage of the process. The owner agent will draft the Request for Qualifications/Proposals (RFQ/RFP), assist with selection of a Design-Build firm, and will oversee the contract scope, budget, and execution. The City has successfully used this model for other highly specialized and large scale projects. A Design-Build contract will allow for continuity throughout the project phases, minimize costs, and enable a quicker delivery of the overall project

3. Introduce an Ordinance of the City of Santa Cruz amending chapters 10.52 regarding parking meter rates.

4. Adopt a Resolution amending parking and permit rates for Downtown parking lots and structures.

5. Direct staff to work with the Downtown Commission to update the current parking resolution for a five-year phase out of parking deficiency fees.

Adjusting the downtown parking fee structure to be more in line with area benchmarked cities and providing for the parking user to pay for the actual cost of providing parking is a parking industry best management practice. Phasing out the collection of parking deficiency fees over five years as parking rates gradually rise will provide time for adjustment to the new rates while at the same time allowing for the creation or modification of downtown parking programs for employees and residents. Downtown parking fees from meters, lots, garages and monthly permit passes will fund both the parking portion of the proposed mixed-use project as well as a \$300,000 annual fund for programs and transportation management to encourage alternative modes of transportation to the Downtown.

6. Direct staff to work with selected owner's representative and Design-Build team to initiate a community outreach process on project design and to return to Council with preliminary project design options for consideration.

Significant feedback from the community was received on overall project design. Concerns on overall height, massing, setbacks, articulation and architectural style were expressed and general sentiment that stand alone parking structures are not acceptable. An important part of the design build process for a mixed-use project of this public scale is considerable community engagement. Similar to the process for the initial new Library master planning process and the earlier Pacific Station proposed mixed-use project, community engagement and overall design options for Council consideration will be critical to overall project development

7. Direct the City Manager to initiate an analysis with a land planning organization of needs, options, costs and opportunities for reuse of the existing City library site and nearby City facilities in the context of the broader downtown vision for future Council consideration.

Another area of community feedback involved reuse of the existing City Library site. Land planning organizations like Urban Land Institute and SPUR based in the Bay Area are well equipped to assist the City and community in planning and weighing future options and considerations for future land use of the existing Library site in the context of the broader vision for downtown.

Next Steps and Timeline

With approval by the City Council, staff will begin implementing next steps for the design phase of the project including hiring an owner's representative to manage overall project implementation and issuing a RFQ for a Design-Build project team. Staff would then return to Council for approval of the Design-Build contract by December 2018. During the same period, staff would begin working with the owner's representative and Design-Build team to initiate a community outreach process on overall project design starting in January of 2019. Staff would return to Council with preliminary project options for consideration in the spring of 2019.

FISCAL IMPACT: Project staff will work with Finance to review all of the following funds that may be available to finance the Library Mixed Use projects. Project financing will be provided by available Measure S funding for library infrastructure and Parking District funds. Additional funding for affordable housing development and other 2nd and 3rd floor uses will be required and could potentially be offset by future private contributions and affordable housing contributions. With the recent creation of the Downtown Opportunity Zone, staff are pursuing this new promising funding mechanism to leverage overall project costs. A detailed financing proposal reviewed and approved by the Finance Director and highlighting all specific fund impacts will be brought back to Council.

Submitted by:	Submitted by:	Submitted by:	Approved by:
Susan Nemitz Director of Libraries	Mark R. Dettle Director of Public Works	Bonnie Lipscomb Director of Economic Development	Martin Bernal City Manager

ATTACHMENTS:

Resolution Downtown Parking Fee Increases
Ordinance Regarding Parking Meter Rates
Downtown Library Advisory Committee (DLAC) Report
December 6, 2016 City Council agenda report
Downtown Commission Parking Rates Strategy Staff Report
Library Mixed Use Project Outreach Summary



Library Mixed Use Project - Frequently Asked Questions (FAQs)

Below we address a number of the Frequently Asked Questions about the Library Mixed Use Project. This list is maintained and regularly updated on the project page: www.CityofSantaCruz.com/mixeduselibrary

What options did the City consider for the project?

The Downtown Library Advisory Committee (DLAC) explored 4 options

1. Partial Renovations of Existing Library
2. New Mixed Use Facility
3. Full Renovation of Existing Library
4. New Construction on Existing Lot

DLAC determined that including the library in a new mixed use facility would best meet the programmatic needs of the library. The City further explored the renovation and mixed use options as part of the Council Downtown Library Subcommittee process.

Why build something new? Why not just renovate the current Library site?

The City has done a number of assessments to determine the best way to steward Measure S funding. Through analysis we have determined Measure S funding can be more effectively leveraged in a mixed-use project. That means the library can have a greater square footage and better meet the programmatic needs of the community in a mixed-use project.

The City first studied this as part of the [Downtown Library Advisory Committee \(DLAC\)](#) process, which unanimously recommended moving forward with a mixed-use project.

The City studied this again as part of the [Downtown Library Council Subcommittee](#) process, which included a cost assessment of renovation of the current two-story library along with an assessment of two mixed-use project concepts. The subcommittee recommended moving forward with a mixed-use project.

Has the community been involved in the development of this project?

Yes, community engagement has been a key piece of each step of this project:

- DLAC Process - included 12 public meetings, 2,273 survey responses, and 76 public comments at meetings
- 2018 Community Engagement Process - included 580 views of the project webpage, 15 meetings with community groups, 170 attendees of project open house, and 60 small group meetings.
- Downtown Library SubCommittee Process - included over 2,000 views of the project webpage, office hours with 27 stakeholder groups, 7 community meetings and presentations, and 404 survey responses.

Additionally, community engagement will be a critical component of the design process.

Last updated 10.15.20

What are the funding sources for this project?

- Library - Measure S funds and additional fundraising from private and governmental sources
- Parking - Parking District Funds
- Housing - like most affordable housing projects, there will be a number of funding sources that will include the City's Affordable Housing Trust Funds, and could include funding from the State or Federal level, tax credits, loans, etc.

What does the project look like?

This project has been approved by City Council, but had not been designed. Preliminary designs were developed as part of a cost estimation process, but the final design is still to be developed and will include community engagement and input.

Once a design has been developed, the City will be able to provide details on the number of housing units, building height, and other details and costs for the parking, housing, and library components.

Is there a reason to have the Library on the ground floor?

Are there programmatic reasons to have it on the ground floor? Libraries typically do best where retail does best – on sites near or on people's main travel paths. Libraries pick up a great deal of foot traffic, and we want the library to be in a place to get that traffic.

What activities did Measure S authorize?

- Modernize, upgrade and repair local libraries in Santa Cruz, Aptos, Live Oak, Scotts Valley, Boulder Creek, Capitola, Felton and La Selva Beach
- Replace failing roofs, outdated bathrooms, electrical systems/ structurally damaged facilities
- Support growing use by children, seniors, veterans and others
- Expand access to modern technology
- Construct/ expand facilities where necessary

How will the Measure S funding be used in the Library Mixed-Use Project?

Measure S funds will be used to cover the cost to build the library portion of the project. Measure S will also be used to cover the library's fair share of the overall building's shared costs. Measure S funds **will not** be used for any portion of the housing and parking components of the project.

What are the timing constraints to the Measure S Funding?

Originally, the understanding was that Cities and County would have 8 years from the first bond issue: 5 years to do all the bond issues and 3 years to complete the projects after the last bond issue. With that timeline, the projects would need to be done by Q4 of FY24 (July 1st 2024). There are other interpretations of the timing constraints that may provide flexibility to that original timeline; however, the 30 year limitation to the bond funding is fixed and there will need to be enough time left in the 30 year limit to pay off the debt of the bond.

How much Measure S funding is available for the project?

The Downtown Library branch budget is \$27 million dollars. After a budget shortfall was identified in the Branciforte and Garfield Park library branch renovations, the City Council voted in January 2020 to use \$1.5 million dollars from the Downtown Library branch funds to use towards the other City branch renovation.

Last updated 10.15.20

Are additional funds, beyond Measure S funding, needed for the Library component of the project?

In the Mixed Use Cost assessment, Group 4 created a design within the \$27 million budget. Group 4 also determined that 5,000 square feet could be added to the project for an additional \$3 million. The City is looking at a number of ways to fill the funding gap, which include fees from the sale of air rights fees and fundraising from private and governmental sources.

What are Air Rights?

“Air rights” is a colloquial term referring to the right to build a given amount of square footage on a given parcel of land. Air right parcels are three-dimensional parcels created vertically and horizontally within a building to establish separate legally transferable lots. The affordable housing component will have its own separate air rights parcel that an affordable housing developer can then lease/purchase to finance and develop the affordable housing.

How many parking spaces will be added to the downtown district through the Library Mixed-Use Project?

When taking into account the parking spaces that will go away to make room for housing projects in the planning pipeline, the Library Mixed-Use Project will net only an additional 31 parking spaces in the downtown district. Additionally, there are 815 housing units in the pipeline to be built in the downtown district, including 249 affordable units.

	Current	Planned Increase	Estimated Decrease	Net Total
Public Parking Spaces Downtown	2,950	400	-369	31

How much will it cost to building the parking component of the project?

On June 23rd, 2020 City Council voted to approve the library mixed use project with a maximum of 400 parking spaces. Original project budgets were based off of a 600 space parking garage, with the number of parking spaces reduced to 400 spaces, hard costs are now estimated to be between \$20 million and \$26 million or between \$145/sf - \$188/sf including 3 year escalation of construction costs.

Are there limitations on how parking funds can be used?

The Parking District was created for a particular purpose: to address parking needs in the downtown. It is also important to distinguish between parking district funds in GENERAL and parking district fund SURPLUS – technically, only parking fund surpluses could be expended for non-parking uses, but only once all of the needs of the district were first addressed. In the past the district has operated at cost and has not had a surplus. If surplus funds were to become available there are additional Parking District needs that would be prioritized over any non-district uses of the surplus funds, like deferred maintenance of City garages and lots and transportation demand management (TDM) programs.

What else is the City doing to address parking demand in the downtown?

The City of Santa Cruz has been investing in alternatives to driving/parking for decades. Santa Cruz is a national leader in reducing single-occupant car trips by supporting and promoting other means of travel, and currently has the second highest rate of bike commuting in the United States. To learn more about transportation programs visit the GO Santa Cruz program page.

What is the Nelson Nygaard Economics of Parking Study?

Completed in March 2019 by Nelson Nygaard, this report was presented publicly to the Downtown Commission on September 26th, 2019. The report details recommendations and approaches for providing convenient access to downtown for a growing mix of employees, residents, and visitors. The report is available on the project webpage.

How many housing units will the Library Mixed-Use Project add downtown?

Per direction from the City Council, the project will include a minimum of 50 total housing units: 10 moderate-income units, 20 low-income units, and 20 very-low-income units.

What are the funding sources for the affordable housing portion of the mixed use project?

Affordable housing developers typically must piecemeal together at least 6-7 funding sources to build housing with affordable rents. Typical affordable housing funding sources include Low-Income Housing Tax Credits, tax-exempt bond financing, various State Housing & Community Development funding programs, local financing with loans from the City's Affordable Housing Trust Fund and the City's HUD HOME and Community Development Block Grant (CDBG) funding programs as well as a conventional mortgage.

What will happen to the Farmer's Market?

The [Downtown Farmer's Market](#) will remain downtown, moving just around the corner to Parking Lot 7 at the corner of Cathcart St and Front St. This will provide a permanent location and structure for the market, along with amenities to support market patrons.

Why is the City not considering a downtown commons on Lot 4 instead?

A downtown commons has not been brought forward as a project by the City Council. Santa Cruz values a strong connection to our natural environment and urban parks, and the downtown is within walking distance of San Lorenzo Park, San Lorenzo Riverwalk, Santa Cruz Mission State Historic Park, and the City's beaches.

What will happen to the trees on Lot 4?

The City will work with an arborist to assess the health of the trees and then work with community members who are interested in relocating the trees to an alternative site.

PROFESSIONAL SERVICES AGREEMENT FOR
LIBRARY MIXED USE PROJECT
PHASE 1

THIS AGREEMENT for professional services is made by and between the City of Santa Cruz ("City") and Griffin Structures, Inc. ("Consultant") (referred to individually as a "Party" and collectively, as the "Parties") as of _____, 20__ (the "Effective Date").

NOW, THEREFORE, in consideration of each other's mutual promises, the Parties hereto agree as follows:

SECTION 1: SCOPE OF WORK

Consultant will furnish services as defined and described in the Scope of Work for Phase 1 of the Library Mixed Use Project, attached hereto as Exhibit A and incorporated herein.

SECTION 2: RESPONSIBILITIES OF CONSULTANT

All work performed by Consultant, or under Consultant's direction, shall be rendered in accordance with the generally accepted practices, and to the standards of, Consultant's profession. Consultant represents and warrants that Consultant: (i) is fully experienced and properly qualified to perform the work and services provided for herein, (ii) has the financial capability required for the performance of the work and services, and (iii) is properly equipped and organized to perform the work and services in a competent, timely, and proper manner, in accordance with the requirements of this Agreement.

Consultant shall not undertake any work beyond the **Scope of Work** set forth in **Exhibit A** unless such additional work is approved in advance and in writing by City. The cost of such additional work shall be reimbursed to Consultant by City on the same basis as provided for in Section 4.

Consultant shall meet with Bonnie Lipscomb, Director of the Economic Development Department, hereinafter called "Director", or other designated and authorized City personnel, or third parties as necessary, on all matters connected with carrying out of Consultant's services described in Exhibit A. Such meetings shall be held at the request of either Party. Review and City approval of completed work shall be obtained monthly, or at other intervals as may be mutually agreed upon during the course of this Agreement. Review, approval, or acceptance of Consultant's work by City or others shall not relieve Consultant from responsibility for errors and omissions in Consultant's work.

SECTION 3: RESPONSIBILITIES OF THE CITY

City shall make available to Consultant all necessary data and information in the City's possession and shall actively assist Consultant in obtaining such information from other agencies and individuals as needed. Consultant is entitled to reasonably rely upon the accuracy and completeness of such data and information, provided that Consultant shall provide City prompt written notice of any known defects in such data and information.

The Director may authorize a staff person to serve as his or her representative. The work in progress shall be reviewed at such intervals as may be mutually agreed upon between the Parties. The City will be the sole judge of acceptable work, provided that such approval will not be unreasonably withheld or delayed. If the work is not acceptable, City will inform Consultant of the changes or revisions necessary to secure approval.

SECTION 4: FEES AND PAYMENT

For services actually performed, the City will compensate Consultant at the rates set forth in the **Fee Schedule** detailed in **Exhibit B** and in accordance with the terms set forth therein. Payment for Consultant's services in carrying out the entire the Scope of Work shall be made within the budget limit, or limits shown, upon Exhibit B. Such payment shall be considered the full compensation for all personnel, materials, supplies, and equipment used by Consultant in the Scope of Work.

Consultant agrees that the payments to Consultant specified in this Section 4 will constitute full and complete compensation for all obligations assumed by Consultant under this Agreement. Where conflicts regarding compensation may occur, the provisions of this section apply.

Variations from the budget for each task which are justified by statements indicating personnel time expended and submittal of a revised budget are only allowed with prior City approval; however, in no event shall the total fee charged for the Scope of Work set forth in Exhibit A exceed the budget of **\$240,000** without advance written City authorization in the form of an amendment or change order.

Invoices shall detail the time worked by each class of employee on each task and the expenses incurred for which billing is made. Invoices shall indicate the percentage completion of each work task as identified in the Scope of Work in Exhibit A and the overall percentage of completion of the total required services. Unless otherwise specified in the fee schedule, payments shall be made monthly by the City within 30 days based on itemized invoices from the Consultant which list the actual costs and expenses.

All invoices shall contain the following affidavit signed by Consultant (if individual) or by a principal of Consultant's firm (if Consultant is an entity):

"I hereby certify [or as principal of Consultant] that the charge of (Insert invoice amount) as summarized above and shown in detail on the attachments is a fair and reasonable use of public funds, is in accordance with the terms of Agreement dated (Insert Agreement Date), and has not been previously paid."

SECTION 5: TRAVEL REIMBURSEMENT POLICY

The City agrees to reimburse Consultant and Consultant's employee(s) for only authorized travel expenses, **as indicated by a mark below**, and according to the City's Travel Reimbursement Policy. It is expected that all travel expenses incurred by Consultant while conducting activities on behalf of the City will be at reasonable rates and that Consultant and Consultant's employee(s) will exercise prudence in incurring these expenses. The total fees and costs of Consultant's services shall not exceed the amount described in the Fee Schedule.

√ Ground Transportation: Ground transportation is reimbursable when it is for travel between the Consultant's place of business, an airport, or Santa Cruz hotel, as applicable, to the City work location.

1. Reasonable fees for taxis, shuttles, buses, trains, light rail, ride hailing services (Uber, Lyft or other), and similar modes of transportation will be reimbursed. Receipts are required for reimbursement.
2. When using vehicles owned by Consultant or Consultant's employer:
 - Mileage will be reimbursed at the current IRS mileage rate.
 - Evidence of automobile liability insurance meeting the City's requirements must be provided.
 - Maps showing starting point, City work location, and total miles are required for reimbursement.
3. Use of car rentals are reimbursable when:
 - Travel is necessary from an airport to the City work location.
 - The rental reservation is made as far in advance as is practical and the lowest possible price is obtained.
 - Insurance coverage is included, and the car is returned with a full tank of gas.

- The smallest vehicle necessary is rented.
- Parking expenses are included in the GSA Meals & Incidental per diem rate. The City will not pay additionally for parking expenses.
- Receipts are required for reimbursement.

√ Airfare: Airfare is reimbursable when the Consultant's place of business, or Consultant's employee's home, is more than 250 miles away from Santa Cruz.

- Airfare must be lowest available coach class fare. Flights may be non-stop.
- Airfare must be booked as far in advance as is practical.
- Fees for one piece of checked luggage (and any equipment necessary for the work being done) will be reimbursed.
- Extra charges for seat assignments, refundable tickets, travel insurance/protection, and similar fees are not reimbursable.
- If the City cancels the need for travel and the ticket cannot be changed or refunded, the ticket cost will be reimbursable.
- Receipts are required for reimbursement.

√ Lodging: Lodging is reimbursable when the Consultant must work on site for two or more consecutive days and the Consultant's place of business or personal residence, is more than 60 miles away from Santa Cruz.

- Lodging is reimbursed up to the current GSA rate by county (www.gsa.gov/travel).
- Costs for hotel rooms above this rate are the responsibility of the traveler.
- Receipts are required for reimbursement.

General Rule

1. Travel expenses not listed or checked above will not be reimbursed.
2. Travel reimbursements are paid after the completion of travel. There are no travel advances.
3. Exceptions to any of the above requirements require advance written permission from the Director or City's designated agent contracting with the Consultant.
4. Tips and gratuities will not be reimbursed.
5. Alcoholic beverage purchases will not be reimbursed.
6. Vendors will exercise prudence in incurring reimbursable expenses.
7. The City of Santa Cruz has the sole discretion to deny any vendor/contractor proposed reimbursable expense the City has determined to be excessive, unethical, non-responsible, or an inappropriate use of public funds.

SECTION 6: CHANGES IN WORK

City may negotiate changes in the Scope of Work. No changes in the Scope of Work shall be made without the written approval of City and Consultant. Any change requiring compensation in excess of the sum specified in Exhibit B shall be approved in advance in writing by the City. Only City's authorized representative(s) is authorized to approve changes to this Agreement on behalf of City.

SECTION 7: TIME OF BEGINNING AND SCHEDULE FOR COMPLETION

Consultant shall begin work as specified in a written authorization (e.g. Notice to Proceed) to perform services. The written authorization to perform work shall not be issued until after this Agreement has been approved and authorized by the City.

The **Work Schedule** for completion of the work shall be as shown upon **Exhibit C**. In the event that major changes are ordered, the schedule for completion as stated in Exhibit C may be adjusted by City so as to allow Consultant a reasonable period of time within which to complete any additional work which may be required as a result of the ordered changes. The schedule for completion as stated in Exhibit C may be extended at the City's sole discretion for

any delays caused by events or conditions beyond Consultant's control or the acts or omissions of parties for whom Consultant is not legally liable. The City's approval of an extension of the schedule of completion is not an approval of additional scope of work or payment of additional costs. Pursuant to Section 4, prior to incurring any additional costs or expenses beyond the original scope of work or in excess of the budget, Consultant must receive advance written authorization from the City in the form of an amendment or change order.

Neither party will be held responsible for delay or default caused by declared emergencies, natural disasters, or any Force Majeure event which is beyond the party's reasonable control. Consultant will, however, make all reasonable efforts to remove or eliminate such a cause of delay or default and will, upon the cessation of the cause, diligently pursue performance of its obligations in this Agreement.

The City reserves the right to obtain the item(s) and/or services covered by this Agreement from another source during any on-going suspension of service due to the circumstances outlined above.

Consultant acknowledges that it is necessary for Consultant to complete its work on or before the completion date set forth in Exhibit C in order to allow the City to achieve its objectives for entering into this Agreement. The Parties therefore agree that time is of the essence in the performance of this Agreement.

SECTION 8: TERMINATION

The City may terminate the Agreement for convenience by providing written notice to Consultant not less than 10 calendar days prior to an effective termination date.

The City or Consultant may terminate the Agreement for cause by providing written notice to the other party not less than 30 calendar days prior to an effective termination date.

The City may, at its option, allow Consultant to cure its failure to perform within 15 business days (or longer period authorized in writing by the City) from the date of the City's termination notice. The termination shall become effective if Consultant has not cured within such time period to the City's satisfaction.

Consultant may terminate this Agreement for cause if the City fails to cure a material default in performance within a period of 30 calendar days (or such longer period agreed to by the Consultant), from date of the Consultant's written termination notice specifying the default in performance.

Upon notice of termination by either the City or Consultant, the Consultant will immediately act to not incur any additional obligations, costs or expenses, except as may be reasonably necessary to terminate its activities. The City's only obligation to the Consultant will be just and equitable payment for services authorized by, and received to the satisfaction of, the City up to and including the effective date of termination less any amounts withheld. All finished or unfinished work or documents procured or produced under the Agreement will become property of the City upon the termination date. In the event of Consultant's failure to perform pursuant to the Agreement, the City reserves the right to obtain services elsewhere and Consultant will be liable for the difference between the prices set forth in the terminated Agreement and the actual cost to the City. Termination of the Agreement pursuant to this paragraph shall not relieve the Consultant of any liability to City for additional costs, expenses, or damages sustained by City due to failure of the Consultant to perform pursuant to the Agreement. City may withhold any payments to Consultant for the purpose of set-off until such time as the exact amount of damages due City from Consultant is determined. After the effective date of termination, Consultant will have no further claims against the City under the Agreement. No other compensation will be payable for anticipated profit on unperformed services.

SECTION 9: INSURANCE

Prior to the beginning of and throughout the duration of the Agreement, Consultant will maintain and comply with the **Insurance Requirements** as set forth in **Exhibit D**. Consultant will insure the City against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder. The insurance coverages required shall not in any way limit the liability of the Consultant.

SECTION 10: INDEMNIFICATION

Consultant agrees, to the fullest extent permitted by law, to indemnify, defend, and hold harmless the City, its officials, officers, employees (collectively, "Indemnitees") from and against any and all liability, claim, action, loss, injury, damage, judgment, or expense, including attorneys' fees and costs ("Losses") caused by or resulting from the negligence, recklessness, or willful misconduct of Consultant, Consultant's officers, employees, agents, or subcontractors in any way related to this Agreement. Consultant's duty to indemnify and hold harmless Indemnitees shall not apply to the extent such Losses are caused by the negligence or willful misconduct of Indemnitees, as determined by an adjudicatory body or court of competent jurisdiction. The obligation to defend shall arise regardless of any claim or assertion that Indemnitees caused or contributed to the Losses.

In the event this Agreement involves the performance of design professional services by Consultant, Consultant's officers, employees, agents, or subcontractors, Consultant's costs to defend Indemnitees shall not exceed the Consultant's proportionate percentage of fault per Civil Code §2782.8. This section shall survive the termination or expiration of this Agreement.

SECTION 11: EQUAL EMPLOYMENT OPPORTUNITY/NON-DISCRIMINATION POLICIES

City's policies promote a working environment free from abusive conduct, discrimination, harassment, and retaliation; and require equal opportunity in employment for all regardless of race, religious creed (including religious dress and grooming practices), color, national origin (including language use restrictions), ancestry, religion, disability (mental and physical), medical condition, sex, gender (including gender identity and gender expression), physical characteristics, marital status, age, sexual orientation, genetic information (including family health history and genetic test results), organizational affiliation, and military or veteran status, or any other consideration made unlawful by local, State or Federal law. City requires Consultant to comply with all applicable Federal and State and local equal employment opportunity laws and regulations, and Consultant is responsible for ensuring that effective policies and procedures concerning the prevention of abusive conduct, discrimination, harassment, and retaliation exist in Consultant's business organization. The City's current Equal Employment Opportunity and Non-Discrimination policies to which this Section applies may be viewed at <http://www.codepublishing.com/CA/SantaCruz/?SantaCruz09/SantaCruz0983.html> and <http://www.cityofsantacruz.com/home/showdocument?id=59192>.

SECTION 12: LEGAL ACTION/ATTORNEYS' FEES

If any action at law or in equity is brought to enforce or interpret the provisions of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees in addition to any other relief. The laws of the State of California, with jurisdiction in the Santa Cruz County Superior Court, shall govern all matters relating to the validity, interpretation, and effect of this Agreement and any authorized or alleged changes, the performance of any of its terms, as well as the rights and obligations of Consultant and the City.

SECTION 13: AMENDMENTS

This Agreement may not be amended in any respect except by way of a written instrument which expressly references and identifies this particular Agreement, which expressly states that its purpose is to amend this particular Agreement, and which is duly executed by the City and Consultant. Consultant acknowledges that no such amendment shall be effective until approved and authorized by the City's authorized representative. No representative of the City is

authorized to obligate the City to pay the cost or value of services beyond the scope of services set forth in Exhibit A. Such authority is retained solely by the City Manager, Director, or their designee. Unless expressly authorized by the City Manager or Director, Consultant's compensation shall be limited to that set forth in Exhibit B, Fee Schedule.

SECTION 14: MISCELLANEOUS PROVISIONS

1. Project Manager. Director reserves the right to approve the project manager assigned by Consultant to said work. No change in assignment may occur without prior written approval of the City.
2. Consultant Services Only. Consultant is employed to render professional services only and any payments made to Consultant are compensation solely for such professional services.
3. Independent Contractor. In the performance of this Agreement, it is expressly understood that Consultant, including each of Consultant's employees, agents, subcontractors or others under Consultant's supervision or control, is an independent contractor solely responsible for its own acts and omissions, and shall not be considered an employee of the City for any purpose. Consultant agrees to comply with AB5, codified at Labor Code section 2750.3, and shall indemnify, defend and hold harmless the City, its officials, officers, employees, and agents against any claim or liability, including attorneys' fees and costs, arising in any manner related to this Agreement that an employee, agent or others under Consultant's supervision or control was misclassified.
4. Consultant Not an Agent. Except as City may specify in writing, Consultant shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent. Consultant shall have no authority, express or implied, pursuant to this Agreement to bind City to any obligation whatsoever.
5. Subcontractors. Consultant shall obtain prior approval of the City prior to subcontracting of any work pursuant to this Agreement. If at any time, the City determines any subcontractor is incompetent or unqualified, Consultant will be notified and will be expected to immediately cancel the subcontract. Consultant shall require and verify that all subcontractors maintain insurance meeting all of the requirements stated herein, including naming the City of Santa Cruz, its officers, officials, employees, agents, and volunteers as additional insureds. Any modification to the insurance requirements for subcontractors must be agreed to by the City in writing.
6. Assignment. This Agreement shall not be assigned without first obtaining the express written consent of the Director or after approval of the City Council. Neither party may assign this Agreement unless this Agreement is amended in accordance with its terms.
7. Conflicts of Interest. Consultant owes City a duty of undivided loyalty in performing the work and services under this Agreement. Consultant covenants (on behalf of Consultant and Consultant's employees, agents, representatives, and subcontractors) that there is no direct or indirect interest, financial or otherwise, which would conflict in any manner or degree with the performance of services required under this Agreement. Consultant acknowledges and agrees to comply with applicable provisions of conflict of interest law and regulations, including the Political Reform Act, Section 1090 of the Government Code, and the City's conflict of interest code. Consultant will immediately advise City if Consultant learns of a conflicting financial interest of Consultant during the term of this Agreement.
8. City Property. The work, or any portion, of Consultant in performing this Agreement shall become the property of City. The Consultant may be permitted to retain copies of such work for information and reference in connection only with the provision of services for the City. All materials and work product, whether finished or unfinished, shall be delivered to City upon completion of contract services or termination of this Agreement for any reason. Unless otherwise provided herein, Consultant agrees that all copyrights which arise from creation of project-related documents and materials pursuant to this Agreement shall be vested in the City and Consultant waives and

relinquishes all claims to copyright or other intellectual property rights in favor of City. Any work product related to this Agreement shall be confidential, not to be used by the Consultant on other projects or disclosed to any third party, except by agreement in writing by the City, or except as otherwise provided herein.

9. Intellectual Property and Indemnity. Consultant represents to City that, to the best of Consultant's knowledge, any Intellectual Property (including but not limited to: patent, patent application, trade secret, copyright and any applications or right to apply for registration, computer software programs or applications, tangible or intangible proprietary information, or any other intellectual property right) in connection with any services and/or products related to this Agreement does not violate or infringe upon any Intellectual Property rights of any other person or entity.

To the fullest extent permitted by law, Consultant agrees to indemnify, defend, and hold harmless City, its officials, officers, employees, and agents, from any and all claims, demands, actions, liabilities, damages, or expenses (including reasonable attorneys' fees and costs) arising out of a claim of infringement, actual or alleged, direct or contributory, of any Intellectual Property rights in any way related to Consultant's performance under this Agreement or to the City's authorized intended or actual use of Consultant's product or service under this Agreement. This provision shall survive termination or expiration of this Agreement.

If any product or service becomes, or in the Consultant's opinion is likely to become, the subject of a claim of infringement, the Consultant shall, at its sole expense: (i) provide the City the right to continue using the product or service; or (ii) replace or modify the product or service so that it becomes non-infringing; or (iii) if none of the foregoing alternatives are possible even after Consultant's commercially reasonable efforts, in addition to other available legal remedies, City will have the right to return the product or service and receive a full or partial refund of an amount equal to the value of the returned product or service, less the unpaid portion of the purchase price and any other amounts, which may be due to the Consultant. City shall have the right to retrieve its data and proprietary information at no charge prior to any return of the product or termination of service.

10. Confidentiality.

- a. Consultant shall not acquire any ownership interest in data and information ("City Data") received by Consultant from City, which shall remain the property of the City. Certain information may be considered confidential ("Confidential Information"). Confidential Information shall mean all non-public information or proprietary materials (in every form and media) disclosed or made available directly or indirectly through any means of communication, either verbally or in writing, to Consultant in connection with this Agreement. Unless otherwise required by law, Consultant shall not, without City's written permission, use or disclose City Data and/or Confidential Information other than in the performance of the obligations under this Agreement. As between Consultant and City, all City Confidential Information shall remain the property of the City. Consultant shall not acquire ownership interest in the City's Confidential Information.
- b. Consultant shall be responsible for ensuring and maintaining the security and confidentiality of City Data and Confidential Information, protect against any anticipated threats or hazards to the security or integrity of City Data and Confidential Information, protect against unauthorized access to or use of City Data and Confidential Information that could result in substantial harm or inconvenience to City or any end users; and ensure the proper return and/or disposal of City Data and Confidential Information upon termination of this Agreement with notice to the City.
- c. Consultant shall take appropriate action to address any incident of unauthorized access to City Data and Confidential Information, including addressing and/or remedying the issue that resulted in such unauthorized access, notifying City as soon as possible of any incident of unauthorized access to City Data and Confidential Information, or any other breach in Consultant's security that materially affects City or

end users; and be responsible for ensuring compliance by its officers, employees, agents, and subcontractors with the confidentiality provisions hereof. Should confidential and/or legally protected City Data be divulged to unauthorized third parties, Consultant shall comply with all applicable federal and state laws and regulations, including but not limited to California Civil Code sections 1798.29 and 1798.82 at Consultant's sole expense. Consultant shall not charge City for any expenses associated with Consultant's compliance with these obligations.

- d. Consultant shall defend, indemnify and hold harmless City, its officials, officers, employees and agents against any claim, liability, loss, injury or damage (including attorneys' fee and costs) arising out of, or in connection with, the unauthorized use, access, and/or disclosure of City Data and/or Confidential Information by Consultant and/or its agents, employees or sub-contractors, excepting only loss, injury or damage caused by the negligence or willful misconduct of the City. This provision shall survive the termination or expiration of this Agreement.
11. Consultant's Records. Consultant shall maintain accurate accounting records and other written documentation pertaining to the costs incurred relating to this Agreement for examination and audit by the City, State, or federal government, as applicable, during the period of this Agreement, and for a period of at least five years from the date of the final City payment for Consultant's services, unless otherwise stated herein. If Consultant engages a subcontractor to perform work related to this Agreement with a cost of \$10,000 or more over a 12 month period, such subcontract shall contain these same requirements. This provision shall survive the termination of this Agreement.
 12. California Public Records Act. City is a public agency subject to the disclosure requirements of the California Public Records Act ("CPRA"). If Consultant's proprietary information is contained in documents or information submitted to City, and Consultant claims that such information falls within one or more CPRA exemptions, Consultant must clearly mark such information "Confidential and Proprietary," and identify the specific lines containing the information. In the event of a request for such information, City will make best efforts to provide notice to Consultant prior to such disclosure. If Consultant contends that any documents are exempt from the CPRA and wishes to prevent disclosure, it is required to obtain a protective order, injunctive relief or other appropriate remedy from a court of law in Santa Cruz County before the City is required to respond to the CPRA request. If Consultant fails to obtain such remedy within the time the City is required to respond to the CPRA request, City may disclose the requested information without any liability to Consultant. Consultant further agrees that it shall defend, indemnify and hold City harmless against any claim, action or litigation (including but not limited to all judgments, costs, and attorney's fees) that may result from denial by City of a CPRA request for information arising from any representation, or any action (or inaction), by the Consultant.
 13. Compliance with Laws. All activities of Consultant, its employees, subcontractors and/or agents will be carried out in compliance with all applicable federal, state, and local laws and regulations.
 14. Licensure. Consultant warrants that Consultant, its subcontractors and/or agents (if any) has/have complied with any and all federal, state, and local licensing requirements and agrees to provide proof of a current City of Santa Cruz Business Tax Certificate if:
 - Consultant, its subcontractor(s) and agent(s) or its business is/are located in the City of Santa Cruz;
 - Will perform actual work in the City of Santa Cruz for 6 or more days annually; or
 - Will use company vehicles to deliver within the City of Santa Cruz for 6 or more days annually.For additional information and licensing requirements, view the City's [Business Licenses and Permits webpage](#) or call the Revenue and Taxation division at 831/420-5070.

15. Living Wage. Every contract for services to the City for \$10,000 or more, is subject to City of Santa Cruz Living Wage Ordinance number 2000-25. If applicable, Consultant agrees to comply with the requirements of the Living Wage ordinance as provided in Santa Cruz Municipal Code Chapter 5.10.

16. Prevailing Wages for Public Work Only. To the extent that the work or services to be performed under this Agreement may be considered a “public work” (construction, alteration, demolition, or repair work) pursuant and subject to Labor Code section 1720 *et seq.*, Consultant (and any subconsultant performing the work or services) shall conform to any and all prevailing wage requirements applicable to such work/and or services under this Agreement. Consultant (and any subconsultant) shall adhere to the prevailing wage determinations made by the Director of Industrial Relations (DIR) pursuant to California Labor Code Part 7, Chapter 1, Article 2, applicable to the work, if any. All workers employed in the execution of a public works contract (as such term is defined California Labor Code section 1720 *et seq.* and section 1782(d)(1)) must be paid not less than the specified prevailing wage rates for the type of work performed. (CA Labor Code sections 1720, 1774 and 1782.)

To the extent applicable to the scope of work and services under this Agreement, Consultant agrees to be bound by the state prevailing wage requirements, including, but not limited to, the following:

- a. If a worker is paid less than the applicable prevailing wage rate owed for a calendar day (or any portion thereof), Consultant shall pay the worker the difference between the prevailing wage rate and the amount actually paid for each calendar day (or portion thereof) for which the worker(s) was paid less than the prevailing wage rate, as specified in Labor Code section 1775;
- b. Consultant shall maintain and make available payroll and worker records in accordance with Labor Code sections 1776 and 1812;
- c. If Consultant employs (and/or is legally required to employ) apprentices in performing the work and/or services under this Agreement, Consultant shall ensure compliance with Labor Code section 1777.5;
- d. Consultant is aware of the limitations imposed on overtime work by Labor Code sections 1810 *et seq.* and shall be responsible for any penalties levied in accordance with Labor Code section 1813 for failing to pay required overtime wages;
- e. Consultant shall post a copy of the applicable wage rates at each jobsite at a location readily available to its workers.
- f. Any failure of Consultant and/or its subconsultant to comply with the above requirements relating to a public work project shall constitute a breach of this Agreement that excuses the City’s performance of this Agreement at the City’s sole and absolute option and shall be at the sole risk of Consultant. Consultant on behalf of itself and any subconsultant, agree to indemnify, defend and hold harmless the City and its officials, officers, employees, and agents from and against any and all claims, liabilities, losses, costs, expenses, attorney’s fees, damages, expenses, fines, financial consequences, interest, and penalties, of any kind or nature, arising from or relating to any failure (or alleged failure) of the Consultant and any subconsultant to pay prevailing wages or to otherwise comply with the requirements of prevailing wage law relating to a public work.
- g. Consultant acknowledges that it and/or any subconsultant may not engage in the performance of any contract for public work unless currently registered with the DIR and qualified to perform public work pursuant to Labor Code section 1725.5 [with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a)].

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17. Storm Water Requirements. To the extent applicable to the Scope of Work under this Agreement, Consultant, Consultant's employees, subcontractors, and agents are required to abide by the applicable City of Santa Cruz Storm Water Best Management Practices (BMPs) for the duration of the work. The City's mandatory Storm Water BMPs, which are listed according to the type of work, operations, or business, are located on the City website at: <https://www.cityofsantacruz.com/government/city-departments/public-works/stormwater/best-management-practices>
18. Dispute Resolution. The Parties agree to attempt in good faith to resolve through negotiation any dispute, claim or controversy arising out of or relating to this Agreement. Either party may initiate negotiations by providing written notice in letter form to the other party, setting forth the subject of the dispute and the relief requested. Promptly upon such notification, the Parties shall meet at a mutually agreeable time and place in order to exchange relevant information and perspective, and to attempt to resolve the dispute. In the event that no resolution is achieved, and if, but only if, the parties mutually agree, then prior to pursuing formal legal action, the parties shall make a good faith effort to resolve the dispute by non-binding mediation or negotiations between representatives with decision-making power, who, to the extent possible, shall not have had substantive involvement in the matters of the dispute. To the extent that the dispute involves or relates to a public works project, the Parties agree to attempt to resolve the dispute by complying with the claims process as set forth in Public Contract Code section 9204(e), but without waiving the requirements of the California Tort Claims Act, Gov't Code section 800 et seq. unless otherwise agreed to by the Parties.
19. Force Majeure. Neither party hereto shall be considered in default in the performance of its obligation hereunder to the extent that the performance of any such obligation is prevented or delayed by an act of God, natural disaster, pandemic, acts of terrorism, war, or other peril, which is beyond the reasonable control of the affected party and without the negligence of the respective Parties. Each party hereto shall give notice promptly to the other of the nature and extent of any Force Majeure claimed to delay, hinder or prevent performance of the services under this Agreement. Each Party will, however, make all reasonable efforts to remove or eliminate such a cause of delay or default and will, upon the cessation of the cause, diligently pursue performance of its obligations in this Agreement. In the event either party is prevented or delayed in the performance of its respective obligation by reason of such Force Majeure, there may be an equitable adjustment of the schedule and Consultant compensation based on City's sole discretion.
20. Complete Agreement. This Agreement, along with any attachments, is the full and complete integration of the Parties' agreement with respect to the matters addressed herein, and that this Agreement supersedes any previous written or oral agreements between the Parties with respect to the matters addressed herein. Unless otherwise stated, to the extent there is any conflict between this Agreement and any other agreement (written or oral), the terms of this Agreement shall control.
21. Severability. The unenforceability, invalidity or illegality of any provision(s) of this Agreement shall not render the other provisions unenforceable, invalid or illegal.
22. Waiver. Waiver by any party of any portion of this Agreement shall not constitute a waiver of the same or any other portion hereof.
23. Governing Law. This Agreement shall be governed by and interpreted in accordance with California law.
24. Contract Interpretation. Each party acknowledges that it has reviewed this Agreement and that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Agreement.

25. MacBride Principles/Peace Charter. City of Santa Cruz Resolution NS-19,378 (7/24/90) encourages all companies doing business in Northern Ireland to abide by the MacBride Principles and Peace Charter.
26. Notices. If either party shall desire or is required to give notice to the other such notice shall be given in writing, via email and concurrently delivered by overnight Federal Express [or priority U.S. Mail], addressed to recipient as follows:

To CITY:

Economic Development
Amanda Rotella
337 Locust Street,
Santa Cruz CA 95060
arotella@cityofsantacruz.com
(831)420-5316

To CONSULTANT:

Griffin Structures, Inc
Jon Hughes
1850 Warburton Ave, Ste 120
Santa Clara CA 95090
jhughes@griffinstructures.com
(949)497-8883

Changes to the above information shall be given to the other party in writing ten (10) business days before the change is effective.

27. Counterparts. The Parties may execute this Agreement in two or more counterparts, which shall, in the aggregate, be deemed an original but all of which, together, shall constitute one and the same instrument. A scanned, electronic, facsimile or other copy of a party's signature shall be accepted and valid as an original.
28. Warranty of Authority. The signatories to this Agreement warrant and represent that each is authorized to execute this Agreement and that their respective signatures serve to legally obligate their respective representatives, agents, successors and assigns to comply with the provisions of this Agreement.
29. Opinion of Cost. Any opinion of the construction cost prepared by Consultant represents Consultant's judgment as a construction manager and is supplied for the general guidance of City. Because Consultant has no control over the cost of labor and materials, or over competitive bidding or market conditions, Consultant does not guarantee the accuracy of such opinions as compared to contractor bids or actual cost to City.
30. Responsibility for Design and Construction. Unless the Scope of Services expressly provides for Consultant to prepare design documents, Consultant will have no liability for any design defects in design documents prepared by others, regardless of whether Consultant reviews or comments on such design documents. The architect of record, engineer(s) of record, and other authors of the design documents will be responsible for the accuracy, completeness, coordination, suitability, and compliance with applicable laws relating to the design documents. Consultant is not constructing the Project and is not responsible for construction defects, to the extent permitted by law, regardless of whether Consultant engages any testing and inspection services or has personnel on-site during construction; the general contractor and subcontractors are responsible for construction defects. City agrees to require that Consultant be indemnified as City's consultant by City contractors performing design and/or construction work.

[SIGNATURES ON FOLLOWING PAGE]

Approved As To Form:

By: _____ Date: _____

Office of the City Attorney

CONSULTANT – GRIFFIN STRUCTURES, INC.

By: _____ Date: _____

Printed: _____ Title: _____

CITY OF SANTA CRUZ

By: _____ Date: _____

Martín Bernal
City Manager

EXHIBIT A: SCOPE OF WORK

PHASE 1 SCOPE:

Pre-Design

- **Program Assessment:** Perform a comprehensive program assessment in coordination with the City to produce a development plan that achieves the City's goals and priorities, including but not limited to,
 - kick off meeting
 - research of existing documentation
 - development of a master schedule
 - development of a master budget
 - identification of City priorities
 - work with the City to develop a comprehensive program
 - provide options and assist in the selection of a comprehensive form of delivery
 - development of project team communication protocols.
- **Affordable Housing Financing Evaluation:** Work with the City to evaluate and make recommendations toward establishing an affordable housing approach that achieves the City's goals and priorities, including but not limited to,
 - Coordination with City Economic Development Dept.
 - Review of existing City affordable housing programs and approaches
 - Production of Development Options for City consideration
- **Solicitations:** Produce in coordination with the City all necessary solicitations for the project based on the Program and Form of Delivery identified in the efforts listed above, including but not limited to,
 - Design RFQ/P
 - Affordable Housing Developer RFQ/P
 - Design Build RFQ/P
 - Special Inspections and Testing
 - Other consultants as needed including; environmental, low voltage, audio visual, access controls, dry utility consultants, etc.
- **Public Outreach:** Work closely with the City to develop a comprehensive public outreach and stakeholder communications plan, including but not limited to,
 - Orientation & Kick Off - Brainstorming session with CP and staff; understand "lay of the land", resources, past efforts, hot buttons, key objectives, stakeholder analysis, etc. Key messaging goals
 - Develop Public Participation Plan - Based on project understanding, kick-off meeting input, develop a public participation plan for October 2020 – July 2021 that includes key dates, deliverables, methods, target audiences, responsibilities, etc.
 - Education, Information, and Communication - newsletters, social media, email blasts, website updates; online FAQ; print media? Consider "branding" of the project
 - Stakeholder Interaction - Relationship building – interview/small group meetings with key stakeholders (supporters and opponents); consistency
 - Events & Activities - Pop-up events at local events; displays at city hall or other frequented locations; roadshows; workshops, meetings,
 - Staff Strategy & Project Update Meetings - Overall team meetings with entire team; small communications/outreach strategy team meetings with staff
- **Contract negotiations:** Represent the City in all negotiations related to this project in close coordination with Economic Development, City Legal Counsel, and other departments as needed.

Design & Permitting

- **Schematic Design:** Manage and oversee the Schematic Design phase of the project including, but not limited to,
 - Enforcing the design schedule
 - Chairing bi-weekly meetings
 - Chairing special engineering charette's
 - Constructability Reviews
 - Enforce budget as it relates to design
 - enforce program and planning requirements
 - Produce a Schematic Design estimate
 - Manage and update master project schedule
 - Manage and update master project budget
- **Design Development:** Manage and oversee the Design Development phase of the project including, but not limited to,
 - Enforcing the design schedule
 - Chairing bi-weekly meetings
 - Chairing special engineering charette's
 - Constructability Reviews
 - Enforce budget as it relates to design
 - enforce program and planning requirements
 - Produce a Schematic Design estimate
 - Manage and update master project schedule
 - Manage and update master project budget
- **Construction Documents:** Manage and oversee the Construction Documents phase of the project including, but not limited to,
 - Enforcing the design schedule
 - Chairing bi-weekly meetings
 - Chairing special engineering charette's
 - Constructability Reviews
 - Enforce budget as it relates to design
 - enforce program and planning requirements
 - Produce a Schematic Design estimate
 - Manage and update master project schedule
 - Manage and update master project budget
- **Entitlement:** Work closely with City staff in its efforts to gain the necessary entitlements and approvals for the project.
- **Permitting:** Work closely with City staff to coordinate the review the plans and specifications for compliance with all agencies having jurisdiction over the project.
- **Utility Coordination:** Work closely with the City, design team, affordable housing developer, and/or dry utility consultant to identify and coordinate necessary utilities for the project.
- **Community Outreach:** Continuation of the same scope of work as described above.'

EXHIBIT B: FEE SCHEDULE

Griffin Structures' Fee Proposal is based on all reasonable costs necessary to perform Owner's Representative Services for the Santa Cruz Library Mixed Use Project. For these requisite services, Griffin Structures proposes the following Not to Exceed Fee:

Owner Representative Services Phase 1:	\$ 230,725
Reimbursable Costs:	\$ 4,725
Total	\$ 235,000

All proposed hourly rates are fully burdened and include overhead, profit, taxes, and benefits. The hours identified for each individual employee and task are estimates only and are not to be construed as not to exceed hours for any individual task, phase, or time-period. We reserve the right to reallocate hours between staff members and tasks to accomplish the overall objectives and requirements of the project.

Unlike its competitors Griffin Structures offers to accept financial risk based on its performance. We offer the City the ability to withhold 10% of our total fee, to be awarded to Griffin at project completion by the City based solely on the City's satisfaction with our services.

Services are based on the attached Fee Schedule and Resource Allocation Schedule, which provides detail on the allocation of hours. Any extension of the schedule or services may result in additional fee, in good faith negotiation with the City. Further, should total costs actually incurred be less than our NTE proposal, all savings shall revert fully to the City.

Qualifications and Exclusions

1. Hourly rates are valid through December 31, 2024 and will escalate by CPI annually thereafter.
2. Insurance costs are included as a reimbursable expense and will be billed monthly at the rate of \$8 per \$1,000.
3. On-site trailer rental, furniture, utilities, and sanitary facilities for our field staff are excluded. We assume that offices will be provided as part of the construction site trailer(s) being provided by the Design Build Entity.
4. Costs for all permits required for the project are excluded. It is assumed that the City will pay for all permitting fees, assessments, easements, school fees, and other agency or governmental fees or costs to support the design and construction the project. We have not included any permit related fees within our fee proposal.
5. At no cost to the City, and subject to Internal Revenue Code 179D, (Deduction for Energy Efficient Commercial Buildings) City agrees to allocate any applicable tax deductions to construction manager (Griffin Structures) as may be relevant to 'public entity' projects.
6. Costs for surveying, construction staking, environmental and hazardous materials surveys, and all remediation costs are excluded.
7. Software licenses or user fees for specific project management software being required by either the City or their contractor(s) is excluded.
8. Cost of bulk blueprinting for plans and specifications for use by the contractors and subcontractors is excluded. Funds included in reimbursable expenses are for Griffin printing costs alone.
9. Wage Compliance Program including Certified Payroll auditing, field interviews, or reporting is excluded. Based on State Law SB 854, it is assumed that the Dept. of Industrial Relations (DIR) will manage this effort at the State level. Griffin will enforce the Contractor registration requirements stipulated by the DIR.
10. Independent or third-party testing companies such as Roofing, Peer Reviews, LEED, or other specialized third-party oversight services other than those listed herein are excluded.

11. Commissioning requirements required by Cal Green (Title 24) are excluded. Griffin will manage the commissioning process, but we have not included a commissioning agent, nor development of commissioning specifications.
12. No FF&E (Furniture, Fixtures, and Equipment) or OS&E (Owner Supplies and Equipment) are included in this proposal
13. 24-hour surveillance is excluded.
14. Construction Manager will review all RFI's, Submittals, and Substitutions for completeness, approvals to be executed by the designer of record.
15. For document tracking control, Griffin has included the use of "Submittal Exchange" for managing construction documentation, and based the hours allocated in this proposal accordingly. The cost of "Submittal Exchange" is included here as a reimbursable expense.
16. This proposal does not include a formal independent Inspector of Record (IOR). All City Building Dept. Permit Inspections are assumed to be performed by the City Building Dept.
17. Construction Cost Estimates, when provided, are based on standard industry practice, professional experience and knowledge of market conditions. Griffin has no control over material and labor costs, contractor's methods of establishing prices or the market and bidding conditions at the time of bid. Therefore, Griffin does not guarantee that bids received will not vary from the cost estimate provided.

City of Santa Cruz
Library Mixed Use Project
Fee Proposal

Item No.	PHASE 1 PRECONSTRUCTION	PRINCIPAL IN CHARGE	PROJECT EXECUTIVE	OWNER'S REPRESENTATIVE	CONSTRUCTION MANAGER	AFFORDABLE HOUSING EXPERT	COST ESTIMATOR	COMMUNITY OUTREACH	TOTAL COST
		Roger Torriero \$240/hr.	Jon Hughes \$185/hr.	Justin DiRico \$175/hr.	Hernan Munayco \$175/hr.	Korin Crawford \$175/hr.	Jay Helekar \$140/hr.	Susan Harden \$120/hr.	
1	PRE-DEIGN PHASE	210	210	275	0	0	30	190	\$113,975
1.1	Program Validation	Incl.	Incl.	Incl.	Incl.	Incl.	Incl.	-	
1.2	Affordable Housing Financing Evaluation	Incl.	Incl.	Incl.	Incl.	Incl.	-	-	
1.3	Solicitation Development	Incl.	Incl.	Incl.	Incl.	Incl.	-	-	
1.4	Solicitation of Design Build Entity	Incl.	Incl.	Incl.	Incl.	Incl.	-	Incl.	
1.5	Public Outreach	Incl.	Incl.	Incl.	Incl.	Incl.	-	Incl.	
1.6	Contract Negotiations	Incl.	Incl.	Incl.	Incl.	Incl.	-	-	
2	DESIGN & PERMITTING PHASE	120	120	300	110	0	60	120	\$116,750
2.1	Schematic Design	Incl.	Incl.	Incl.	Incl.	-	Incl.	-	
2.2	Design Development	Incl.	Incl.	Incl.	Incl.	-	Incl.	-	
2.3	Construction Documents	Incl.	Incl.	Incl.	Incl.	-	Incl.	-	
2.4	Entitlement	Incl.	Incl.	Incl.	Incl.	Incl.	Incl.	-	
2.5	Permitting	Incl.	Incl.	Incl.	Incl.	-	Incl.	-	
2.6	Utility Coordination	Incl.	Incl.	Incl.	Incl.	-	Incl.	-	
2.7	Community Outreach	Incl.	Incl.	Incl.	Incl.	-	Incl.	Incl.	
	Total Hours	330	330	575	110	0	90	310	
	Subtotals	\$79,200	\$61,050	\$100,625	\$19,250	\$0	\$12,600	\$37,200	
	PHASE 1 - PRE-CONSTRUCTION TOTAL	NO CHARGE							\$230,725
3	PHASE 1 - REIMBURSABLE COSTS								\$4,275
3.1	Misc. Office Supplies and Printing								\$2,425
4.2	Insurance								\$1,850
	PHASE 1 - GRAND TOTAL								\$235,000

EXHIBIT C: WORK SCHEDULE

This proposal assumes a project schedule as defined in the RFP:

Pre-Design: September 2020 - July 2021

Design & Permitting: August 2021 - July 2022

**City of Santa Cruz
Library Mixed Use Project
Resource Allocation Schedule**

[illegible]

EXHIBIT D: INSURANCE REQUIREMENTS

A. CERTIFICATE REQUIREMENTS

The City will be issued a Certificate of Insurance (a Memorandum of Understanding will not be accepted) with the following minimum requirements:

- Certificate(s) will show current policy number(s) and effective dates,
- Coverage and policy limits will meet, or exceed, requirements below,
- The Certificate Holder will be City of Santa Cruz, Risk Management, 333 Front Street., Suite 200, Santa Cruz, CA 95060,
- Certificate will be signed by an authorized representative,
- An endorsement will be provided to show the City, its officers, officials, and employees, as additional insureds.

B. MINIMUM SCOPE AND LIMITS OF INSURANCE

Consultant acknowledges that the insurance coverage and policy limits set forth in this section constitute the minimum amount of coverage required. The City will be entitled to coverage for the highest limits maintained by Consultant. Coverage will be at least as broad as:

- **COMMERCIAL GENERAL LIABILITY (CGL): \$1,000,000 PER OCCURRENCE; \$2,000,000 AGGREGATE**
Proof of coverage for \$1 Million per occurrence including products and completed operations, property damage, bodily injury, personal and advertising injury will be provided on Insurance Services Office (ISO) Form CG 00 01 covering CGL. If a general aggregate limit applies, either the general aggregate limit will apply separately to this project/location or the general aggregate limit will be at least twice the required occurrence limit.
- **PROFESSIONAL LIABILITY (ERRORS AND OMISSIONS): \$2,000,000 PER OCCURRENCE OR CLAIM, \$2,000,000 AGGREGATE.**

Consultant will maintain insurance appropriate to Consultant's profession; with limit no less than \$2,000,000 per occurrence or claim, \$2,000,000 aggregate. Insurance must be maintained and evidence of insurance must be provided for at least five (5) years after date of completion of the services under this Agreement. If coverage is canceled or non-renewed and not replaced with another claims-made policy form with a Retroactive Date prior to the contract effective date or start of work date, Consultant must purchase "extended reporting" coverage for a minimum of five (5) years after completion of contract work.

- **AUTOMOBILE LIABILITY:**
Proof of coverage for \$1,000,000 provided on ISO Form Number CA 00 01 covering any auto (Code 1), or if Consultant has no owned autos, hired, (Code 8) and non-owned autos (Code 9), per accident for bodily injury and property damage.
- **WORKERS' COMPENSATION AS REQUIRED BY THE STATE OF CALIFORNIA, WITH STATUTORY LIMITS, AND EMPLOYER'S LIABILITY INSURANCE: \$1,000,000 per accident for bodily injury or disease.**
The Worker's Compensation policy must be **endorsed** with a waiver of subrogation in favor of the City for all work performed by the Consultant and its employees.

(Not required if Consultant provides written verification it has no employees) - If Contractor has no employees, Contractor shall complete and sign a [Workers' Compensation Exemption Declaration and Release of Liability](#)

If Consultant maintains broader coverage and/or higher limits than the minimums shown above, the City of Santa Cruz requires and shall be entitled to the broader coverage and/or higher limits maintained by Consultant.

Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the City of Santa Cruz.

C. OTHER INSURANCE PROVISIONS

The insurance policies are to contain, or be endorsed to contain, the following provisions:

- **ADDITIONAL INSURED STATUS**
The City, its officers, officials, and employees are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of Consultant including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage will be provided in the form of an **endorsement** to Consultant's insurance at least as broad as ISO Form CG 20 10 11 85, or if not available, through the addition of **both** CG 20 10 CG 20 26, CG 20 33, or CG 20 38; **and** CG 20 37 (if a later edition is used).
- **PRIMARY COVERAGE**
For any claims related to this agreement, Consultant's insurance coverage will be **primary** insurance as respects the City, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, or volunteers will be excess of Consultant's insurance and will not contribute with it.
- **NOTICE OF CANCELLATION**
Each insurance policy required above shall state that the coverage shall not be canceled, except with notice to the City.
- **WAIVER OF SUBROGATION**
Consultant hereby grants to the City a waiver of any right to subrogation which any insurer of said Consultant may acquire against the City by virtue of the payment of any loss, including attorney's fees under such insurance. Consultant agrees to obtain any endorsement that may be necessary to effect this waiver of subrogation, but this provision applies regardless of whether or not the City has received a waiver of subrogation endorsement from the insurer.
- **EXCESS LIABILITY/UMBRELLA INSURANCE POLICIES**
The excess/liability policies will provide similar coverage as the primary CGL policy with no new exclusions - Excess liability insurance must follow form the terms, conditions, definitions, and exclusions of the underlying CGL insurance. The excess/umbrella policy must also be written on a primary and noncontributory basis for an additional insured, and that it will apply before any other insurance that is available to such additional insured which covers that person or organization as a named insured, and we will not share with that other insurance.

The policy regarding Limits of Insurance regarding Aggregates must provide that the aggregate limits if applicable shall apply in the same manner as the aggregate limits shown in the Schedule of the Underlying Insurance.
- **SELF-INSURED RETENTIONS**
Self-insured retentions must be declared to and approved by the City. City may require Consultant to purchase coverage with a lower retention or provide proof of ability to pay losses and related expenses. The policy language shall provide, or be endorsed to provide, that the self-insured retention may be satisfied by either the named insured or City.
- **ACCEPTABILITY OF INSURERS**
Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A: VII, unless otherwise acceptable to the City.
- **CLAIMS MADE POLICIES**

If any of the required policies provide coverage on a claims-made basis:

1. The Retroactive Date must be shown and must be before the date of the contract or the beginning of contract work.
2. Insurance must be maintained and evidence of insurance must be provided for at least five (5) years after completion of the contract of work.
3. If coverage is canceled or non-renewed, and not *replaced with another claims-made policy form with a Retroactive Date* prior to the contract effective date, the Consultant must purchase “extended reporting” coverage for a minimum of *five (5)* years after completion of contract work.

- **VERIFICATION OF COVERAGE**

Consultant will furnish the City with original Certificates of Insurance including all required amendatory endorsements (or copies of the applicable policy language effecting coverage required by this clause) and a copy of the Declarations and Endorsement Page of the CGL Policy listing all policy endorsements to be approved by the City before work commences. However, failure to obtain the required documents prior to the work beginning will not waive the Consultant’s obligation to provide them. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

D. SUBCONTRACTORS

Consultant shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Contractor shall ensure that City is an additional insured on insurance required from subcontractors.

E. SPECIAL RISKS/CIRCUMSTANCES

City reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances and provide notice to Consultant.

Rosemary Balsley

From: Eddy O'Connor <light10up@aol.com>
Sent: Thursday, October 22, 2020 9:15 AM
To: City Council
Subject: NO new Library !!

I am AGAINST the proposed new library.

This is an outdated and obsolete idea that has no relevance in our current environment.

Please consider a remodel/refresh of the current Library.

Eddy O'Connor
Santa Cruz, CA. 95062

Rosemary Balsley

From: Sarah Drobshoff <sdrobshoff@gmail.com>
Sent: Monday, October 19, 2020 3:44 PM
To: City Council
Subject: Library

To whom it may concern,

Please do not go through with this library project that displaces the farmers market, cuts down heritage trees, and creates a 6 story garage.

What sort of anti-environmental planning is this? I am very disappointed.

We should be investing in public transit, not building more infrastructure for cars.

We should be planting more trees, not cutting them down.

I think that you can come up with a better plan than this.

Thank you,
Sarah Drobshoff
100 Claremont Ter
Santa Cruz, CA 95060

Rosemary Balsley

From: larry and patti palmer <larryandpattip@sbcglobal.net>
Sent: Thursday, October 22, 2020 10:20 AM
To: City Council
Subject: MIXED-USE Project

My husband and I are voting for people, we otherwise would never have considered, because when we voted 'yes' on Measure S we believed this was what we were voting for.

"To modernize, upgrade and repair local libraries in Santa Cruz, Aptos, Live Oak, Scotts Valley, Boulder Creek, Capitola, Felton and La Selva Beach - replace failing roofs, outdated bathrooms, electrical systems/structurally damaged facilities"

The emails from the Campaign for Sustainable Transportation have, in our case, been very effective.

Karen Palmer
137 Goss
SC

Rosemary Balsley

From: Sandra Ivany <si@sandraivany.com>
Sent: Thursday, October 22, 2020 4:52 PM
To: Justin Cummings; Katherine Beiers; Martine Watkins; Donna Meyers; Renee Golder; Sandy Brown; Cynthia Mathews
Cc: City Council; City Plan; Martin Bernal; Economic Development; Lee Butler; John Hall; Christophe Schneiter; Mark Dettle; Bonnie Lipscomb
Subject: Use Measure S funds to Renovate Downtown Library !

Esteemed City Council members,

The AGENDA has just been published: 10/27 meeting Council will make a *“Motion to award the contract to Griffin Structures Inc. in the amount up to \$ 240000...”*

The City Council cannot authorize a contract for 240,000,000. for a project that we cannot afford in the first place.

And what happened presenting “detailed financial information regarding each component of the mixed use project”?

You cannot do it. And do not waste any more of the public’s money to try to put together. The public is watching. We are so tired of discussing this for 4 years now.

City Staff may collect their salaries and pensions to kick this around but community does not.

You must face the reality and move on - the community and business owners do not want this and did not vote for it. This is not democratic.

In case you missed it, my OP ED published in today’s Sentinel:

<https://www.santacruzsentinel.com/2020/10/22/guest-commentary-2/>

Sandra Ivany

-

Rosemary Balsley

From: jean <sonny85704@gmail.com>
Sent: Friday, October 23, 2020 10:02 AM
To: City Council
Subject: Support an Owner's Representative for Library Mixed Use Project

Dear Santa Cruz City Council Members,

It's time to move forward with affordable housing now, a great new library, a transportation hub that accommodates electrical vehicles, more bike storage, and parking for residents, workers and visitors. Please vote YES on the Owner's Representative contract.

Thank you

George & Jean Schaaf

Rosemary Balsley

From: Dennis Hagen <hagensipkin@gmail.com>
Sent: Friday, October 23, 2020 10:09 AM
To: City Council
Subject: Support an Owner's Representative for Library Mixed Use Project

Please support the Library plan!!

The proposed library plan has been analyzed for many months and it pencils out. Please support it!

I am a retired librarian and have participated in both library renovations and new construction. This plan makes sense!!!

Dennis Hagen
322 Pelton Ave
Santa Cruz

Rosemary Balsley

From: Steve McCarty <scnative2016@gmail.com>
Sent: Friday, October 23, 2020 10:11 AM
To: City Council
Subject: Support owner's rep for library Mixed Use Project

Dear Santa Cruz City Council Members

We need the housing. We need the farmer's market. We need a new library. Please support the vote of the city council subcommittee, who studied both plans, and vote YES on the Owner's Representative contract.

Thank you!
Steve McCarty

Rosemary Balsley

From: Dillon Paige <dillonpaige1@gmail.com>
Sent: Friday, October 23, 2020 10:14 AM
To: City Council
Subject: Vote YES for owner's representative for Library mixed use project

Dear City Council:

Please support the findings of the subcommittee, who concluded that the mixed use library was the best bang for the buck.

Please vote YES on the Owner's Representative contract.

Thanks for your service

Dillon Paige, Santa Cruz

Rosemary Balsley

From: Lynn MCNUSSEN <lynnbz@comcast.net>
Sent: Friday, October 23, 2020 10:17 AM
To: City Council
Subject: move forward with the contract to hire Griffin Structures

Hi,

I've written over and over about getting this off the ground. Years have been wasted. Money has been wasted. The voters voted. They want this. How much more time and money will be wasted? Why do a few very loud insistent voices get to determine what happens in Santa Cruz? I've lived in Aptos for 45 years. The very most frustrating part about living in this beautiful county is the glacial pace of change. Can't you see that the downtown library affects ALL of the libraries. PLEASE!!! Do the right thing.

Lynn McNussen
Aptos Ca
Friends of the Aptos Library.

Rosemary Balsley

From: Carol Polhamus <polhamus@sbcglobal.net>
Sent: Friday, October 23, 2020 10:18 AM
To: City Council
Subject: YES - Owner's Representative for Library Mixed Use Project

Dear Council Members,

Please vote YES on the Owner's Representative contract. Time to move forward on housing and a new library for our community. Thank you for protecting the very important farmers market.

Yours,
Carol Polhamus

Sent from my iPad. Please excuse spelling mistakes and brevity. Thanks!

Rosemary Balsley

From: mika younce <mikayounce@gmail.com>
Sent: Friday, October 23, 2020 10:23 AM
To: City Council
Subject: Support an Owner's Representative for Library Mixed Use Project

Dear Santa Cruz City Council Members,

It's time to move forward with affordable housing now, a great new library, a transportation hub that accommodates electrical vehicles, more bike storage, and parking for residents, workers and visitors. Please vote YES on the Owner's Representative contract. You owe this to our community NOW.

Mika Younce

Sent from my iPad

Rosemary Balsley

From: Katie Fortney <katiefortney@gmail.com>
Sent: Friday, October 23, 2020 10:25 AM
To: City Council
Subject: Support an Owner's Representative for Library Mixed Use Project

Dear Santa Cruz City Council Members,

Please vote YES on the Owner's Representative contract.

We need the mixed use library in a NEW building. It's a much, much better plan than remodeling the old library, where we'd get SO MUCH less for our money and have to close the downtown branch while the work was being done. Can you imagine downtown without a library, or the library without its central location open? Why would you do that if you don't have to, especially when a brand new library building is going to result in a library that is so much nicer, more modern, and better able to meet the needs of our community.

Yes, the mixed use building has parking. Great! So does the current parking lot. The plan also has housing - wouldn't it be nice for people to be able to park near where they live? So the farmers market will move? Fine, they'll have to move at some point anyway, and it's not like that parking lot is a particularly scenic location for it.

Please don't delay this project any longer. We've had so much time to review it, and so much information presented - openly - about the benefits of this project. We're wasting time and resources for no good reason.

Ardently,
Katie Fortney
farmer's market shopper, downtown library user
127 Getchell St.
Santa Cruz

Rosemary Balsley

From: Shannon Greene <sktg67@gmail.com>
Sent: Friday, October 23, 2020 10:30 AM
To: City Council
Subject: support the mixed use library and affordable housing project

Dear City Council,

Please move forward now with the mixed use library and affordable housing project by finalizing the Owner's Representative contract to hire Griffin Structures.

Libraries are public institutions created to serve their communities. Santa Cruz needs a vision of library services that includes the amenities the mixed-use plan has to offer, most importantly, space for children, teens, and meeting spaces.

Thank you for your consideration!
Shannon Tracy Greene

Rosemary Balsley

From: Tera Martin <teramartin17@gmail.com>
Sent: Friday, October 23, 2020 10:38 AM
To: City Council
Subject: Support an Owner's Representative for Library Mixed Use Project

Dear Santa Cruz City Council Members,

It's time to move forward with affordable housing now, a great new library, a transportation hub that accommodates electrical vehicles, more bike storage, and parking for residents, workers and visitors. Please vote YES on the Owner's Representative contract. Now is the time!

Thanks so much!

Tera Martin
Harbor High & Branciforte Middle parent, Cabrillo faculty, Library lover!

Rosemary Balsley

From: Bob Lamonica <boblamonica@gmail.com>
Sent: Friday, October 23, 2020 10:43 AM
To: City Council
Subject: Support an Owner's Representative for Library Mixed Use Project

Dear Santa Cruz City Council Members,

It's time to move forward with affordable housing now, a great new library, a transportation hub that accommodates electrical vehicles, more bike storage, and parking for residents, workers and visitors. Please vote YES on the Owner's Representative contract.

Thank you.

Bob Lamonica

Rosemary Balsley

From: Deborah Peronto <d-peronto@sbcglobal.net>
Sent: Friday, October 23, 2020 10:52 AM
To: City Council
Subject: Support an Owner's Representative for Library Mixed Use Project

Dear Santa Cruz City Council Members,
I have contacted you several times previously regarding taking positive action on the mixed use library project. There are substantial benefits to the project, and in my opinion many of those NOT in favor do not use the library. With the pandemic, libraries have become even more important and a resource which has paired with school districts to provide e-books for entire classrooms so that learning can continue for our children. Please take this into account, as well as the vocal no's from the many bicyclist's who do not use the library.
It's time to move forward with affordable housing now, a great new library, a transportation hub that accommodates electrical vehicles, more bike storage, and parking for residents, workers and visitors. Please vote YES on the Owner's Representative contract. Thank you for your consideration, Debby Peronto

Rosemary Balsley

From: Sofia Brumbaugh <sofia.angeles.831@gmail.com>
Sent: Friday, October 23, 2020 10:57 AM
To: City Council
Subject: Support an Owner's Representative for Library Mixed Use Project

Dear Santa Cruz City Council Members,

Please put your full effort behind this movement. It is important to not get sidetracked because this could benefit the future of Santa Cruz IMMENSELY if you stop waiting and act on it.

It's time to move forward with affordable housing now, a great new library, a transportation hub that accommodates electrical vehicles, more bike storage, and parking for residents, workers and visitors. Please vote YES on the Owner's Representative contract.

Sofia Brumbaugh
Young Citizen of Santa Cruz City

Rosemary Balsley

From: Courtney Pantos <charrington74@gmail.com>
Sent: Friday, October 23, 2020 1:39 PM
To: City Council; jyork@santacruzsentinel.com; downtowncommonsadvocates@gmail.com
Subject: End the Lot 4 mixed-use debacle!

Dear Mayor Cummings and City Councilmembers:

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Courtney Pantos

Rosemary Balsley

From: Lisa Graham <lisa@agilemonkey.net>
Sent: Friday, October 23, 2020 1:39 PM
To: City Council; jyork@santacruzsentinel.com; downtowncommonsadvocates@gmail.com
Subject: End the Lot 4 mixed-use debacle!

Dear Mayor Cummings and City Councilmembers:

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

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It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Lisa Graham

Rosemary Balsley

From: Marilia <molutz@msn.com>
Sent: Friday, October 23, 2020 1:44 PM
To: City Council
Subject: Library-Garage Project

Dear City Council Members,

At this time of economic hardship for our community, we are looking to the City Council for leadership. The decision on funding the development of the garage/library/housing is a matter of trust in government. Will you make such a decision without considering the Nelson\Nygaard "Downtown Parking Strategic Plan? Will you make the decision knowing that the City's consultant, Economic and Planning Systems found that the City's garage financing plan did not account for economic recessions during the 30 year bond debt period? Will you make the decision without knowing the impact on Downtown businesses of a financing plan that is deficient?
Spending on this project comes at the expense of other City priorities.

Thanks for considering,
Marília Lutz

Rosemary Balsley

From: karfraser@cruzio.com
Sent: Friday, October 23, 2020 1:46 PM
To: City Council; jyork@santacruzsentinel.com; downtowncommonsadvocates@gmail.com
Subject: End the Lot 4 mixed-use debacle!

Dear Mayor Cummings and City Councilmembers:

City staff have not provided a plan to fund the ill-conceived Lot 4 mix-use project. At the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

It is time to end pursuit of this project. Please vote against hiring an owner's representative for a project that should not be built in the first place.

I have read that the Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that voters were led to believe would renovate the Downtown Library. It would displace the Farmers' Market. It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. (UGH!!! That's the worst part from my viewpoint.) And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

It is long overdue to change course! Please end this ill-conceived project. Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Peace and best wishes,
Kar Fraser

Rosemary Balsley

From: Diane Cohan <diane@tricountylegal.com>
Sent: Friday, October 23, 2020 1:49 PM
To: City Council
Subject: Library-Garage Project

Dear City Council Members,

At this time of economic hardship for our community, we are looking to the City Council for leadership. The decision on funding the development of the garage/library/housing is a matter of trust in government. Will you make such a decision without considering the Nelson\Nygaard "Downtown Parking Strategic Plan? Will you make the decision knowing that the City's consultant, Economic and Planning Systems found that the City's garage financing plan did not account for economic recessions during the 30 year bond debt period?

Will you make the decision without knowing the impact on Downtown businesses of a financing plan that is deficient?

Spending on this project comes at the expense of other City priorities.

Thanks for considering, Diane D. Cohan 50 year resident of Santa Cruznow in Scotts Valley

Rosemary Balsley

From: Gail Michaelis-Ow <gailmow@gmail.com>
Sent: Friday, October 23, 2020 1:57 PM
To: City Council; +jyork@santacruzsentinel.com;
+downtowncommonsadvocates@gmail.com
Subject: End the Lot 4 mixed-use debacle!

Dear Mayor Cummings and City Councilmembers:

Voting to spend \$240,000 on a project that so many citizens of Santa Cruz oppose is just not right. It reminds me of the Senate and their plan to confirm Amy Coney Barrett to the Supreme Court just days before the Nov. 3 election. You would be doing the same thing. The new Council might not favor this ill-conceived project. Please do not throw money at this project until you know how much it is going to cost AND until the new Council is seated AND until you allow the voters of Santa Cruz to make their choice known through a ballot initiative.

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

This project would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign. Good luck to the library next time it needs public funding! People will not be fooled twice.

This project would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space. It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. With ride sharing, bus passes and improved bicycle lanes, less and less people will be needing a parking lot over the next 30 years. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for listening and for all you do on behalf of our community.

Fondly, Gail Michaelis-Ow 203 Highland Avenue Santa Cruz CA. 95060 (831) 423-0128

Rosemary Balsley

From: Patricia Damron <patricia@coastroad.us>
Sent: Friday, October 23, 2020 1:59 PM
To: City Council
Subject: Library-Garage Project

Dear City Council Members,

At this time of economic hardship for our community, we are looking to the City Council for leadership. The decision on funding the development of the garage/library/housing is a matter of trust in government. Will you make such a decision without considering the Nelson\Nygaard "Downtown Parking Strategic Plan? Will you make the decision knowing that the City's consultant, Economic and Planning Systems found that the City's garage financing plan did not account for economic recessions during the 30 year bond debt period? Will you make the decision without knowing the impact on Downtown businesses of a financing plan that is deficient?
Spending on this project comes at the expense of other City priorities.

Thanks for considering,

Patricia Damron
Sant Cruz, CA

Rosemary Balsley

From: Debra Ellis <hopperellis@yahoo.com>
Sent: Friday, October 23, 2020 2:01 PM
To: City Council
Subject: Library-Garage Project

Dear City Council Members,

At this time of economic hardship for our community, we are looking to the City Council for leadership. The decision on funding the development of the garage/library/housing is a matter of trust in government. Will you make such a decision without considering the Nelson\Nygaard "Downtown Parking Strategic Plan? Will you make the decision knowing that the City's consultant, Economic and Planning Systems found that the City's garage financing plan did not account for economic recessions during the 30 year bond debt period? Will you make the decision without knowing the impact on Downtown businesses of a financing plan that is deficient? Spending on this project comes at the expense of other City priorities.

Thanks for considering these questions and my ongoing concerns about this ill conceived project.
Debra Ellis

Rosemary Balsley

From: Daniel Mollner <tropicalbreeze@mac.com>
Sent: Friday, October 23, 2020 2:10 PM
To: City Council; jyork@santacruzsentinel.com; downtowncommonsadvocates@gmail.com
Subject: Please stop Lot 4 mixed-use debacle!

Dear Mayor Cummings and City Councilmembers:

My vote, and the way I encourage friends and family to vote, depends in large part on how this particular issue handled. Obviously there are many important things we are faced with as a city. I know that your job is a difficult one. That being said, I am counting on you to drop this project in a social, political, and economic landscape that has changed dramatically since this was initially put into motion.

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Sincerely,
Daniel

Daniel Mollner
www.DanielMollner.com

--"Don't waste time trying to discover the meaning of life. You go and tell life what meaning it has by doing exactly what you love."

Rosemary Balsley

From: eduardo izquierdo <chateauedo@cruzio.com>
Sent: Friday, October 23, 2020 2:11 PM
To: City Council; jyork@santacruzsentinel.com; downtowncommonsadvocates@gmail.com
Subject: End the Lot 4 mixed-use debacle!

Dear Mayor Cummings and City Councilmembers:

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community. eduardo izquierdo 326 van ness ave

Rosemary Balsley

From: Kathy Haber <dannynor@cruzio.com>
Sent: Friday, October 23, 2020 2:34 PM
To: City Council
Subject: Library-Garage Project

Dear City Council Members,

At this time of economic hardship for our community, we are looking to the City Council for leadership. The decision on funding the development of the garage/library/housing is a matter of trust in government. Will you make such a decision without considering the Nelson\Nygaard "Downtown Parking Strategic Plan? Will you make the decision knowing that the City's consultant, Economic and Planning Systems found that the City's garage financing plan did not account for economic recessions during the 30 year bond debt period? Will you make the decision without knowing the impact on Downtown businesses of a financing plan that is deficient?
Spending on this project comes at the expense of other City priorities.

Thanks for considering,

Kathy Haber
Shelter Lagoon Dr, Santa Cruz

Rosemary Balsley

From: Reggie Meisler <reggie.meisler@gmail.com>
Sent: Friday, October 23, 2020 2:40 PM
To: City Council
Subject: Library-Garage Project

Dear City Council Members,

The community understands what this project represents and the dishonesty of the affordable housing offer being pursued.

It's clear that the majority of this council, as well as city staff, does not care about public opinion. There are numerous ways to re-envision this library project that do not reverse our position on climate, exceed our bond budget, displace a community program downtown, or make lazy gestures toward half baked affordable housing projects.

Choosing a different location for the library, eliminating the garage, constructing 100% permanently affordable, social housing, on the red church lot, upgrading the internal infrastructure of the library without a full renovation, using eminent domain to simply publicly acquire an already existing building as the new home of the library (Perhaps the former location of Logos?) which would be both cheaper and probably nicer-- and this is just off the top of my head.

To city council members other than Cynthia Mathews:

Understand that this is the end of her political career right now, and it is not worth risking your entire future in politics to try and save this embarrassing hail mary project she has put forth. The opposing coalition is just too strong, and you will very likely end up getting sued on the library-garage project if you do not deliver on your promises for affordable housing (Which-- let's face it. There's no plan there).

Reggie

Rosemary Balsley

From: Deborah Hayes <ivywell@icloud.com>
Sent: Friday, October 23, 2020 2:43 PM
To: City Council; jyork@santacruzsentinel.com; downtowncommonsadvocates@gmail.com
Subject: End the Lot 4 mixed-use debacle!

Dear Mayor Cummings and City Councilmembers:

The Downtown Commons Advocates have a great alternative proposal that makes much more sense to me and all my friends. Stop pushing this unwanted and monstrous 6 story building on us. With all the changes and challenges in our lives at this time, to push this thing forward seems poor leadership.

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Deborah Hayes

Rosemary Balsley

From: Rebbie Higgins <rebbie@pinkopaque.com>
Sent: Friday, October 23, 2020 2:45 PM
To: City Council
Subject: Library-Garage Project

Dear City Council Members,

At this time of economic hardship for our community, we are looking to the City Council for leadership. The decision on funding the development of the garage/library/housing is a matter of trust in government. Will you make such a decision without considering the Nelson\Nygaard "Downtown Parking Strategic Plan? Will you make the decision knowing that the City's consultant, Economic and Planning Systems found that the City's garage financing plan did not account for economic recessions during the 30 year bond debt period? Will you make the decision without knowing the impact on Downtown businesses of a financing plan that is deficient? Spending on this project comes at the expense of other City priorities.

Thanks for considering,

Yours, Erin Higgins
112 Pine PL Apt 4
Santa Cruz, CA 95060

Rosemary Balsley

From: Deborah Hayes <ivywell@icloud.com>
Sent: Friday, October 23, 2020 2:47 PM
To: City Council
Subject: Library-Garage Project

Dear City Council Members,

At this time of economic hardship for our community, we are looking to the City Council for leadership. The decision on funding the development of the garage/library/housing is a matter of trust in government. Will you make such a decision without considering the Nelson\Nygaard "Downtown Parking Strategic Plan? Will you make the decision knowing that the City's consultant, Economic and Planning Systems found that the City's garage financing plan did not account for economic recessions during the 30 year bond debt period? Will you make the decision without knowing the impact on Downtown businesses of a financing plan that is deficient?
Spending on this project comes at the expense of other City priorities.

Thanks for considering,

Deborah Hayes

Rosemary Balsley

From: Connie <camt@cruzio.com>
Sent: Friday, October 23, 2020 2:52 PM
To: City Council; jyork@santacruzsentinel.com; downtowncommonsadvocates@gmail.com
Subject: End the Lot 4 mixed-use debacle!

Dear Mayor Cummings and City Councilmembers:

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Sincerely
Connie Wilson

Sent from my iPhone

Rosemary Balsley

From: Khalila Alldis <khalila.alldis@outlook.com>
Sent: Friday, October 23, 2020 2:54 PM
To: City Council
Subject: Library-Garage Project

Dear City Council Members,

At this time of economic hardship for our community, we are looking to the City Council for leadership. The decision on funding the development of the garage/library/housing is a matter of trust in government. Will you make such a decision without considering the Nelson\Nygaard "Downtown Parking Strategic Plan? Will you make the decision knowing that the City's consultant, Economic and Planning Systems found that the City's garage financing plan did not account for economic recessions during the 30 year bond debt period? Will you make the decision without knowing the impact on Downtown businesses of a financing plan that is deficient?
Spending on this project comes at the expense of other City priorities.

Thanks for considering,
Janis Alldis

Rosemary Balsley

From: Jacquelyn Griffith <jkgriffith2@icloud.com>
Sent: Friday, October 23, 2020 2:59 PM
To: City Council
Subject: Library-Garage Project NOT NOW!!!

Dear City Council Members,

At this time of economic hardship for our community, we are looking to the City Council for leadership. The decision on funding the development of the garage/library/housing is a matter of trust in government. Will you make such a decision without considering the Nelson\Nygaard "Downtown Parking Strategic Plan? Will you make the decision knowing that the City's consultant, Economic and Planning Systems found that the City's garage financing plan did not account for economic recessions during the 30 year bond debt period? Will you make the decision without knowing the impact on Downtown businesses of a financing plan that is deficient?
Spending on this project comes at the expense of other City priorities.

Thanks for considering,

Jacquy

"We must accept finite disappointment, but never lose infinite hope."

Rev. Dr. Martin Luther King, Jr.

Rosemary Balsley

From: Martha Vickers <mnvickers@gmail.com>
Sent: Friday, October 23, 2020 3:00 PM
To: City Council
Subject: Library-Garage Project

Dear City Council Members,

At this time of economic hardship for our community, we are looking to the City Council for leadership. The decision on funding the development of the garage/library/housing is a matter of trust in government. Will you make such a decision without considering the Nelson\Nygaard "Downtown Parking Strategic Plan? Will you make the decision knowing that the City's consultant, Economic and Planning Systems found that the City's garage financing plan did not account for economic recessions during the 30 year bond debt period? Will you make the decision without knowing the impact on Downtown businesses of a financing plan that is deficient?
Spending on this project comes at the expense of other City priorities.

Thanks for considering,

Martha Vickers

Rosemary Balsley

From: Ann Simonton <mwatch@cruzio.com>
Sent: Friday, October 23, 2020 3:08 PM
To: City Council; jyork@santacruzsentinel.com; downtowncommonsadvocates@gmail.com
Subject: End the Lot 4 mixed-use debacle!

Dear Mayor Cummings and City Councilmembers:

Please reject the Lot 4 mix-use project. Spending a quarter of a million toward a project that has not proven to be fiscally feasible during this economic downturn is foolhardy at best. There should be no RUSH to pay this money without City staff showing the specific plan to fund the ill-conceived Lot 4 mix-use project. If City Staff can't show funding for the mixed-use Library, affordable housing, or parking garage— then you may be giving away money— when it is needed for many people in our town as jobs are being lost, food is scarce for people

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.
Sincerely, Ann Simonton

**Media Watch: Challenging racism, sexism, and violence in the media
through education & action!**

Box 618 Santa Cruz, CA 95061
mediawatch.com (under construction)
Tweet: #Challenge_Media
Facebook: Media Watch: Challenge Media

Rosemary Balsley

From: Nancy Maynard <mtnmom3@gmail.com>
Sent: Friday, October 23, 2020 3:23 PM
To: City Council
Subject: Library-Garage Project

Dear City Council Members, At this time of economic hardship for our community, we are looking to the City Council for leadership. The decision on funding the development of the garage/library/housing is a matter of trust in government. Will you make such a decision without considering the Nelson\Nygaard "Downtown Parking Strategic Plan? Will you make the decision knowing that the City's consultant, Economic and Planning Systems found that the City's garage financing plan did not account for economic recessions during the 30 year bond debt period? Will you make the decision without knowing the impact on Downtown businesses of a financing plan that is deficient? Spending on this project comes at the expense of other City priorities. Thanks for considering,
Nancy Maynard

Rosemary Balsley

From: charles stover <cas33333@yahoo.com>
Sent: Friday, October 23, 2020 3:20 PM
To: City Council
Subject: Support an Owner's Representative for Library Mixed Use Project

Dear Santa Cruz City Council Members,

It's time to move forward with affordable housing now, a great new library, a transportation hub that accommodates electrical vehicles, more bike storage, and parking for residents, workers and visitors. Please vote YES on the Owner's Representative contract.

Thank you,
Charles Stover

Rosemary Balsley

From: lbeyea@cruzio.com
Sent: Friday, October 23, 2020 3:37 PM
To: City Council
Subject: Library-Garage Project

Dear City Council Members,

At this time of economic hardship for our community, we are looking to the City Council for leadership. The decision on funding the development of the garage/library/housing is a matter of trust in government. Will you make such a decision without considering the Nelson\Nygaard "Downtown Parking Strategic Plan"? Will you make the decision knowing that the City's financial consultant, Economic and Planning Systems (EPS) found that the City's garage financing plan did not account for economic recessions during the 30 year bond debt period? Will you make the decision without knowing the impact on Downtown businesses of a financing plan that is deficient? Spending on this project comes at the expense of other City priorities.

Thank you for asking the hard questions, paying attention to consultant analyses, and requiring City Staff to perform the due diligence that a project of this magnitude warrants.

Len Beyea
516 Soquel Ave Apt 4
Santa Cruz, CA 95062

Rosemary Balsley

From: Mitchell Goldstein <findmitchellbruce@gmail.com>
Sent: Friday, October 23, 2020 3:41 PM
To: City Council
Subject: Proposed new library garage structure

Dear City Council Members,

At this time of economic hardship for our community, we are looking to the City Council for leadership. The decision on funding the development of the garage/library/housing is a matter of trust in government. Will you make such a decision without considering the Nelson\Nygaard "Downtown Parking Strategic Plan? Will you make the decision knowing that the City's consultant, Economic and Planning Systems found that the City's garage financing plan did not account for economic recessions during the 30 year bond debt period? Will you make the decision without knowing the impact on Downtown businesses of a financing plan that is deficient?
Spending on this project comes at the expense of other City priorities.

Thanks for considering,
Mitchell Goldstein

Rosemary Balsley

From: Gray Jameson <gabe.mining@gmail.com>
Sent: Friday, October 23, 2020 3:43 PM
To: City Council
Subject: Library-Garage Project

Dear City Council Members,

At this time of economic hardship for our community, we are looking to the City Council for leadership. The decision on funding the development of the garage/library/housing is a matter of trust in government. Will you make such a decision without considering the Nelson\Nygaard "Downtown Parking Strategic Plan? Will you make the decision knowing that the City's consultant, Economic and Planning Systems found that the City's garage financing plan did not account for economic recessions during the 30 year bond debt period? Will you make the decision without knowing the impact on Downtown businesses of a financing plan that is deficient?
Spending on this project comes at the expense of other City priorities.

Thanks for considering,

Gray Jameson
Pronouns: They/Them/Theirs

Rosemary Balsley

From: Celia Scott <twinks2@cruzio.com>
Sent: Friday, October 23, 2020 3:58 PM
To: City Council
Subject: Library-Garage Project

Dear City Council Members,

At this time of economic hardship for our community, we are looking to the City Council for leadership. The decision on funding the development of the garage/library/housing is a matter of trust in government. Will you make such a decision without considering the Nelson\Nygaard "Downtown Parking Strategic Plan? Will you make the decision knowing that the City's consultant, Economic and Planning Systems found that the City's garage financing plan did not account for economic recessions during the 30 year bond debt period? Will you make the decision without knowing the impact on Downtown businesses of a financing plan that is deficient?

Spending on this project comes at the expense of other City priorities.

Please do not go forward with this plan. There is no good reason to make such a mistake.

Thanks for considering,

--

This email has been checked for viruses by Avast antivirus software.
<https://www.avast.com/antivirus>

Rosemary Balsley

From: Ann Durbin <durbin.ann@gmail.com>
Sent: Friday, October 23, 2020 4:00 PM
To: City Council; Justin Cummings; Donna Meyers; Katherine Beiers; Sandy Brown; Renee Golder; Cynthia Mathews; Martine Watkins
Subject: I oppose plans to build garage Taj mixed-use

Dear Council folk,

While I voted for funds to renovate the library, I categorically DO NOT SUPPORT the misuse of those funds to build the multistory car park mixed-use project proposed by the city, especially in the Lot 4 location. That lot is a valuable piece of city-owned land that can be used so much more effectively - for outdoor and community-building events especially. An open space at Lot 4 enables more vibrant streets off of Pacific, and supports the restaurants and shops, small businesses that are the heart of our downtown.

I'm a regular user of the library, and feel I'd rather limp along with using the current library setup than to see it buried under a heap of car-filled concrete.

Given the huge and growing fiscal needs of the city during this pandemic and its economic setback, I strongly urge the council to cancel, or at least stall the project indefinitely, as of this time. That means no voting funds for a consultant, and no more finagling to kick the can down the road. I'm sure I am not the only community member mystified and dismayed by the council's motivation to get the garage Taj going under these circumstances.

Please, take this opportunity to reconsider, and ultimately withdraw this unpopular and unlikable project.
Ann Durbin

Rosemary Balsley

From: Peter Scott <drip@ucsc.edu>
Sent: Friday, October 23, 2020 4:05 PM
To: City Council; jyork@santacruzsentinel.com; downtowncommonsadvocates@gmail.com
Subject: End the Lot 4 mixed-use debacle!

Importance: High

Dear Mayor Cummings and City Councilmembers:

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Rosemary Balsley

From: marymcgranahan48 <marymcgranahan48@gmail.com>
Sent: Friday, October 23, 2020 4:18 PM
To: City Council
Subject: Library-Garage Project

Dear City Council Members,

At this time of economic hardship for our community, we are looking to the City Council for leadership. The decision on funding the development of the garage/library/housing is a matter of trust in government. Will you make such a decision without considering the Nelson\Nygaard "Downtown Parking Strategic Plan? Will you make the decision knowing that the City's consultant, Economic and Planning Systems found that the City's garage financing plan did not account for economic recessions during the 30 year bond debt period? Will you make the decision without knowing the impact on Downtown businesses of a financing plan that is deficient?
Spending on this project comes at the expense of other City priorities.

Thanks for considering,

MaryMcGranahan

Sent from my Samsung Galaxy smartphone.

Rosemary Balsley

From: toni miras <toni1b@hotmail.com>
Sent: Friday, October 23, 2020 4:36 PM
To: City Council
Subject: October 27 City Council Meeting mixed-use library project

Dear Mayor Cummings and City Councilmembers:

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show guaranteed funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that the 2016 Measure S campaign led voters to believe were for renovation of the Downtown Library. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

It is long overdue to change course! Please END this ill-conceived project NOW!. Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.
Please know that I have used the downtown library for over forty years. It is a treasure.

I'm originally from the east coast and have friends who visit every year. Recently however, more and more of them have mentioned that the city has lost its charm and special ambiance. They are more drawn to Capitola Village, Watsonville, and Davenport as places to visit. I feel that a monolithic structure downtown (parking garage, etc) would be the "straw that broke" the camel's back. Please save the last piece of Santa Cruz that makes it a good reason to enjoy downtown, spending tourist dollars along the way.

Saving what would be one of the last (perhaps the only place) to enjoy what makes the city Santa Cruz such a unique "find," should be a priority.

Toni Miras

Sent from my iPad

Rosemary Balsley

From: Juno Groves <gnosticbutterfly@gmail.com>
Sent: Friday, October 23, 2020 4:41 PM
To: City Council; jyork@santacruzsentinel.com; downtowncommonsadvocates@gmail.com
Subject: I am a fifth generation Santa Cruz resident

Dear Mayor Cummings and City Councilmembers:

Please listen to local voices! I am a fifth generation Santa Cruz resident and this issue means a lot to me. City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Sent from my iPhone

Rosemary Balsley

From: skip Robinson <jrobin20@gmail.com>
Sent: Friday, October 23, 2020 4:53 PM
To: City Council; jyork@santacruzsentinel.com; downtowncommonsadvocates@gmail.com
Subject: End the Lot 4 mixed-use debacle!

Dear Mayor Cummings and City Councilmembers:

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

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It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Rosemary Balsley

From: Diane Auclair <diane@magicvelvets.com>
Sent: Friday, October 23, 2020 4:57 PM
To: City Council; jyork@santacruzsentinel.com; downtowncommonsadvocates@gmail.com
Cc: Rebecka Hawkins; larryb@cruzio.com
Subject: End the Lot 4 mixed-use debacle!

Dear Mayor Cummings and City Councilmembers:

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Diane Auclair

Rosemary Balsley

From: James Weller <jweller@cruzio.com>
Sent: Friday, October 23, 2020 5:02 PM
To: City Council
Subject: Lot 4 and the Mixed-Use Project

Council members:

Please take heed of the rising wave of public opposition to the City staff's proposed Library/Garage edifice with a cherry of housing on top.

Please cease and desist in any efforts to advance this ill-conceived public project.

In particular, do not expend \$240,000 for a project manager to further develop plans.

Let this mistaken plan die a peaceful death.

If you continue down the wrong road, there will be endless dissension and political antagonism, and you will be directly responsible for it.

Just let it go. We have other, more pressing problems to address.

Blessings,

Jim Weller

Rosemary Balsley

From: Alice G <fennecdragonbee@gmail.com>
Sent: Friday, October 23, 2020 5:26 PM
To: City Council; +jyork@santacruzsentinel.com;
+downtowncommonsadvocates@gmail.com
Subject: Leave Lot 4 alone!

Dear Mayor Cummings and City Councilmembers:

Please vote against hiring an owner's representative for the ill-conceived Lot 4 mixed-used project.

Voters were led to believe they were approving \$80 million in bond funds for renovation of the Downtown Library during the 2016 Measure S campaign. Instead, this project would displace the Farmers' Market from Lot 4 to Lot 7 (about half as large a space), cut down 10 Heritage trees in Lot 4 to build an unneeded and unwanted 6-story parking garage, and create only a fraction of the affordable housing that could instead be built on the city-owned Lot 7 on Front Street.

There is clear evidence that a solid majority of voters oppose this project. Please do your part to end this project now, and instead move ahead with plans to renovate the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Sincerely,

Alice Grunstra
Santa Cruz County Resident

Rosemary Balsley

From: gstocker2@cruzio.com
Sent: Friday, October 23, 2020 5:29 PM
To: City Council
Subject: Library-Garage Project

Dear City Council Members,

Please stop rushing into building the TajGarage downtown.

In voting for funds to improve the Downtown Library, I never in my wildest nightmares imagined our Main City Library squashed under a multistory parking garage.

Costly studies by experts in the field of urban parking policy have shown that that this is a risky financial endeavor for 30 years, and experts have shown that there are other, cheaper solutions for improving parking downtown.

At this time of economic hardship for our community, we are looking to the City Council for leadership. The decision on funding the development of the garage/library/housing is a matter of trust in government. Will you make such a decision without considering the Nelson\Nygaard "Downtown Parking Strategic Plan? Will you make the decision knowing that the City's consultant, Economic and Planning Systems found that the City's garage financing plan did not account for economic recessions during the 30 year bond debt period? Will you make the decision without knowing the impact on Downtown businesses of a financing plan that is deficient?

Spending on this project comes at the expense of other City priorities.

Thanks for considering,

Gabrielle Stocker
Santa Cruz 95060

Sent from my iPhone

Rosemary Balsley

From: Mitchell lachman <shevat117@gmail.com>
Sent: Friday, October 23, 2020 5:35 PM
To: City Council
Subject: Library-Garage Project

Dear City Council Members,

At this time of economic hardship for our community, we are looking to the City Council for leadership. The decision on funding the development of the garage/library/housing is a matter of trust in government. Will you make such a decision without considering the Nelson\Nygaard "Downtown Parking Strategic Plan? Will you make the decision knowing that the City's consultant, Economic and Planning Systems found that the City's garage financing plan did not account for economic recessions during the 30 year bond debt period? Will you make the decision without knowing the impact on Downtown businesses of a financing plan that is deficient?
Spending on this project comes at the expense of other City priorities.

Thanks for considering,
Mitchell Lachman

Rosemary Balsley

From: Sheila Carrillo <escuelita@baymoon.com>
Sent: Friday, October 23, 2020 5:36 PM
To: City Council
Subject: Lay to rest Library-Garage Project--Better ways to spend \$140,000: Choose Community over Concrete!!

Dear City Council Members,

AND I have never lacked for parking downtown!!

At this time of economic hardship for our community, we are looking to the City Council for leadership. The decision on funding the development of the garage/library/housing is a matter of trust in government. Will you make such a decision without considering the Nelson\Nygaard "Downtown Parking Strategic Plan? Will you make the decision knowing that the City's consultant, Economic and Planning Systems found that the City's garage financing plan did not account for economic recessions during the 30 year bond debt period? Will you make the decision without knowing the impact on Downtown businesses of a financing plan that is deficient?
Spending on this project comes at the expense of other City priorities.

Thanks for considering,

Rosemary Balsley

From: LUANNE ERICKSON <luerickson@comcast.net>
Sent: Friday, October 23, 2020 6:01 PM
To: City Council
Subject: Library-Garage Project

Dear City Council Members, At this time of economic hardship for our community, we are looking to the City Council for leadership. The decision on funding the development of the garage/library/housing is a matter of trust in government. Will you make such a decision without considering the Nelson\Nygaard "Downtown Parking Strategic Plan? Will you make the decision knowing that the City's consultant, Economic and Planning Systems found that the City's garage financing plan did not account for economic recessions during the 30 year bond debt period? Will you make the decision without knowing the impact on Downtown businesses of a financing plan that is deficient? Spending on this project comes at the expense of other City priorities. Thanks for considering,

Rosemary Balsley

From: Jo-Neal Graves <jonealgraves@gmail.com>
Sent: Friday, October 23, 2020 6:04 PM
To: City Council; jyork@santacruzsentinel.com; downtowncommonsadvocates@gmail.com
Subject: End the Lot 4 mixed-use debacle!

Dear Mayor Cummings and City Councilmembers:

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Sincerely,
Jo-Neal Graves

Sent from my iPhone

Rosemary Balsley

From: fred geiger <fredjgeiger@yahoo.com>
Sent: Friday, October 23, 2020 6:39 PM
To: City Council; jyork@santacruzsentinel.com; downtowncommonsadvocates@gmail.com
Subject: End the Lot 4 mixed-use debacle!

Dear Mayor Cummings and City Councilmembers:

The voters are being deceived with the current garage- library proposal!

The ballot measure did NOT indicate that this project was what was being put before the voters for their opinion!

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Fred J. Geiger
Santa Cruz Ca

Sent from my iPad

Rosemary Balsley

From: Irene Ibeanza <itibeanza@gmail.com>
Sent: Friday, October 23, 2020 6:47 PM
To: City Council
Subject: October 27 City Council Meeting mixed-use library project

Dear Mayor Cummings and City Councilmembers:

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show guaranteed funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that the 2016 Measure S campaign led voters to believe were for renovation of the Downtown Library. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

It is long overdue to change course! Please END this ill-conceived project NOW!. Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Sent from my iPad

Rosemary Balsley

From: edw14@skyhighway.com
Sent: Friday, October 23, 2020 7:07 PM
To: City Council; jyork@santacruzsentinel.com; downtowncommonsadvocates@gmail.com
Subject: End the Lot 4 mixed-use debacle!

Dear Mayor Cummings and City Councilmembers:

This is no time, when funds are so scarce, for the city to continue on the course of a mixed-use project in the parking lots where the Farmer Market trades every week.

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Ed Weingold
629 Walnut Av
Santa Cruz, CA 95060

Rosemary Balsley

From: Stephen Svete <Svete@rinconconsultants.com>
Sent: Friday, October 23, 2020 7:14 PM
To: City Council
Subject: Library-Garage Project

Dear City Council Members,

At this time of economic hardship for our community, we are looking to the City Council for leadership.

The decision on funding the development of the garage/library/housing is a matter of trust in government. Will you make such a decision without considering the Nelson\Nygaard "Downtown Parking Strategic Plan? Will you make the decision knowing that the City's consultant, Economic and Planning Systems found that the City's garage financing plan did not account for economic recessions during the 30 year bond debt period?

Will you willingly link the library project to a parking garage when the majority of library bond yes-voters assumed they were voting for a renovation and expansion of the library at its present civic center location?

Is it appropriate to approve any project with such demonstrable community opposition, damaging the trust in local democracy? Should not civic projects the indebt taxpayers in the tens of millions be approved by voters first?

Will you make the decision without knowing the impact on Downtown businesses of a financing plan that is deficient?

Spending on this project comes at the expense of other City priorities.

Thanks for considering,

Stephen Svete

Modesto Avenue

Santa Cruz

Rosemary Balsley

From: Curt Simmons <curtsimmons@hotmail.com>
Sent: Friday, October 23, 2020 7:16 PM
To: City Council
Subject: Library-Garage Project

Dear City Council Members,

At this time of economic hardship for our community, we are looking to the City Council for leadership. The decision on funding the development of the garage/library/housing is a matter of trust in government. Will you make such a decision without considering the Nelson\Nygaard "Downtown Parking Strategic Plan? Will you make the decision knowing that the City's consultant, Economic and Planning Systems found that the City's garage financing plan did not account for economic recessions during the 30 year bond debt period? Will you make the decision without knowing the impact on Downtown businesses of a financing plan that is deficient?

Spending on this project comes at the expense of other City priorities.

Thanks for considering,

Curt

Rosemary Balsley

From: Rena & Harlan <fam@furfamily.net>
Sent: Friday, October 23, 2020 7:49 PM
To: City Council; Justin Cummings; Donna Meyers; Katherine Beiers; Sandy Brown; Renee Golder; Martine Watkins
Subject: Support for the Library Mixed Use Project

Hello,
Please show your support for our community by voting to advance the library mixed-use project. This is the only way Santa Cruz can have a library that will meet our needs, while bringing us more than 50 units of affordable housing.
Thank you,
Rena

Rosemary Balsley

From: Joel Isaacson <emmaho@mac.com>
Sent: Friday, October 23, 2020 8:32 PM
To: City Council
Subject: Library-Garage Project

Dear City Council Members,

At this time of economic hardship for our community, we are looking to the City Council for leadership. The decision on funding the development of the garage/library/housing is a matter of trust in government. Will you make such a decision without considering the Nelson\Nygaard "Downtown Parking Strategic Plan? Will you make the decision knowing that the City's consultant, Economic and Planning Systems found that the City's garage financing plan did not account for economic recessions during the 30 year bond debt period? Will you make the decision without knowing the impact on Downtown businesses of a financing plan that is deficient?
Spending on this project comes at the expense of other City priorities.

Thanks for considering,
Joel Isaacson
Lower West Side

Is not impermanence the very fragrance of our days
Rilke

Rosemary Balsley

From: Beverly Jennings <bevjenn@cruzio.com>
Sent: Friday, October 23, 2020 8:43 PM
To: City Council; jyork@santacruzsentinel.com; downtowncommonsadvocates@gmail.com
Subject: End the Lot 4 mixed-use debacle!

Dear Mayor Cummings and City Councilmembers:

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Rosemary Balsley

From: toni miras <toni1b@hotmail.com>
Sent: Friday, October 23, 2020 9:07 PM
To: City Council; jyork@santacruzsentinel.com; downtowncommonsadvocates@gmail.com
Subject: End the Lot 4 mixed-use debacle!

Dear Mayor Cummings and City Councilmembers:

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

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It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Sent from my iPad

Rosemary Balsley

From: Terry Tiedeman <tat7776@outlook.com>
Sent: Friday, October 23, 2020 10:47 PM
To: City Council
Subject: Library-Garage Project

Dear City Council Members,

At this time of economic hardship for our community, we are looking to the City Council for leadership. The decision on funding the development of the garage/library/housing is a matter of trust in government. Will you make such a decision without considering the Nelson\Nygaard "Downtown Parking Strategic Plan? Will you make the decision knowing that the City's consultant, Economic and Planning Systems found that the City's garage financing plan did not account for economic recessions during the 30 year bond debt period? Will you make the decision without knowing the impact on Downtown businesses of a financing plan that is deficient?
Spending on this project comes at the expense of other City priorities.

Thanks for considering,
Terry Tiedeman

Rosemary Balsley

From: Sarah Olson <7saraholson777@gmail.com>
Sent: Friday, October 23, 2020 11:38 PM
To: City Council
Subject: Examine the Facts

Dear Santa Cruz City Council,

It would be very wise to vote "no" on proceeding forward with any actions to build a new library. Renovating the old library makes more sense. Our city does not have the money to build a new library.

Thank you.

Sarah

Rosemary Balsley

From: Sheryl Kern-Jones <kernjones@yahoo.com>
Sent: Saturday, October 24, 2020 12:31 AM
To: City Council
Subject: Please renovate the current library and stop the mixed use project on Lot 4

Dear Mayor Cummings and City Councilmembers,

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage. It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place. The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street. It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere. Thank you for your consideration and your efforts on behalf of our community.

Sincerely,

Sheryl Kern-Jones
City Resident

Rosemary Balsley

From: Gerald Brown <gebrown@cabrillo.edu>
Sent: Saturday, October 24, 2020 5:29 AM
To: City Council
Subject: Parking Garage

Dear City Council,

I am a downtown Santa Cruz resident and I can not support another parking garage in downtown Santa Cruz. The several that are already in use are rarely full, even before the virus, and all are within 3 to 5 minutes walking time to any downtown location. If need be they could be modified by adding a level to accommodate more cars.

It appears to me that the new 5 storey parking garage that is suggested is being built to accommodate the Swenson Developers several new apartment complexes which have been increased in size and have avoided their low income obligation and outgrown their parking spaces.

No more parking for cars.

Gerald Brown

Rosemary Balsley

From: orly laluz <eighththreeone831@yahoo.com>
Sent: Saturday, October 24, 2020 6:52 AM
To: City Council
Subject: no outside management (240k)

NO to spending an atrocious amount of \$\$\$\$\$\$ on an outside consultant

DO NOT BUILD A MIXED USE LIBRARY

Save the heritage trees and save the flavor of our downtown

Rosemary Balsley

From: Helen Resneck-Sannes <helenrs@sbcglobal.net>
Sent: Saturday, October 24, 2020 7:26 AM
To: City Council
Subject: library

Please don't change the location of the library. Instead upgrade and provide low income housing.

-- Helen Resneck-Sannes, Ph.D. Licensed Psychologist www.Helenresneck.com
"Be patient toward all that is unsolved in your heart and try to love the questions themselves." --Rainer Maria Rilke (1875-1926)

Rosemary Balsley

From: Mamoura Slike <mamoura.slike@gmail.com>
Sent: Saturday, October 24, 2020 7:48 AM
To: +downtowncommonsadvocates@gmail.com; +jyork@santacruzsentinel.com; City Council
Subject: End the Lot 4 mixed-use debacle!

Dear Mayor Cummings and City Councilmembers: City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage. It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place. The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street. It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere. Thank you for your consideration and your efforts on behalf of our community.

Rosemary Balsley

From: Jonathan Coleman <jtcoleman@gmail.com>
Sent: Saturday, October 24, 2020 8:17 AM
To: City Council
Subject: Library-Garage Project

Dear City Council Members,

At this time of economic hardship for our community, we are looking to the City Council for leadership. The decision on funding the development of the garage/library/housing is a matter of trust in government. I agree with the Campaign for Sustainable Transportation's point that publicly considering the Nelson\Nygaard "Downtown Parking Strategic Plan" is an essential step prior to moving forward with the project.

Spending on this project comes at the expense of other City priorities. At this time, I believe our city has many higher priorities.

Thanks for considering,

Jonathan Coleman
114 Plum St, Santa Cruz

Rosemary Balsley

From: Sylvia Caras <Sylvia.Caras@gmail.com>
Sent: Saturday, October 24, 2020 8:42 AM
To: City Council
Subject: Item 30, 10/27 Council agenda

Why erode the Downtown Library Measure S set-aside funds even further by a quarter of a million dollars before the finance detail requested has been presented to Council?

Why split up the civic plaza?

Why place this item on the agenda a week before the election of four council members?

Sylvia Caras

Rosemary Balsley

From: krsandel <krsandel@gmail.com>
Sent: Saturday, October 24, 2020 9:39 AM
To: City Council; jyork@santacruzsentinel.com; downtowncommonsadvocates@gmail.com
Subject: End the Lot 4 mixed-use debacle!

Dear Mayor Cummings and City Councilmembers:

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Kristen Sandel

Sent via the Samsung Galaxy S®6 active, an AT&T 4G LTE smartphone

Rosemary Balsley

From: Laura Lee <lcl9@hotmail.com>
Sent: Saturday, October 24, 2020 10:05 AM
To: City Council; jyork@santacruzsentinel.com; downtowncommonsadvocates@gmail.com
Subject: End the Lot 4 mixed-use debacle!

Dear Mayor Cummings and City Councilmembers:

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Laura Lee
Santa Cruz Resident

Rosemary Balsley

From: Nita nita <nitahertel@gmail.com>
Sent: Saturday, October 24, 2020 10:19 AM
To: City Council
Subject: No money for this contested project!

Dear Council,

It was very disturbing to me that majority on the council and the staff insist on pushing this project further into budgeting and enormous amount of money for something that has not been proven to be affordable. Funding for housing in this project has not been substantiated.

There is significant opposition to this mixed-use plan which needs to be taken seriously. I am strongly opposed 2 budgeting \$240,000 for exploration into the viability of something that does not have overwhelming support of the community. Please take our concerns seriously and abort this project in this form.

Sincerely,
Nita Heryel

Rosemary Balsley

From: Peter Scott <drip@ucsc.edu>
Sent: Saturday, October 24, 2020 10:41 AM
To: City Council
Subject: Item 30 for October 27 meeting

Importance: High

Dear Mayor Cummings and City Council members,

I'm writing to urge you to think seriously about examining alternatives to the proposed "mixed use" project on Lot 4, now listed as Item 30 on the agenda for October 27.

That project is similar to projects that were proposed in the central downtown areas of both Davis, California and Portland, Oregon. Each of those projects was similarly controversial, and each of those projects was abandoned by a narrow majority of the respective City Councils.

Instead, in both instances, a decision was made to create a true community commons, or gathering place. Now Davis has its Farmers Market, and Portland has its "Pioneer Courthouse Square".

Both of those have turned out to be highly successful endeavors, much loved by both residents of those communities and visitors.

I feel strongly that our City of Santa Cruz should follow their lead. I understand that it will be difficult, at this late stage, to counter the recommendations of your staff, but I hope you will show us the way. Our community will be rewarded, and, I expect, will become better united.

I think I speak for a majority of our City's residents and visitors.

Sincerely,

-- Peter Scott,
1520 Escalona Drive
Santa Cruz, CA 95060

Rosemary Balsley

From: Gail Jack <gailsharon4.5@gmail.com>
Sent: Saturday, October 24, 2020 11:14 AM
To: City Council
Subject: Library-Garage Project

Dear City Council Members,

At this time of economic hardship for our community, we are looking to the City Council for leadership. The decision on funding the development of the garage/library/housing is a matter of trust in government. Will you make such a decision without considering the Nelson\Nygaard "Downtown Parking Strategic Plan? Will you make the decision knowing that the City's consultant, Economic and Planning Systems found that the City's garage financing plan did not account for economic recessions during the 30 year bond debt period? Will you make the decision without knowing the impact on Downtown businesses of a financing plan that is deficient?
Spending on this project comes at the expense of other City priorities.

Thanks for considering,

Rosemary Balsley

From: Christy Kirven <xy@calcentral.com>
Sent: Saturday, October 24, 2020 12:15 PM
To: City Council
Subject: Library-Garage Project-hang on there y'all

Dear City Council Members,
We are looking to the City Council for leadership.

How can you make such a decision without considering the Nelson\Nygaard "Downtown Parking Strategic Plan which we all paid for?

Will you make the decision knowing that the City's consultant, Economic and Planning Systems found that the City's garage financing plan did not account for economic recessions during the 30 year bond debt period? and does not consider that with Covid times more people "get it" that it is time to stop driving and get out and walk or bike and try, though virtually impossible now, to save the planet....

Will you make the decision without knowing the impact on Downtown businesses of a financing plan that is deficient?

Spending on this project comes at the expense of other City priorities.

Thanks for considering,
Christy Kirven
Seabright
429-9376

Rosemary Balsley

From: Mark <markinsc@baymoon.com>
Sent: Saturday, October 24, 2020 12:21 PM
To: City Council; jyork@santacruzsentinel.com; downtowncommonsadvocates@gmail.com
Subject: End the Lot 4 mixed-use debacle!

Dear Mayor Cummings and City Councilmembers:

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Rosemary Balsley

From: Mark <markinsc@baymoon.com>
Sent: Saturday, October 24, 2020 12:27 PM
To: City Council
Subject: Library-Garage Project

Dear City Council Members,

At this time of economic hardship for our community, we are looking to the City Council for leadership. The decision on funding the development of the garage/library/housing is a matter of trust in government. Will you make such a decision without considering the Nelson\Nygaard "Downtown Parking Strategic Plan? Will you make the decision knowing that the City's consultant, Economic and Planning Systems found that the City's garage financing plan did not account for economic recessions during the 30 year bond debt period? Will you make the decision without knowing the impact on Downtown businesses of a financing plan that is deficient?
Spending on this project comes at the expense of other City priorities.

Thanks for considering,

Mark Alexander

Rosemary Balsley

From: Martha Vickers <mnvickers@gmail.com>
Sent: Saturday, October 24, 2020 12:55 PM
To: City Council
Subject: Ill-conceived Garage

To the Santa Cruz City Council:

Please abandon the proposed Mixed-Use Project altogether, not approve the quarter million contract with Griffin Structures, and finally authorize the process for renovation of the existing downtown library.

Very sincerely,

Martha Vickers

Rosemary Balsley

From: Tim Ledwith <tlewith@gmail.com>
Sent: Saturday, October 24, 2020 12:59 PM
To: City Council
Subject: stop mixed-use project on Lot 4

Santa Cruz City Council members,

Please stop pursuing the mixed-use project on Lot 4 (parking garage/housing/library). Do not allocate money to hire a manager for the planning phase. Instead, pursue building affordable housing on Lot 7, and pursue remodeling of the existing library structure.

The current Lot 4 project is not needed to make downtown more vital and viable. The City does not have the money to pursue this project. It simply does not make sense. There are much better options for spending our limited funds.

I am a resident of the City of Santa Cruz. The majority of Santa Cruz residents do not want this project. Please represent our interests.

Tim Ledwith
246 Marnell Ave
Santa Cruz CA 95062
831-252-8352

Rosemary Balsley

From: Eric Rowland <eric_rowland@yahoo.com>
Sent: Saturday, October 24, 2020 1:01 PM
To: City Council
Subject: New library project

Dear City Council,

Just a citizen chiming in that the Measure S "Rebuild the Library" measure we voted on made no honest mention of, nor were we expecting a new building, much less one at the base of a garage. I was against it on that basis alone, but given the current climate where we are eliminating our Rangers, it doesn't make sense to invest funds on a new HUGE project without defined funding sources. Covid isn't going away any time soon - we need all the reserves we can retain.

Regards,
Eric Rowland
Seabright

Rosemary Balsley

From: Ronald Parrish <parrishre@gmail.com>
Sent: Saturday, October 24, 2020 1:07 PM
To: City Council
Subject: Bait & Switch on the Library/Garage

To the Santa Cruz City Council:

Please restore the money voted on for the Library renovation to the proper place. No one ever voted for that garage and, if given the chance, never would. That is highway robbery to use the money for your garage.

Ron Parrish

Rosemary Balsley

From: Martha Dexter <mmdexter@gmail.com>
Sent: Saturday, October 24, 2020 1:15 PM
To: City Council
Subject: Move Forward on Mixed Use Library Project

Hello, again, City Council Members,

I write today to urge you to approve the Owner's Representative contract with Griffin Structures so that the library mixed use project can finally move forward.

Starting 4 years ago, in 2016, I served on the Downtown Library Advisory Committee of 10 citizens appointed by the city council. Our study concluded in January 2018 with the recommendation to build a new library in a mixed use project. Additional studies have concluded the same: That this is the most cost-effective and efficient option for bringing a new 21st century library to downtown Santa Cruz.

These many years later, it is finally time to get this project underway. Time is of the essence. We can't afford to wait any longer. Griffin Structures will provide knowledgeable and professional oversight of the project. Evidence of their work can be seen in the wonderful new library in Half Moon Bay.

We've seen what Measure S has given us with beautiful new libraries in Felton and Capitola. Let's build a showcase for Santa Cruz!

Thank you,
Martha Dexter

Rosemary Balsley

From: Carolyn V. Miller <carolynvmiller@aol.com>
Sent: Saturday, October 24, 2020 1:19 PM
To: City Council
Subject: Vote to approve contract for library project

Dear City Council,

I write to ask you to approve the Owner's Representative contract for the Library Mixed Use Project. We have an opportunity for a new and modern library in downtown Santa Cruz. No more delays! Let's get moving on this project!

Thank you,
Carolyn Miller

Rosemary Balsley

From: Debbie Bulger <dfbulger@cruzio.com>
Sent: Saturday, October 24, 2020 1:26 PM
To: City Council
Subject: Agenda item #30 Mixed use project

OPPOSE FUNDING FOR MIXED-USE PROJECT

In today's precarious times our City should NOT be entering into a 30-year DEBT for this ill-planned project.

Let us move ahead with the renovation of the Library at its current site and put together a plan for affordable housing at another location than the Farmers Market.

Please keep the Farmers Market at its current site and DO NOT CUT DOWN THE HERITAGE MAGNOLIA TREES.

Thank you,

Debbie Bulger

Rosemary Balsley

From: Pauline Seales <paulineseales120@gmail.com>
Sent: Saturday, October 24, 2020 1:57 PM
To: City Council; Mark Dettle; Bonnie Lipscomb
Cc: City Plan; Martin Bernal; Economic Development; Lee Butler; Justin Cummings; John Hall
Subject: Agenda Item 30 Mixed-Use Project

It's time to finally drop this project.

The public is overwhelmingly opposed.

There are better, quicker ways to refurbish the library and build much more affordable housing.

There's no justification for cutting down 11 beautiful heritage trees which could be a great asset for the proposed downtown commons.

The COVID crisis has greatly reduced the need for parking and the potential funding for a garage.

Building more fossil fuel infrastructure is not compatible with working to greatly reduce Climate Change and devastating wildfires.

Please listen to the people.

Pauline Seales

Santa Cruz Climate Action Network

Rosemary Balsley

From: Martina Nicholson <martina.nicholson@gmail.com>
Sent: Saturday, October 24, 2020 1:58 PM
To: Mark Dettle; Bonnie Lipscomb
Cc: City Plan; Martin Bernal; Economic Development; Lee Butler; City Council; Justin Cummings; downtowncommonsadvocates@gmail.com; Christophe Schneider; savenearylagoon@gmail.com
Subject: Downtown Plan

To the City Council and City Staff,

Please listen to our community members who do NOT want you to spend funds we do not have, to “put up a parking lot” for 80 million dollars. Offering a contract to Griffin Structures to do this project is a brutal waste of our tax money.

Please use your stewardship to be fiscally conservative, and to listen to what we ARE asking for.

The voters passed Measure S to renovate the downtown library. Please just do that!

Make the farmer’s market permanent, apply grant funds to create Public Commons at this site.

We do not want to have more debt, as the Coronavirus epidemic has shrunk our resources, and we need to respond to the health of our community FIRST.

WE WANT TO BE A MODEL OF SUSTAINABLE COMMUNITY!

We have the chance to do it, to show other coastal towns how to stay vibrant and be an interesting town, not a corporate center.

We have many granny-units still waiting for permits. Help streamline the process for getting them done!

The use of roads, water, and other resources will be impacted by any big projects, and this is not the time to do big development projects.

Please do NOT move forward with your idea of how this project should be carried out.

We are asking you again, to please respect the will of the community and let go of “delusions of grandeur” which will put us in debt, and for a very dubious idea.

Thank you,

Very sincerely,

Martina Nicholson, MD, retired

Rosemary Balsley

From: Craig Wilson <crwilson1225@icloud.com>
Sent: Saturday, October 24, 2020 2:57 PM
To: City Council
Subject: 10/27/2020 Agenda Item 30 Mixed-Use Project

Dear Council Members,

I urge Council Members to not approve a quarter of a million dollar study and abandon the proposed Mixed-Use Library Project to pursue renovation of the existing downtown library.

When I voted for Measure S, like so many others in our county, I thought the funds would be used to modernize libraries. I would not have imagined that such a worthy cause would become highly conflicted. Now that we are here, the most elegant solution is to decouple parking and housing from the library and begin the process of renovation at the downtown site, so that housing and parking may be taken up as their own important matters, free of controversy. Library, housing and a parking structure should not be related or tie up progress on the work that can be done on the library.

Thank you for your consideration,

Craig Wilson
Soquel

Rosemary Balsley

From: Freya Sands <freyita1978@gmail.com>
Sent: Saturday, October 24, 2020 3:11 PM
To: City Council; +jyork@santacruzsentinel.com;
+downtowncommonsadvocates@gmail.com
Subject: End the Lot 4 mixed-use debacle!

Dear Mayor Cummings and City Councilmembers:

In the age of Covid19 (which could go on for a good long time) we need outdoor spaces for safe congregation and the Farmers' Market. It seems to me that it would be better to use city or bond funds to make the Farmer's Market space at least in part, a community commons.

In addition, creating more parking does not help the community become less dependent on cars. There is adequate parking for the people who have mobility issues; we don't need to encourage the more enabled to use motor vehicles. And for those who come from out of town, there are parking lots and then a nice stroll to a variety of local businesses. Downtown is still beautiful in this strange time. Let's keep it that way.

And I love the library as is; if it needs upgrades or additions, please do them to the existing facility. In my opinion, that is a better use of any available funds.

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Sincerely, Freya Sands

Rosemary Balsley

From: Jan Karwin <jankarwin@yahoo.com>
Sent: Saturday, October 24, 2020 3:18 PM
To: City Council
Cc: Jean Brocklebank; Jan Karwin
Subject: Agenda Item 30 Mixed-Use Project

Dear Mayor Cummings and Members of the City Council:

Apparently, City staff is unwilling to provide the detailed financial information requested by the City Council in order to make an informed decision on whether to go forward with a mixed use library/parking garage/housing project. Absent this required information, the City should redirect its efforts to renovating the current downtown library with the funding approved for this purpose by Measure S. Too much time has been wasted by City staff stonewalling directives from the City Council and the will of the voters in approving Measure S.

Sincerely,

Jan Karwin
City of Santa Cruz Resident

Rosemary Balsley

From: greg fontanini <gfvelo@fastmail.com>
Sent: Saturday, October 24, 2020 3:32 PM
To: City Council; jyork@santacruzsentinel.com; John Hall
Subject: End the Lot 4 mixed-use debacle! a visitor's comments

Hello,

Being a frequent visitor to Santa Cruz I find it hard to believe the downtown parking garage project is even being contemplated. People visit the town to enjoy a certain ambience, character and quality of life--and certainly not to run smack into a multi-year orgy of heavy machinery, smoke and dust, with ensuing anonymous tangle of concrete, chain stores, and swarming SUVs. I register similar disbelief to the idea that a parking garage could or should be a candidate for a community library, or for that matter, housing. There is no way such a fundamentally ill-conceived and outmoded project could find a happy realization. It is corrosive of both your environmental setting and your cultural patrimony. So many other enlightened possibilities exist and with much smoother glide paths, one of which has been advanced by the authors of the following. Please abandon the parking garage project or see others inevitably abandon you.

Sincerely, Greg Fontanini

Dear Mayor Cummings and City Councilmembers:

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Rosemary Balsley

From: katharine@cruzio.com
Sent: Saturday, October 24, 2020 3:54 PM
To: City Council
Subject: Agenda Item 30 Mixed-Use Project

Dear Mayor Cummings, Vice Mayor Meyers, and Councilmembers Beiers, Brown, Golder, Mathews, and Watkins,

We, most people of Santa Cruz: residents, library-lovers, farmers market-shoppers, and tree-huggers, do *not* want—indeed, so *many* have *never* wanted—this horrid garage project. You know this.

Please, *all* of you, *listen* to us and *be responsive* to us. Don't make us have to keep fighting city hall on this, month after month, year after year.

We voted in Measure S to restore and renovate our beloved library right where it is. Subsequently, a glossy (I still have a brochure) and treacherous administrative campaign was mounted and has been sustained to manipulate and betray us *and our vote*. Please *stop* it. Please stop it *now*. Don't waste any more time and money chasing the nightmare of a massive concrete structure and land destruction project.

Please hire Jayson Architects to take care of our treasured library building. Please direct your actions cooperatively with our most brilliant, knowledgeable, and creative community members toward the realization of a Downtown Commons on Lot 4, saving the farmers market and all the trees, and cultivating the earth's natural welcoming beauty.

These are things we need now, in this time and place.

Thank you,
Katharine Herndon
Santa Cruz

Rosemary Balsley

From: paula b <pbarsamian426@gmail.com>
Sent: Saturday, October 24, 2020 4:16 PM
To: City Council
Subject: Agenda item 30

I ask you to reconsider the library project for many reasons.

If I had to pay \$3-\$5 for parking downtown to use the library, I would take my child to a branch where there is free parking

The various components of the existing library building can be restored/rebuilt/repared.

Measure S funds continue to diminish as explained by the City Manager and it is time to move immediately on a renovation at a minimum, before we lose any more of Measure S funds to attrition.

The Jayson Architecture renewed and modernized proposal provides the same program space and services, including all brand new everything, as the proposed library in the mixed-use project. One simply has to bother to look carefully at the Jayson proposal.

Staff has given inaccurate and misleading information for funding the library in its Summary Report.

The Council should plan for affordable housing projects at the many other city owned locations downtown, projects which the whole community can support, projects that are not held hostage to the proposed Mixed-use project which has been controversial for three years and 10 months.

Paula Barsamian, Santa Cruz

Rosemary Balsley

From: Gary Patton <gapatton@mac.com>
Sent: Saturday, October 24, 2020 4:39 PM
To: City Council
Subject: Agenda Item #30 - October 27, 2020 Council Meeting

Dear Mayor Cummings and Council Members,

I have written on the proposed Library-Garage-Housing project before. I continue to oppose the project. As I have followed the decision-making process, it has seemed to me that the key decision to move ahead with the combined project on Lot 4 occurred because the Council was told by the staff that the combined project could (and would) support 50 or more truly affordable housing units. I DO support new affordable housing downtown.

That said, it is again my understanding that the Council did not want to start spending significant sums of City money (at such a terrible time, financially) until there was some credible demonstration that the housing part of the proposed project could actually be funded. As I have reviewed the materials in your agenda packet for the October 27th meeting, the staff is telling you that there is NO solid funding for the affordable housing part of the proposed project. That is what I take the following report to mean:

Additional funding for affordable housing development and other 2nd and 3rd floor uses **will be required and could potentially be offset** by future private contributions and affordable housing contributions. With the recent creation of the Downtown Opportunity Zone, staff are pursuing this new promising funding mechanism to leverage overall project costs. **A detailed financing proposal reviewed and approved by the Finance Director and highlighting all specific fund impacts will be brought back to Council.**

[i.e. there is no solid financing proposal now]

The City Manager and the rest of the staff wants you to authorize almost a quarter of a million dollars in funding to proceed with a project which is supposed to include affordable housing, and for which that part of the project there is NOT ADEQUATE FUNDING AT THE PRESENT TIME.

If the Council Members who supported this project actually want to insure that affordable housing is part of the project, as proposed, you need to tell the staff that “promises, promises” are not good enough. When the Council directed that the staff produce information on “available funding,” I assume that the Council wanted SPECIFIC information, not generalities. In general, there is money, from various sources, for affordable housing. But WHAT FUNDING SPECIFICALLY IS AVAILABLE FOR THIS PROPOSED PROJECT?

Crickets from the staff on that.

Please do not spend \$240,000 to plan a project that is supposed to include affordable housing without committed funding for that piece of the proposed project. You will note that this is the only part of the proposed project for which no specific funding is suggested. It truly is “promises, promises.”

I hope you will vote “NO” on the staff proposal on Tuesday, and not vote “YES” until the staff brings you a funding plan that demonstrates that there are real, committed dollars for the housing component of the project.

Thank you for considering my strongly-felt views.

Yours truly,

Gary A. Patton, Attorney at Law

P.O. Box 1038

Santa Cruz, CA 95061

Telephone: 831-332-8546

[Email: gapatton@mac.com](mailto:gapatton@mac.com)

Website / Blog: www.gapatton.net

Facebook: <https://www.facebook.com/gapatton>

Rosemary Balsley

From: Steve Lustgarden <slustgarden@gmail.com>
Sent: Saturday, October 24, 2020 4:54 PM
To: City Council
Subject: Library-Garage Project

Dear City Council Members,

At this time of economic hardship for our community, we are looking to the City Council for leadership.

The decision on funding the development of the garage/library/housing is a matter of trust in the government. Will you make such a decision without considering the Nelson\Nygaard "Downtown Parking Strategic Plan? Will you make the decision knowing that the City's consultant, Economic and Planning Systems found that the City's garage financing plan did not account for economic recessions during the 30 year bond debt period?

Will you make the decision without knowing the impact on Downtown businesses of a financing plan that is deficient?

Spending on this project comes at the expense of other City priorities.

Thanks for considering,
Steve Lustgarden
Santa Cruz

Rosemary Balsley

From: Matt Farrell <mattfarrell922@gmail.com>
Sent: Saturday, October 24, 2020 5:24 PM
To: City Council
Subject: Item 30: Award Contract for Owner's Representative for Mixed Use Library Project

Dear Mayor Cummings and City Councilmembers,

Please support staff's recommendation to approve a contract with Griffin Structures, Inc., as owner's representative for the Mixed Use Library project. Questions regarding the project's affordable housing financing and construction, the potential opportunity for increased library size at the mixed use project site (and approaches to finance it) have been explained, and the proposed owner's representative contract has been included for your review.

In January of this year, the Council unanimously approved fully funding the budgets for the Aptos and Garfield libraries. At that meeting, the Mayor said that it was clear that (as a result of fully funding these branch projects), there would be a need to find additional funding for the Downtown Library. The Friends of the Santa Cruz Public Libraries (FSCPL) are moving ahead with these fundraising efforts. But one thing fundraising requires is a demonstration of progress on achieving the program. You have that opportunity today.

This project meets the Sierra Club's urban infill policy which includes the following statements:

- "Development should allow a mix of uses (housing, commercial, retail, schools and amenities) sufficiently close to each other, and at sufficient densities, to support walkability.
- Development should be located near existing transit or built so that it can support future transit options, whether in an urban, suburban or rural context.
- Development should be allowed at the highest densities within walking and bicycling distance of transit stations
- Regulations and public incentives should expand housing choices in neighborhoods that offer access to educational and economic opportunity, particularly for residents who, because of race, ethnicity, and/or income have historically been marginalized and displaced in land use decisions.'

This project brings affordable housing within one block of the Metro Center. It includes a mix of uses (housing and a public library) supporting walkability, it offers higher densities within walking and bicycling distance of transit stations, and implements policies included in the following City Housing Element policies:

- Policy 2.2 Facilitate the development of affordable housing through the provision of regulatory concessions, financial incentives and assistance, density bonuses, and other means.
- Policy 2.3 Collaborate with nonprofit organizations, private developers, employers, special needs groups, state and federal agencies, and other interested parties to develop affordable housing. (page 7-115)

Help us to ensure that we have the best possible Downtown Library, more affordable housing, and shared parking to reduce parking needs for downtown affordable housing (and allow them to build more housing), downtown businesses, workers and important community events like the Downtown Farmer's Market, Warriors basketball games, Civic Auditorium performances, and Museum of Art and History (MAH) special events.

Matt Farrell, 922 Windsor Street, Santa Cruz, CA 95062, email: mattfarrell922@gmail.com

Rosemary Balsley

From: Vivian Fenner-Evans <vivianfennerevans@yahoo.com>
Sent: Saturday, October 24, 2020 5:40 PM
To: City Council; downtowncommonsadvocates@gmail.com
Subject: End the Lot 4 mixed-use debacle!

Dear Mayor Cummings and City Council members:

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage. It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place. The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street. It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere. Thank you for your consideration and your efforts on behalf of our community.

Vivian Fenner-Evans

Rosemary Balsley

From: B40 Neighbors <b40neighbors@esterly.com>
Sent: Saturday, October 24, 2020 5:51 PM
To: City Council
Subject: Mixed Use Lot 4 project

City Council Members,

I strongly urge you to both refrain from hiring a manager and halt consideration of the mixed use Lot 4 project. Remodeling the current library site is the wise fiscal and community choice. With Regards, Julie Esterly

Rosemary Balsley

From: Mathilde Rand <randomsantacruz@gmail.com>
Sent: Saturday, October 24, 2020 5:53 PM
To: City Council; +jyork@santacruzsentinel.com;
+downtowncommonsadvocates@gmail.com
Subject: Stop the Lot 4 mixed-use project!!!

Dear Mayor Cummings and City Council-members:

It is time to put a stop to the mix-use project. City staff have not provided even the most basic plan to fund the Lot 4 mix-use project. Although they claim otherwise, they really have not shown the funding for the mixed-use Library, affordable housing, or parking garage.

Please vote against hiring an owner's representative for a project that should not be built in the first place.

These are the facts as I understand them:

- * The Lot 4 mixed-use project is slated to cost \$80 million or more.
- * It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign.
- * It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact).
- * It would cut down 10 Heritage trees on Lot 4.
- * It would include an unneeded 6-story 400-space parking garage.
- * It would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.
- * There is already a plan for renovation of the Downtown Library and we can build affordable housing on Lot 7 or elsewhere.

Please END this project NOW!

Thank you for your consideration and your efforts on behalf of our community.

Mathilde Rand

Rosemary Balsley

From: Debbie Israel <rabbidebbieisrael@gmail.com>
Sent: Saturday, October 24, 2020 5:56 PM
To: City Council
Subject: Please move the Library Project forwards!

Hello,

Please vote to approve the next stage needed for the new Downtown Library. The library is a crucial resource for our entire county, providing equity and resources for all of our county residents. Please help us have the best library possible.

Thank you,
Debbie Israel

"We must **always take sides**. Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented. Sometimes we must interfere." Elie Weisel

Rosemary Balsley

From: d wirkman <debrawirkman@sbcglobal.net>
Sent: Saturday, October 24, 2020 6:01 PM
To: City Council
Subject: Agenda Item 30 Mixed-Use Project

Mayor Cummings and City Council,

Thank you for your service to our community. I'm writing to ask you to reassess the practicality of moving forward with this mixed-use library/parking/housing project in light of the severe economic impacts and setbacks our city, our state and our nation have suffered since the project was first proposed. What if all the funding doesn't come together after significant spending on planning the project?

A source of funding for the library portion of the project is Measure S funds, but building a new library on the ground floor of a massive 400-space parking garage/housing project on Lot #4 is not how voters expected Measure S funds to be used. Why? Because the ballot question began like this: "To modernize, upgrade and repair local libraries in Santa Cruz, Aptos, Live Oak, Scotts Valley, Boulder Creek, Capitola, Felton and La Selva Beach -- replace failing roofs, outdated bathrooms, electrical systems/ structurally damaged facilities..." There was never any mention of moving our downtown library away from our Civic Center, where it belongs, until after Measure S was approved by voters. Many voters have written to the City Council to say they feel they were misled about Measure S regarding the downtown library. As our elected officials, you risk damage to the public trust by using Measure S funds to move the downtown library away from our Civic Center and into the ground floor of a massive building built on the open-air site where we enjoy our weekly Farmers Market and other outdoor events.

Building a huge building on Lot #4 instead of preserving this open space, with its lovely mature trees, for our much needed Downtown Commons, is a very unpopular plan. Can Cedar Street even handle the additional traffic? Moving the Downtown Farmers Market to a space that's half the size of its current location is unacceptable. There are other properties besides Lot #4 where affordable housing (and more parking if it's needed) can be built, but no other properties that are ideal for our Downtown Commons.

Please hold off on approving the Owner's Representative contract and reassess the wisdom and practicality of moving forward with this project. Please vote no on this item.

Sincerely,

Deb Wirkman
Westside Santa Cruz Resident

Rosemary Balsley

From: Jeana De La Torre <jeanadlt@baymoon.com>
Sent: Saturday, October 24, 2020 6:06 PM
To: City Council
Subject: Agenda Item 30

Please accede to the wishes and recommendations of the majority of your constituents and desist from the mixed use/library/housing/parking concept. It will save money and makes more sense to let private enterprise take up the goal of providing housing on available sites and use public monies to fund a restored public library. I did not mention parking because studies have proven that additional public parking is not essential or even, in fact, needed.

jeanadlt@baymoon.com



Rosemary Balsley

From: Nancy Maynard <mtnmom3@gmail.com>
Sent: Saturday, October 24, 2020 6:26 PM
To: City Council; Martin Bernal
Subject: End pursuit of lot 4 project

The city does not have money for this
Residents and voters have to live on a budget... the city needs to protect it's finances
There is no proof it is financially viable
The project is ill-conceived
Nancy Maynard

Rosemary Balsley

From: Joe De Meo <joedblues1@gmail.com>
Sent: Saturday, October 24, 2020 6:41 PM
To: City Council
Subject: Build the new library with housing

Dear City council,

Please build new library with much needed housing. After 36 years here I quit voting the so called progressives. They say they are for affordable housing but no project is good enough. I wish in hind sight we slowly added housing over the last 20 years. Older apartments would now rent for less than new ones. We screwed up and now must play catch up. The university must do better to to house students. Things are better for housing since less students. Saying that we must prepare for students and working people.

I read that years ago the Santa Barbara elite backed rent control because they knew that would slow the building of rental apartments, which they wanted, lets not make the same mistake.

Regards Joe De Meo

Rosemary Balsley

From: k.mueller@yahoo.com
Sent: Saturday, October 24, 2020 6:46 PM
To: City Council
Subject: End the Lot 4 mixed-use debacle!

Dear Mayor Cummings and City Council members:

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage. It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place. The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street. It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Karsten Mueller MS, PhD

Rosemary Balsley

From: Priscilla Williams <prwilliams4@outlook.com>
Sent: Saturday, October 24, 2020 7:03 PM
To: City Council
Subject: END any further pursuit of the Lot 4 mixed-use project.

The Lot 4 mixed-use project, slated to cost \$80 million or more, is ill-conceived. It would use bond funds that the 2016 Measure S campaign led voters to believe were for the renovation of the Downtown Library. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

P.R. Williams

Rosemary Balsley

From: Larry Millsap <larrymillsap@comcast.net>
Sent: Saturday, October 24, 2020 7:50 PM
To: City Council
Subject: Agenda Item 30 Mixed-Use Project

Members of the City Council:

It is time to abandon the mixed use project and use the Measure S funds to renovate the existing downtown library building. That is what the voters supported when Measure S was approved, not some giant, ugly parking structure that violates the 2017 Downtown Plan. That plan calls for a village character for Cedar Street.

Staff has still not provided the "detailed financial information" that Council asked for at their June 23 meeting, and it appears they have no intention of doing so. Instead they write misleading editorials in the Sentinel and try to assure us that an unneeded parking garage is a good idea in these hard economic times.

The renovation of the downtown building has been held hostage to the Mixed-use project for nearly 4 years during which time the purchasing power of Measure S funds has steadily declined. It is time to implement the excellent proposal from Jayson Architecture before their value declines further. To spend a quarter of a million dollars of Measure S funds to discover that the mixed use project was never really feasible would be very sad indeed. So please, be persuaded that opposition to the garage-library is wide-spread and will not go away. Give it up.

Larry Millsap
Santa Cruz

Rosemary Balsley

From: Trician Comings <triciansc@mindspring.com>
Sent: Saturday, October 24, 2020 8:06 PM
To: City Council; jyork@santacruzsentinel.com; downtowncommonsadvocates@gmail.com
Cc: Bob Morgan
Subject: Please reconsider the mixed use parking garage

Dear Mayor Cummings and City Councilmembers:

Everyone I know is adamant about stopping this monstrous garage/library/housing project. It is so ill conceived and so unnecessary!

This NOT what we voted on in the 2016 Measure S campaign.

We will not be needing all those parking spaces and do not want a huge garage in our downtown Santa Cruz.

City staff have not provided even the most basic plan to fund the Lot 4 mix-use project. They can't show funding for the mixed-use Library, affordable housing, OR parking garage.

Please vote against hiring an owner's representative for a project that should not be built in the first place.

Build housing instead on the city-owned Lot 7 on Front Street or elsewhere.

Move ahead with the shovel-ready plan for renovation of the Downtown Library!

Better to spend your energies building a wonderful, needed Downtown Commons plaza on Lot 4.

Sincerely,

Trician,
Long-time Santa Cruz resident, Library patron and bike rider.

Rosemary Balsley

From: Eve Roberson <roberson.eve@gmail.com>
Sent: Saturday, October 24, 2020 9:07 PM
To: City Council
Subject: Agenda item 30 Mixed Use Project

TO: Hon. Mayor and members of the City Council:

This is to ask you to reconsider the failed idea of constructing a new Library for the following reasons:

- 1) Staff Summary Report contains inaccurate and unreliable information.
- 2) In order to save the Measure S funds you have to get on with the remodeling of the existing Library building without further delays
- 3) The remodel will save much-needed money at this critical time and end up with a much better Library for your citizens for many years to come.
- 4) Affordable housing projects can be put on other City owned property.

PLEASE DON'T BURY OUR LIBRARY!

Respectfully submitted,
E. L. Roberson
Santa Cruz, CA

Rosemary Balsley

From: Angelee Dion <angelee.dion@gmail.com>
Sent: Saturday, October 24, 2020 9:20 PM
To: City Council; jyork@santacruzsentinel.com; downtowncommonsadvocates@gmail.com
Subject: No parking garage on Lot 4

To Mayor Cummings and City Councilmembers:

In all the years that this project has been debated in the City Council, I have heard many reasons NOT to build it and ***no reasons to build it***. In fact, studies undertaken to determine if it was necessary proved that it *wasn't necessary*. There is no shortage of parking downtown. The fact that the City Council continues to advance this project makes me think that someone has something to gain financially by seeing it through.

A six-story parking garage/library/housing block is NOT what Santa Cruz needs. The funds could be much better spent on solutions that address current dire needs like affordable housing and carbon-emissions-free transportation. In a climate emergency with a ticking clock (a ticking time bomb if we are honest), we need to take every opportunity to encourage less driving and greener development. This is easily within our reach if the City Council would give it a chance.

Please vote against hiring an owner's representative for a project that should not be built and re-dedicate yourselves to acting as if we are in a climate emergency, because we are.

Thank you,
Angelee Dion

Rosemary Balsley

From: Susie <sellestad@gmail.com>
Sent: Saturday, October 24, 2020 9:23 PM
To: City Council
Subject: Mixed Use Library

Dear City Council Members,

As a long time citizen of Santa Cruz, frequent visitor to downtown and until recently a downtown business of thirty years, I can see no reason to add additional parking to downtown or to move the library from it's current location. We have never experienced any lack of parking for ourselves or our customers.

Please do not move forward with this mistake.

Thank you.

Melinda Ellestad
124 Averitt Street

...

Rosemary Balsley

From: Eloise Naman <eloise@cruzio.com>
Sent: Saturday, October 24, 2020 9:25 PM
To: City Council
Subject: Library-Garage Project

Dear City Council Members,

At this time of economic hardship for our community, we are looking to the City Council for leadership. The decision on funding the development of the garage/library/housing is a matter of trust in government. Will you make such a decision without considering the Nelson\Nygaard "Downtown Parking Strategic Plan? Will you make the decision knowing that the City's consultant, Economic and Planning Systems found that the City's garage financing plan did not account for economic recessions during the 30 year bond debt period? Will you make the decision without knowing the impact on Downtown businesses of a financing plan that is deficient?
Spending on this project comes at the expense of other City priorities.

Thanks for considering,
Eloise Naman

Rosemary Balsley

From: Scott <barefootinbablon@yahoo.com>
Sent: Saturday, October 24, 2020 10:28 PM
To: City Council
Subject: Agenda Item 30 Mixed-Use Project

City Council Members ,

It would seem the City Staff has not brought back the information requested for this Item and instead wants You to Blindly start throwing Money at it anyway .

Measure S funds continue to diminish it is time to move immediately on a renovation of the existing Library , before we lose any more of Measure S funds .

The various components of the existing library building can be restored/rebuilt/repared/upgraded ... in other words, fixed. It just takes money (we have Measure S funds) and the desire to spend the money to restore 30,000 square feet (or more) of the existing building instead of building 30,000 square feet (or more) of new library.

The Jayson Architecture renewed and modernized proposal provides the same program space and services, including all brand new everything, as the proposed library in the mixed-use project.

Council should plan for affordable housing projects at the many other city owned locations downtown, projects which the whole community can support, projects that are not held hostage to the proposed Mixed-use project .

Is there anywhere in this Country where there is Housing in a Parking Structure ? (my internet search turned up nothing)

Council could create an inclusive and welcoming Downtown Open Air Commons at Lot 4 a reality for all, while also meeting the 2017 Downtown Plan call for a village character for Cedar Street.

The only need for a parking structure arises from the proposed "Taco Bell Arms" market rate Condo's that do not contain required parking as planned

Please END this "Mixed Use Project and renovate the existing Library , the fact that it has been close since March make the renovation that much easier .

Scott Graham
Santa Cruz

Rosemary Balsley

From: Timmi Pereira <timmipereira@hotmail.com>
Sent: Saturday, October 24, 2020 10:32 PM
To: City Council
Subject: Agenda Item 30 Mixed Use Project

Sent from my iPhone

Rosemary Balsley

From: Jan Karwin <jankarwin@yahoo.com>
Sent: Saturday, October 24, 2020 10:31 PM
To: City Council
Subject: Library-Garage Project

Dear City Council Members,

I endorse the following letter.

At this time of economic hardship for our community, we are looking to the City Council for leadership. The decision on funding the development of the garage/library/housing is a matter of trust in government. Will you make such a decision without considering the Nelson\Nygaard "Downtown Parking Strategic Plan? Will you make the decision knowing that the City's consultant, Economic and Planning Systems found that the City's garage financing plan did not account for economic recessions during the 30 year bond debt period? Will you make the decision without knowing the impact on Downtown businesses of a financing plan that is deficient? Spending on this project comes at the expense of other City priorities. Thanks for considering.

Sincerely,

Jan Karwin
Santa Cruz City Resident

Rosemary Balsley

From: Timmi Pereira <timmipereira@hotmail.com>
Sent: Saturday, October 24, 2020 10:38 PM
To: City Council
Subject: Agenda item 30. Mixed use project

Staff has still not provided the "detailed financial information" that Council asked of it at their June 23 meeting and it appears staff will not be able to do so.

Staff has given inaccurate and misleading information for funding the library in its Summary Report.

Measure S funds continue to diminish as explained by the City Manager and it is time to move immediately on a renovation at a minimum, before we lose any more of Measure S funds. When I voted for measure S, I was not approving a "Mixed Use Project."

The Jayson Architecture renewed and modernized proposal provides the same program space and services, including all brand new everything, as the proposed library in the mixed-use project. One simply has to bother to look carefully at the Jayson proposal

Sent from my iPhone

Rosemary Balsley

From: Tom Noddy <tnoddy@aol.com>
Sent: Sunday, October 25, 2020 12:03 AM
To: City Council
Subject: multiuse library building

Dear City Council,
Please don't do it. Renovate the current library building and leave off the idea of the building that would replace the Farmer's Market.

I believe that you know why.

Tom Noddy

Rosemary Balsley

From: Bonnie Young <bonjeanyoung@gmail.com>
Sent: Sunday, October 25, 2020 10:03 AM
To: City Council
Subject: Support an Owner's Representative for Library Mixed Use Project

Dear Santa Cruz City Council Members, It's time to move forward with affordable housing now, a great new library, a transportation hub that accommodates electrical vehicles, more bike storage, and parking for residents, workers and visitors. Please vote YES on the Owner's Representative contract. I am very interested in having a new modern library and the housing and community rooms are a nice bonus too.

Thank you, Bonnie Young

Rosemary Balsley

From: Dan Chen <nine50six-citizen@yahoo.com>
Sent: Sunday, October 25, 2020 10:42 AM
To: City Council
Subject: Comment for Awarding Mixed-Use Library Contract

Dear Santa Cruz City Council,

I am writing to encourage you to move forward with awarding the contract for a Mixed-Use Library contract to Griffin Structures as the Owner's Representative. I believe this project is the best course forward for increasing the city's affordable housing supply and constructing a modern public library to serve the community.

Sincerely,

Dan Chen
240 Walk Cir
Santa Cruz, CA 95060

Rosemary Balsley

From: Aliya Glatt <aliyamayana3@gmail.com>
Sent: Sunday, October 25, 2020 11:15 AM
To: City Council; Justin Cummings; Donna Meyers; Katherine Beiers; Sandy Brown; Renee Golder; Cynthia Mathews; Martine Watkins
Subject: Help climate change by SUPPORTING the library project!

Dear Councilmember,

As I am writing my college applications, I've reflected on how fortunate I've been to grow up in Santa Cruz. I love that my hometown is committed to being "green." I urge all of you to see the ecological benefits of the proposed library project. We need more housing downtown so that people can live where they work and eat and shop. Many people live elsewhere in the county and have to commute downtown. Ultimately, the more walkable a community is, the less it contributes to climate change. More housing downtown would result in fewer car trips, as people who live elsewhere in the county won't need to commute. We can build housing, especially affordable housing, in all the level parking lots downtown, and have a truly green city. Not to mention a beautiful, new library!

Thank you very much,
~Aliya Glatt

Rosemary Balsley

From: Joan Timpany <djtimpany@hotmail.com>
Sent: Sunday, October 25, 2020 11:19 AM
To: City Council
Subject: No to library mixed use project

Dear Mayor Cummings and members of Santa Cruz City Council,

Due to the lack of detailed financial information regarding each component of the mixed use project has still **not** been provided by staff. Instead staff has provided more generalized funding information, most of it still ***based on hope*** rather than actual funding secured for the project.

Abandon the proposed Mixed-Use Project altogether, do not approve the quarter million contract with Griffin Structures, and finally authorize the process for renovation of the existing downtown library!

Build what is needed, not what city staff has decided they want.

Sincerely,
Joan Timpany
Santa Cruz

Rosemary Balsley

From: ELIZABETH CASSEN <elizabethdiana5@cs.com>
Sent: Sunday, October 25, 2020 11:27 AM
To: City Council
Subject: Agenda Item 30 Mixed Use Project

Dear Santa Cruz City Council Members:

Please note the following points showing that the mixed-use project is a disorganized disaster. We strongly feel the existing library should be renovated, and the current civic center part of downtown remain the civic center.

*Staff still has not provided the “detailed financial information” that Council asked of it at their June 23 meeting, and it appears staff will not be able to do so.

*Staff has given inaccurate and misleading information for funding the library in it’s Summary Report.

*Measure S funds continue to diminish as explained by the City Manager, and it is time to move immediately on a renovation, before any more Measure S funds are lost to attrition.

*The various components of the library can be restored, rebuilt, repaired or upgraded.
The Measure S funds are available now to restore 30,000+ square feet of the existing facility instead of building many more square feet of a new library.

*The Jayson Architecture renewed and modernized proposal provides the same program space and services, including all brand-new components, just as does the proposed library mixed-use project. Look carefully at the Jayson proposal, at <https://dontburythelibrary.weebly.com/>.

Council:

Please plan for affordable housing projects at the many other city-owned downtown locations, projects which the whole community can support, and not held hostage to the proposed Mixed-use project mired in almost four years of controversy.

Please create an inclusive and welcoming Open Air Commons at Lot 4 a reality for all, while also meeting the 2017 Downtown Plan call for a village character on Cedar Street.

Very sincerely,

Elizabeth Cassen

Rosemary Balsley

From: karen simmons <treetopmama@hotmail.com>
Sent: Sunday, October 25, 2020 11:48 AM
To: City Council
Subject: mixed use project

As a downtown business owner I am confused. Why does this City Council continue to reject a downtown commons, a successful Farmers Market location with 10 heritage trees, a solid renovation of the existing library? Why are parking studies about NOT needing additional parking downtown never presented in a council meeting and ignored? Why is losing a civic center and gaining public space rejected?

Why is the mixed use project racking up hundreds of thousands of dollars to date with a final cost of over \$80 million? These funds could be used to unmix the project. Climate change, living within budgets, acknowledging public sentiment, planning for a sustainable, livable, affordable downtown need to be of highest priority. Unmixing this project will show this is so.

Many Santa Cruzans feel betrayed with the bait and switch of Measure S funds. Voters did not vote for a garage/library, and to this day delay of renovating at the current site chips away at remaining funds as costs creep up daily.

Affordable housing anyone, anytime, anywhere? Like Measure S funds, adding affordable housing to the to the garage/library late in the game to make it more palatable to vote for the project without any detailed financials is troubling. Of course everyone is for affordable housing, but only on Lot 4? Why is it a guarantee here ? Where's the money?

This project has been fraught from the beginning and has had the public scratching their heads as to why and how this is a win for keeping downtown viable. We build our places as if failure is not a possibility. You can see it in **what** we build: silver bullet megaprojects requiring massive amounts of capital and financing. You can see it in **how** we build: all at once, to a finished state that can't be adapted or built upon to suit future needs. What if it is acknowledged that failure is an option?

It changes what we build.

It changes how we build.

It changes how we measure success...

And when we rely on small bets—instead of ginormous gambles— to address the needs of our neighbors, **it changes who can play a part in growing prosperity for your community.**

Please vote no on funding almost a quarter of a million dollars on an outside consultant for the mixed use project

Karen Simmons

Rosemary Balsley

From: crystaltierra@baymoon.com
Sent: Sunday, October 25, 2020 12:16 PM
To: City Council
Subject: Library-Garage Project

Dear City Council Members,

At this time of economic hardship for our community, we are looking to the City Council for leadership. The decision on funding the development of the garage/library/housing is a matter of trust in government. Will you make such a decision without considering the Nelson\Nygaard "Downtown Parking Strategic Plan? Will you make the decision knowing that the City's consultant, Economic and Planning Systems found that the City's garage financing plan did not account for economic recessions during the 30 year bond debt period? Will you make the decision without knowing the impact on Downtown businesses of a financing plan that is deficient?
Spending on this project comes at the expense of other City priorities.

Thanks for considering,
christine hawley

Rosemary Balsley

From: Natasha Fraley <n.fraley@gmail.com>
Sent: Sunday, October 25, 2020 12:22 PM
To: City Council
Subject: Library and Garage

Hello,

Please end all pursuit of new garage and library. Lot 4 should be a Community commons with the Farmer's Market.

I don't understand why the city is ignoring conclusions of a city-commissioned study and a number of parking experts \that a parking garage on Lot 4 is neither necessary nor cost-effective.
We don't need more downtown parking and the plan for the library's renovation is a good one.

Yes, we need affordable housing and it can happen elsewhere.

Please vote down this wasteful and unnecessary project.

Thank you,

Natasha Fraley
524 Bellevue St.
Santa Cruz, CA 95060

Rosemary Balsley

From: Dennis DeMille <48kaa25bznz@gmail.com>
Sent: Sunday, October 25, 2020 12:23 PM
To: City Council
Subject: Renovate existing library. (Delete all plans for a mixed use replacement!)

In these times of COVID-19 and its drastic effect on City budgets, in addition to all the other MAJOR PROBLEMS facing the City of Santa Cruz, namely:

Homelessness,
Wharf Repair,
Pension Fund Liability,
Incessant Crime (car break-ins, tailgate/catalytic converter theft, vandalism, etc.),
Deficient Police Funding (lack of patrols, visibility, and traffic law enforcement),
etc., etc., etc.

. . . any plans to build a new mixed use Garage-Library are utterly absurd and ridiculous.

DELETE ALL PLANS FOR A MIXED USED GARAGE-LIBRARY PROJECT!

RENOVATE THE EXISTING LIBRARY! (I'm sure you'll find that will take plenty of money just on it's own!)

Dennis A. DeMille
Santa Cruz, CA

Rosemary Balsley

From: Dean Silvers <dsilvers@cruzio.com>
Sent: Sunday, October 25, 2020 12:30 PM
To: City Council; Justin Cummings
Cc: City Plan; Martin Bernal; Mark Dettle; Bonnie Lipscomb; Lee Butler
Subject: Stop the Garage-Majal

City Council & Officials,

I voted for the bond for the library RENOVATION and not for the absurd monstrosity that you are trying to create. In addition, there's no need for this garage; you don't know what the entire project will eventually cost; you have no idea of what to do with the present library after you abandon it; and the city will soon have huge deficits.

How hypocritical to claim that Santa Cruz is ecologically-minded, while planning to cut down trees at the current Cedar St. lot; planning to put up such a large building that emphasizes cars; and also displacing the farmers' market. If you really want to support low-income housing, do so at Cathcart and Front streets.

Do NOT waste 1/4 million dollars by hiring Griffin Structures. Instead, move forward with the renovation of the current library, which is what we citizens wanted all along.

Yours,
Dean Silvers
316 Myrtle St.
Santa Cruz, CA

Rosemary Balsley

From: Gretchen regenhardt <gregenhardt2@gmail.com>
Sent: Sunday, October 25, 2020 12:40 PM
To: City Council
Subject: mixed use library project

Dear Mayor and Council members,

I am writing in support of the mixed use library project. As a long-time affordable housing advocate, I am in full support of projects which use City land to provide affordable housing, thereby reducing the substantial land acquisition costs that often impede affordable housing development. While the project is not perfect, it will provide a significant number of affordable units and, ideally, free up the existing library site for affordable housing development in the future. Our housing crisis will not be alleviated by stalling development that is not "perfect." Please move this project forward.

Thank you.

Gretchen Regenhardt

Rosemary Balsley

From: Mary <mhaber4@hotmail.com>
Sent: Sunday, October 25, 2020 12:57 PM
To: City Council
Subject: Please regard the environment

Dear City Council Members,

Before destroying the sunny, tree-lined farmer's market arena downtown, please consider the other city-owned locations for affordable housing. And please, also re-read the \$100k report declaring that a 6-story parking garage downtown is totally unnecessary. Then, take a few minutes to read The Guardian's article, "Concrete-the most-destructive-material-on earth" (www.theguardian.com/cities) and decide if you want your legacy to be a 7-story concrete structure in the middle of downtown Santa Cruz.

The Front Street lot you have determined would be a suitable replacement for Lot 4's Farmers' Market is shady in the afternoon and 50% smaller than the Lot 4 venue. The lack of sunshine will not matter when you are inside a concrete building, be it for housing, parking, or office space. You know how important natural light is, as there has been much touting about the 6-floor skylight in the mixed-use plan to bring a small bit of sunlight into the proposed library, at heaven-knows what expense.

The Jayson plan to refurbish the present library promises everything the people of Santa Cruz voted for. Please don't ruin what little bit of open-air space we have left in Santa Cruz with a block-long concrete mega-structure.

Thank you.

Mary McGranahan

Sent from [Outlook](#)



Virus-free. www.avast.com

Rosemary Balsley

From: Alyssa Barnes <alyssalaurenbarnes@gmail.com>
Sent: Sunday, October 25, 2020 1:00 PM
To: City Council
Subject: Mixed Use Library, NO!!

Greetings City Council,

Please rethink the idea of an expensive, mixed use library and change to a simpler renovation of our current library.

I would hate for us to lose our downtown open space and have to destroy beautiful trees. A big building on that spot is not what we need. Keep the farmer's market there.

I appreciate all you do, please hear me as a long time resident of Santa Cruz, do not go into debt on this.

Sincerely,

Alyssa Barnes

30 Year Resident

Santa Cruz

Rosemary Balsley

From: Thomas Ellison <tomeellison@yahoo.com>
Sent: Sunday, October 25, 2020 1:27 PM
To: City Council; Justin Cummings
Cc: City Plan; Martin Bernal; Mark Dettle; Bonnie Lipscomb; Lee Butler
Subject: I support mixed-use library project on lot 4

Dear City Council Members:

Move forward. I urge you to support the mixed-use library project (new library, housing, and parking) on lot 4.

To repair or upgrade the Downtown Library at its present location is not practical, cost effective or smart.

As a community we need to move forward and engage measure S funds that have already been approved. Wasting time is costing our city money.

Vote YES tonight to award the contract for what is called the 'Mixed Use Library Owner's Representative for Phase 1' to Griffin Structures, Inc.

Most sincerely,
Thomas E. Ellison
202 ½ Ocean View Avenue
Santa Cruz, CA 95062
47-year resident of Santa Cruz

Rosemary Balsley

From: skip Robinson <jrobin20@gmail.com>
Sent: Sunday, October 25, 2020 2:05 PM
To: City Council; jyork@santacruzsentinel.com; downtowncommonsadvocates@gmail.com
Subject: End the Lot 4 mixed-use debacle!

Dear Mayor Cummings and City Councilmembers:

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Rosemary Balsley

From: Kathy Haber <dannynor@cruzio.com>
Sent: Sunday, October 25, 2020 3:02 PM
To: City Council; Justin Cummings
Subject: Do not approve \$240,000 for Construction management, please

Dear City Council members,

I am writing to ask you to not spend precious funds on a project that may well not go ahead. Contracting with Griffin Structures before the source of funding for the entire project has been identified, is not a fiscally sound course. Instead you should immediately move forward with remodeling the existing library building, as the voters, myself included, approved. The community envisioned a modernized, slightly expanded, library across from the Civic Auditorium and City Hall. And we imagined a continuation of the hugely popular Farmers Market in situ. A huge multipurpose building combining the library, 400 parking spaces and many units of market rate housing was NEVER part of the deal!

The city has several other properties where affordable housing and perhaps a small amount of parking can be located. Since we were unsuccessful in obtaining state grants for low income housing and the City finances will be free fall for at least another year, now is NOT the time to incur any sort of bonded debt.

Do the fiscally responsible thing, please!

Kathy Haber
Santa Cruz 95060

Rosemary Balsley

From: Mordecai Shapiro <mo@icogitate.com>
Sent: Sunday, October 25, 2020 3:33 PM
To: Mark Dettle; Bonnie Lipscomb
Cc: City Plan; Martin Bernal; Economic Development; Lee Butler; City Council; Justin Cummings; downtowncommonsadvocates@gmail.com; Christophe Schneider
Subject: Library Garage plan

Please don't waste tens of millions of dollars (at the least) on an unneeded multistory downtown parking garage. Make the current site of Farmer's Market permanent. Apply for grant funds to create a Public Commons at this site. The discussion of this garage project has been going on now for 4 years. End this discussion and renovate the downtown library.

Mordecai Shapiro
mo@icogitate.com

Rosemary Balsley

From: Cathy <cathy.gamble@hotmail.com>
Sent: Sunday, October 25, 2020 3:58 PM
To: City Council
Subject: Library-Garage Project

Dear City Council Members,

At this time of economic hardship for our community, we are looking to the City Council for leadership. The decision on funding the development of the garage/library/housing is a matter of trust in government. Will you make such a decision without considering the Nelson\Nygaard "Downtown Parking Strategic Plan? Will you make the decision knowing that the City's consultant, Economic and Planning Systems found that the City's garage financing plan did not account for economic recessions during the 30 year bond debt period? Will you make the decision without knowing the impact on Downtown businesses of a financing plan that is deficient?
Spending on this project comes at the expense of other City priorities.

Given the recent fire disasters & pandemic repercussions economically, going ahead with this project doesn't make good fiscal sense.

Thanks for your consideration,

Cathy Gamble
Aptos, CA

Rosemary Balsley

From: Vivian Rogers <vrogers27@yahoo.com>
Sent: Sunday, October 25, 2020 4:22 PM
To: City Council
Subject: This list shows the growing number of supporters for the mixed use building project
Attachments: list of supporters-5.pdf

Dear City Council Members,

Please! It's time to move forward in a quick and timely fashion in favor of the library mixed-use project. Stalling is no longer a reasonable option.

- Two study committees voted **unanimously** in favor of this project.
- Two City Councils voted in favor of moving forward with this project.
- And a broad range of community organizations throughout the City and County support this project.

If there is still a city council member who believes that the opposition to this project is significantly greater than the supporting side, this is **not** the case. The attached document list each person who has shown support of this project publicly.*

I counted each person ONLY ONCE. It often appears to me that the members of the opposition inflate their numbers by counting how many letters are sent in, even if several of the letters are sent by one person.

This list of supporters, along with the supporting organizations, span a broader coalition of library, educational, civil rights, affordable housing, health and business interests in our community. When combined with the citizens' DLAC and City Council study groups recommendations, this amount and breadth of public support indicates that it is time to move forward with the project.

* I listed individuals who emailed or wrote of their support to this project from three City Council meetings: 9/11/18, 6/23/20 and the agenda packet for this meeting; and from those who have made their opinions known through Nextdoor.

YES, we support plans for a mixed-use building downtown with affordable housing, a better library, and a shared transportation hub!

ORGANIZATIONS

- Carpenters Union Local 505
- Democratic Women's Club of Santa Cruz County
- Dientes Community Dental Care
- Downtown Forward
- Downtown Library Advisory Committee
- Eden Housing
- First 5 of Santa Cruz County
- First Community Housing
- Friends of the Santa Cruz Public Libraries
- Monterey Bay Economic Partnership (MBEP)
- Museum of Art & History
- SC Community Health Centers
- SC County Business Council
- SC County Chamber of Commerce
- SC County Democratic Party
- SC Public Libraries Advisory Commission
- SC YIMBY

COMMUNITY MEMBERS

- Danica A.
- Faith Apolskis
- Edwin Ayala
- Kelley Bailey
- Robert J. Bailey
- Debbie Bantz
- Karen Delaney
- Curt Abramson
- Betsy Adams
- Cody Adams
- Will Adams
- David Addison
- Dave Alexander
- Diana Alfaro
- Susan Alland
- Ryan Althaus
- Kenneth Amanan
- Elaine Andersen
- Erika Anderson
- Leslie Auerbach
- Akin Babatola
- Nick Bailey
- Jane Royer Barr
- Carol Basile
- Marie Beaugureau
- Gloria Behman
- Lisa Benson
- Casey Beyer
- Brandon Bianchi
- Steven Bignell
- Sylvia A. Lee
- Lauren Lemon
- Nancy Lenz
- Eva Leuthold
- Sania Limas
- Mark Linder
- Anne Lipman
- Molly Lippsett
- Amy Lipson
- Carolyn Livingston
- Sean Livingston
- Hollie Locatelli
- Jennie Long
- Greg Lukina
- Chris Lunoe
- Brian Madden
- Maria Magallon
- Juliana Magaña
- Pat Manning
- Laura Marcus
- Matthew Marichiba
- Robert Mariolo
- Jack Marshall
- Ray L. Martin
- Tera Martin
- Zora Martin-Etemadi
- Connie Maschan
- Bill Mathews
- Cynthia Mathews
- Kolton Matosol

YES, we support plans for a mixed-use building downtown with affordable housing, a better library, and a shared transportation hub!

- Maxine Bingham
- Jodie Blair
- Steve Blair
- Shelley Bodomer
- Dominic Boitano
- Kyle Boklund
- Jennifer Borelli
- Johanna Bowen
- Scott Brandt
- Camille Breniowitz
- Brad Brereton
- Tom Briner
- Jessie Bristow
- David Brody
- William Brooks
- Carrie Browde
- Claudia Brown
- Hubert Brown
- Susan Bruijnes
- Dan Brumbaugh
- Sofia Brumbaugh
- Sonja Brunner
- Josie Buchanan
- Gail Burk
- Michael R. Burk
- Ted Burke
- Nancy Burns
- Paul Burrowes
- Spencer Butterfield
- Bob Cagle
- Yesenia Camacho
- David Campbell
- Toni Campbell
- Sabrina Canales
- Christine Candelaria
- Kate Canlis
- Sarah Caplener
- Mary Caravalho
- Fred Carlson
- Sabra Carman
- Beth Carr
- Madeleine Carroll
- E. James Carter
- Cathy Cavanaugh
- Jennifer Cedrillo
- LaNor Maune
- Bill Maxfield
- Sharon Maxwell
- Rogelio Mayan
- Steve McCarty
- Kim McFadden
- Maile McGrew-Fredé
- Rachel McKay
- Rose Marie McNair
- Lynn McNussen
- Hayley Mears
- Jim Mekis
- Felix Mendelson
- Teresa R. Mendoza
- Mark Mesiti-Miller
- Drew Meyer
- Cameron Meyers
- Casey Meyers
- Cory Metcalf Meyers
- John Meyers
- Molly Meyers
- Jean Michel
- Britton Miles
- Carolyn V. Miller
- Eileen Miller
- Lesli Min
- Julie Minnis
- Valerie Mishkin
- Arlu Monny
- Marilyn Moore
- Geoff Morgan
- Michelle Morton
- Melanie Mow Schumacher
- Donna Murphy
- Ethan Nagel
- Stacy Nagel
- Javier Natividad
- Sofia Natividad
- Chris Nelson
- Daniel Nelson
- Randy Nelson
- Jeremy Neuner
- Gary Niblock
- Jesse Nickell
- Susan Nilsson

YES, we support plans for a mixed-use building downtown with affordable housing, a better library, and a shared transportation hub!

- Bryan Chambers
- Bear N. Champlain
- Brit Charlebois
- Cynthia Chase
- Dan Chen
- Deborah Childers
- Chip
- Jennifer Choate
- Christy
- Ceil Cirillo
- Mary Ann Clare
- Joan Colonna
- Leslie Conner
- Rico Contreras
- Julie Conway
- Emily Bernard Coonerty
- Neal Coonerty
- Miya Cooper
- Diane Cowen
- Jason Cozy
- Linda Craighead
- Shan Crockett, MD
- Christina Cuevas
- Dexter Cube
- Isabella Cuturrufo
- Teresa D.
- Summer Daly
- Mark Davidson
- Dan Davies
- Pamela Davis
- Zach Davis
- Olga de Anna
- Fred Della Santina
- Lou DeLucia
- Janine DeRosa
- Charmaine Bueno DeViro
- Martha Dexter
- Patrick Dexter
- Lynn Difley
- Elisa Digeon
- David Doolin
- Mary Draga
- Rena Dubin
- Srivani Dugaratu
- Ron Duncan
- Sandie Noel
- Richelle Noroyan
- Heather Norquist
- Griselda Nunez
- Jane W. Nyberg
- Daren O' Brien-Kerr
- Erin O'Brien-Kerr
- Jeanne O'Grady
- Hailey Olson
- Olma O'Neill
- Rory O'Neill
- Amy Orlandi
- Lisa Ortiz
- Rafael Ortiz
- Andrea Osgood
- Jana Page
- Larry Pageler
- Dillon Paige
- Deena Pais
- Andrew Pallin
- Briana Paredes
- Mary Parker-Schumacher
- Kaia Partlow
- Ajita Patel
- Luke Paulus
- Cara Pearson
- Larry Pearson
- Pete Pearson
- Debby Peronto
- Veronica Phillips
- Stella Phipps
- Jay K. Pierce
- Megan Piety
- David Plumlee
- Carol Polhamus
- Marcia Poms
- Darren Pound
- Stephen Preston
- Patrick Prindle
- Marion Proffitt
- Casey Coonerty Protti
- Diane Putnam
- Helen Jane Pybrum
- Colleen Quigley
- Cory Ray

YES, we support plans for a mixed-use building downtown with affordable housing, a better library, and a shared transportation hub!

- Maggie Duncan-Merrill
- Geoffrey Dunn
- Denise Elerick
- Susan Elgin
- Doug Erickson
- Consuelo España
- Mariana España
- Mariana Estrada
- Celeste Faraola Perie
- Matt Farrell
- Joe Ferrara
- Crystal Finch
- Duf Fischer
- Klara Ortiz Fischer
- Tamara Ford
- Katie Fortney
- David Foster
- Linda Fridy
- Denise Fritsch
- Carol Fuller
- Eric Fults
- Gina Garcia
- Moises Garda
- Donna Gardner
- Joan Gilbert Martin
- Dancy Girot
- Nicole Goldfield
- Martin Gomez
- Laura Gonzalez
- Mariela Gonzalez
- Brandon Gordon
- Briana Gordon
- Tia Gordon
- Elise Granata
- Jen Greene
- Norma Jean Grimes
- Briel Grivetti
- Beverly Grova
- Keith Gudger
- Shannon Gwon
- Dennis Hagen
- Annette Hagopian
- Robert Hagopian
- A. Hall
- Deidre Hamilton
- Dirk Reed, D.C.
- Eric Ressler
- Gabriel Reyes
- Kris Reyes
- Elizabeth Reynolds
- Bill Richter
- Mark Ripma
- Mary Ripma
- Maryanne Robb
- Kate Roberts
- Sylvana Rochet
- Vivian Rogers
- Lynn Rollins
- Ernest Rosenthal
- Mike Rotkin
- Leslie Ruble
- Matt Ryan
- Rosio Sanchez
- George Schaaf
- Jean Schaaf
- Cole Schomer
- Todd Schomer
- Maria Schonbek
- Martin Schumacher
- Karen L. Scott
- Derele Scranton
- Amanda Searles
- Sarah Shane-Vasquez
- William Sharp
- Geoffrey Shuey
- Balproot Sidhu
- David Sidle
- Anne Siegel
- Jesse Silva
- Josh Silva
- Leslie D. Simon-Plumlee
- Lynne M. Simpson
- Robert Singleton
- Diane Sipkin
- Evan Siroky
- Garrett Smart
- Jo Ellen Smith
- Adam Spickler
- Lilly Spooner
- Michael St. Shepard

YES, we support plans for a mixed-use building downtown with affordable housing, a better library, and a shared transportation hub!

- Erik Hansen
- Sarah Harbison
- Andy Hartman
- Noah Hawasaled
- Tommy Heart
- Chuck Heath
- Sean Hebard
- Yolanda Henry
- Matt Hensen
- Jenny Hernandez
- Jane Heyse
- Kevin Hidreth
- Andrew Hilliard
- Linnaea Holgers James
- Henry Hooker
- J. Hooker
- J.D. Howard
- Julie Howell
- Alex Hubbard
- Yikai Hunis
- Pamela Hunt-Carter
- Michael Hushaw
- Sarah Husin
- Asusena Iniguez
- Cindy Jackson
- Nancy Jackson
- Seth Jacobs
- Whitney James-Haskett
- Nikolara Jansons
- Cathy Johnson
- Elaine Johnson
- Kamren Johnson
- Marilyn Johnson
- Stephanie Johnson
- Melissa Juarez
- Julie Kanagy
- Shawn Kapoor
- John F. Kaster
- Sydney Kaster
- Gigi Kelbert
- Carolyn Kelley
- Kyle Kelley
- Lynnette Kelley
- Linda Kennedy
- Pete Kennedy
- Vivian St. Shepard
- Ricki Lee Stautz
- Matt Steele
- Eric Stettmeier
- Emilie Stevens
- Barbara Stocklmeir
- James Stone
- Siegfried O. Storz
- Charles Stover
- Chuck Sugnet
- Desiree Sugnet
- Jim Sullivan
- Ivan Sumano-Vargas
- Owen Sweeney
- Sara Swenson
- John Swift
- Sherry Talmage
- Chris Teague
- David Terrazas
- Teresa Thomae
- Davon Thomas
- Ken Thomas
- Matthew Thompson
- Eric Thorne
- Derek Timm
- Tricia Timm
- Bobb Todaro
- Marie Therese Tong
- Shannon Tracy Greene
- Deborah Tracy-Proulx
- Bill Tysseling
- Hernan Valencia
- David Van Brink
- Liz Villalobos
- Moreah Walker
- Kiele Wallace
- Stacy Walsh
- Jennifer Watson
- Adina Watz
- Pamela D. Way
- Denise Weatherwax
- Marc Weaver
- L.A. Whalsy-Whadford
- Avatar White
- Tana Widdows

YES, we support plans for a mixed-use building downtown with affordable housing, a better library, and a shared transportation hub!

- Linda Kerner
- Steve Kilian
- Katrina King
- Laurie King
- Rachel Kippen
- Cassidy Kjeldsen
- Penelope Kleinhans
- Daniel Kluska
- Lois Koehn
- Jenny Kurzweil
- Bob Lamonica
- Anakarina Lance
- Susie Land
- Don Lane
- Barbara Lawler
- Sue Lawson
- Erin Le
- Emma Leduna
- Denise Lee
- John Lee
- Danielle Wilcox
- Susan Willats
- Kori Williams
- Michelle Williams-Vaden
- Tim Willoughby
- Paul Wilson
- Steve Wilson
- Olivia Winter
- Anita H. Wood, Ph.D
- Catherine Workman
- Erin Wright
- Shannon Wynn
- Patricia Wynne
- Cecilia Younce
- Bonnie Young
- Blanca Zamora
- Debbie Zenker
- Eva Zeno
- Oliver Ziff
- Patty Zoccoli

Rosemary Balsley

From: Susan Presswood Wright <spw1616@gmail.com>
Sent: Sunday, October 25, 2020 4:44 PM
To: Mark Dettle; Bonnie Lipscomb; City Plan; Economic Development; Justin Cummings; downtowncommonsadvocates@gmail.com; Christophe Schneider; Martin Bernal; Lee Butler; City Council
Subject: [CAUTION: Verify Sender Before Opening!] LETTER SANTA CRUZ CITY COUNCIL : LIBRARY PROPOSAL
Attachments: COMMENT LIBRARY PROPOSAL SANTA CRUZ COUNCIL 10-25-2020.docx

I write concerning the proposed construction of a new city library and parking structure on the site of the Santa Cruz Farmers' Market. I live outside the city, in Aptos. (I left Santa Cruz because of the escalating rents in the city.) Everyone in the south county has interests in access to the Santa Cruz library and the market. They provide both food and knowledge for people from all parts of the county who come to visit Santa Cruz and include in their visits other purposes such as visiting the stores, museums, cinemas, waterfront, UCSC, etc.

I would like to put the proposed construction in the larger context of California politics as a whole. A large majority of Californians support, at least *in theory*, social programs that would provide housing, medical care, education, and a pollution-free environment for all. In theory, California appears to be one of the "bluest" states in the nation. Governor Gavin Newsom's State of the State address earlier this year called for policies to provide housing for all. Sounds impressive. But when one looks at what California actually *does*, the state appears far more regressive. Those liberal policies don't appear to be being enacted: on any given day, there are over 150,000 people across the state experiencing homelessness. In Santa Cruz, there are over 1,200 homeless people, many in dire need of effective medical care and social services. The average household income in Santa Cruz is **\$102,386**. But the poverty rate is **23.59%**. The Covid-19 pandemic has exposed these huge contradictions in American society.

Santa Cruz already has what most people would consider to be, already, a pleasant city library. It could be expanded to provide greater space and more services. But the cost of doing this hardly needs to run to **\$240,000,000!** The Santa Cruz Farmers' market is a great tradition. It provides wonderful fresh food and in addition is a source of public education, exchange of ideas, and a living laboratory of growing and providing food for a community. Its social value is immense—and equal in its way to the social value of the library. It would suffer greatly if it is moved to a smaller space; its social value will be weakened.

To summarize, this wealthy small city already has a good library and a flourishing farmers' market. But it also has a large percentage of its population that is living in poverty and suffering from homelessness. **The Council should put its resources where it claims its democratic values are—on providing shelter and social and medical support for those who urgently need it. \$240,000,000 on parking and a larger library that will primarily service the affluent is an absurd abuse of public funds that ignores the suffering of the poor and provides further benefits for the middle-class and the wealthy.**

Sincerely,
Susan Wright
Aptos, California

Rosemary Balsley

From: Santacruzchamber.org <casey.beyer@santacruzchamber.org>
Sent: Sunday, October 25, 2020 4:51 PM
To: City Council
Cc: Bonnie Bush
Subject: Support the Mixed use Library Project

Dear Mayor Cummings, Vice Mayor Meyers and Council-members Brown, Beiers, Golder, Mathews and Watkins:

I will make this very brief. I have written on behalf of the Chamber and are nearly 600 members more than seven times about the Library Mixed Use Project. It is time to move forward and get this project built. The generation of community leaders need to build a 21st Century for the next generation. Let's get it done!

Casey

Casey

Casey Beyer
CEO
Santa Cruz County
Chamber of Commerce
(831) 457-3713

Rosemary Balsley

From: cathy cavanaugh <cecav208@gmail.com>
Sent: Sunday, October 25, 2020 4:53 PM
To: City Council
Subject: Support an Owner's Representative for Library Mixed Use Project

Dear Santa Cruz City Council Members,

It's time to move forward with affordable housing now, a great new library, a transportation hub that accommodates electrical vehicles, more bike storage, and parking for residents, workers and visitors. Please vote YES on the Owner's Representative contract.

Thank you, Cathy Cavanaugh

Sent from my iPad

Rosemary Balsley

From: pH Steinbruner <wb6dwp@gmail.com>
Sent: Sunday, October 25, 2020 4:53 PM
To: City Council
Subject: The underground Library.

RE: Item 30, the "mixed use" library.

This is **not** what the voters were okaying when they passed measure S.

While the council won't tell the public, you know very well the parking garage is simply being installed to service Barry Swenson's planned stack-and-packs downtown as the City continues its urbanization plunge downwards.

Please stop and just refurb. the existing library, if it even needs that.

D. Steinbruner

Rosemary Balsley

From: Jim and Pam <jimandpamcarter@gmail.com>
Sent: Sunday, October 25, 2020 5:18 PM
To: City Council
Subject: Support an Owner's Representative for Library Mixed Use Project

Dear Santa Cruz City Council Members,

I want to add our voices in support of the Library mixed use project. It makes a lot of sense to us.

It's time to move forward with affordable housing now, a great new library, a transportation hub that accommodates electrical vehicles, more bike storage, and parking for residents, workers and visitors. Please vote YES on the Owner's Representative contract.

Thank you for your thoughtful consideration of what seems to be in the best long term interest of the city of Santa Cruz .

As city residents for over twenty-five years, we support this approach to solving a variety of needs, especially for additional housing—as affordable as possible—near the city center and a transportation hub.

Sincerely,

Jim Carter
Pamela Hunt-Carter
1802 Bay St.
95060

Sent from my iPhone

Rosemary Balsley

From: jaime garfield <jaimegarfield@gmail.com>
Sent: Sunday, October 25, 2020 5:29 PM
To: City Council
Subject: Agenda Item 30 Mixed-Use Project

We emphatically urge the Santa Cruz City Council to **abandon the proposed Mixed-Use Project**, and not approve the quarter million contract with Griffin Structures. We urge the Council to authorize the process as put forth by Jason architect for renovation of the existing downtown library!

Of major concern:

Staff has still not provided the "detailed financial information" that Council asked for at their June 23 meeting.

Staff has given inaccurate and misleading information for funding the library in its summary report.

Measure S funds continue to diminish as explained by the City Manager and it is time to move immediately on a renovation.

The various components of the existing library building can be restored/rebuilt/repared/upgraded.

The Jayson Architecture renewed and modernized proposal provides the same program space and services, including complete new interior and fixtures, as brand new as the proposed library in the mixed-use project.

Finally :

The larger community asks, repeatedly and redundantly, that the city get to work now, on renovation, when the library is already closed! This should have been started months ago.

No more delay in hopes that our voices disappear into the covid void. We are prepared for non- violent civil disobedience should the heritage trees face the blade.

Please be responsible leaders. We really need a central, community commons, and lot 4 is the perfect place.

Thank you for your service,

Jaime Garfield and Rich Seibert

Rosemary Balsley

From: Jenny Broome <Jenny.Broome@driscolls.com>
Sent: Sunday, October 25, 2020 5:53 PM
To: City Council; Justin Cummings; Donna Meyers; Katherine Beiers; Sandy Brown; Renee Golder; Martine Watkins; jyork@santacruzsentinel.com; downtowncommonsadvocates@gmail.com
Subject: Abandon the Lot 4 mixed-use project!

Dear Mayor Cummings and City Councilmembers:

I'm writing to you because I feel that city staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that I and other voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Regards, Jenny

Jenny Broome

Rosemary Balsley

From: Matt Farrell <mattfarrell922@gmail.com>
Sent: Sunday, October 25, 2020 5:55 PM
To: City Council
Subject: Item 30: Owner's Representative Contract for the Library Mixed Use Project

Councilmembers,

I am currently the vice chair of the Downtown Commission; and have served on the Commission since January 2019. The Commission has consistently supported this project. As mentioned in the staff report, the Commission supported the parking meter and permit rate increases which will fund the parking portion of the Library Mixed Use project, and the ongoing Downtown Transportation Demand Management (TDM) program.

Hiring an owner's representative is the right decision. It brings vital experience to this project. It has been done for the City Police Department building; and the Tannery Arts Center. Outside technical expertise and support was also provided for the Locust Street and Soquel/Front Garage projects.

Griffin Structures has strong local experience in our area. They worked on the Watsonville Library project, which includes City offices, a parking structure, and the Watsonville library. They also worked on the Salinas and Half Moon Bay libraries.

The questions raised by Councilmembers at the September 22 meeting have been addressed. Please move forward.

Thanks for your time,

Matt Farrell
Vice-Chair
Downtown Commission
922 Windsor Street
Santa Cruz, CA 95062
Cell: 831 331-7496

Rosemary Balsley

From: orangequail@gmail.com
Sent: Sunday, October 25, 2020 6:08 PM
To: City Council; Justin Cummings; Donna Meyers; Katherine Beiers; Sandy Brown; Renee Golder; Martine Watkins; jyork@santacruzsentinel.com; downtowncommonsadvocates@gmail.com
Subject: Abandon the Lot 4 mixed-use project!

Dear Mayor Cummings and Council Members:

The answer is NO to a Mixed Use Project on Lot 4.

This means the Library stays in place in abidance of voter intent when funds were approved for a renovation.

Furthermore, there are significant unanswered fiscal questions both in regard to Lot 4 and the City in a time of growing economic austerity.

In sum the Library was placed with a vision of a Santa Cruz that served the people of this City with an aesthetically pleasing structure in the heart of downtown adjacent the Civic Auditorium and City Hall.

Please refuse this misconceived plan subscribing to a mixed use project.

Sincerely,
Lisa Taylor

Rosemary Balsley

From: Daniel Saks <beletted@mac.com>
Sent: Sunday, October 25, 2020 6:37 PM
To: City Council; Justin Cummings; Donna Meyers; Katherine Beiers; Sandy Brown; Renee Golder; Martine Watkins; jyork@santacruzsentinel.com; downtowncommonsadvocates@gmail.com
Subject: Abandon the Lot 4 mixed-use project!

Dear Mayor Cummings and City Councilmembers:

Your library/garage plans are so 1900's. Have you heard of the internet? Have you heard of trying to get people out of their cars? You are totally contrary to those.

And now for the "fine print."

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Rosemary Balsley

From: david watson <davidstuartw@gmail.com>
Sent: Sunday, October 25, 2020 6:49 PM
To: City Council; Justin Cummings; Donna Meyers; Katherine Beiers; Sandy Brown; Renee Golder; Martine Watkins; jyork@santacruzsentinel.com; downtowncommonsadvocates@gmail.com
Subject: Abandon the Lot 4 mixed-use project!

Dear Mayor Cummings and City Councilmembers:

Please stop, think again, do not waste precious funds at this dire time of need in the city's recovery.

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Sincerely, David Watson

Rosemary Balsley

From: Judy Pisano <judypisano@yahoo.com>
Sent: Sunday, October 25, 2020 6:55 PM
To: City Council
Subject: Funding the Library on Lot 4

To the City Council of Santa Cruz:

I oppose the the 6-story big-box slated to occupy Lot 4. I live at Walnut Commons, and find that lot is the center of community activity in its current use. **And I love the plan for remodeling the current library.**

The notion to fund \$250,00 to bring in a consultant to negotiate for the city is a bad idea. The city already knows the money is not there for this project, and should be able to research any other questions about funding with current staff. The city is already short of money, and does not need to spend this money for a fantasy project.

Staff do not have a plan for financiing the garage. They write:
they "are working through modeling the estimated annual bond payments, the long term revenue projections and factoring in the economic impact of the Covid- 19 pandemic. Detailed and updated analyses and modeling of the financial projections along with the Parking District's fund balance will be possible following the selection of a conceptual preliminary design and updated cost estimate for the project." **This is lots of words for "we have no idea where this money will come from."**

I suggest we **keep the Downtown Library at the Civic Center**, where voters were led to believe the Measure S bond money would be spent when we voted for it in 2016. Jayson Architecture has presented a strong, attractive, shovel-ready plan for renovation that can proceed immediately.

Build 100s of units of truly affordable housing on Front Street's parking Lot 7 instead of the 50 units proposed for Lot 4..

Previous parking studies ordered by the city show that **more parking is not needed.** And during the pandemic, when the whole downtown is underused, to add more parking is unwarranted.

Create a Downtown Commons, build a permanent pavillion for the Farmers' Market and other community events, and save the 10 Heritage trees -- all at the market's present Lot 4 location. We can have a much-needed community plaza to revitalize the heart of Downtown in the wake of the pandemic and economic crisis, surrounded by shops, cafes, and restaurants.

--- **The Lot 4 mixed-use project, slated to cost \$80 million or more, is ill-conceived.**

--- **It would use bond funds that the 2016 Measure S campaign led voters to believe were for renovation of the Downtown Library.**

--- **It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact).**

--- **It would cut down 10 Heritage trees on Lot 4.**

DON'T SPEND THE \$240,000 TO HIRE SOMEONE TO MANAGE THE DESIGN.AND PLANNING STAGE. Use city staff, and remodel the current library. **JUST DO IT!!**

Thanks,
Judith Pisano
190 Walnut Avenue, Unit 204
Santa Cruz 95060

Rosemary Balsley

From: Sandra L. Cohen <slcohen222@cruzio.com>
Sent: Sunday, October 25, 2020 7:03 PM
To: City Council
Subject: Mixed-Use Library/Garage/Housing

Dear City Council members.....400 people turned out to speak against this project recently to no avail. Not sure why I'm bothering to write you again. I already have numerous times. But one last attempt.....

This is not what I voted for. There's been plenty of ink spilled about why this project is not what we, the voters, want. And not what we voted for.

And just as it's terribly unjust for Amy Coney Barrett to be confirmed for the Supreme Court this close to the election, so too is it unjust to vote to spend \$240,000 to hire a manager this close to the election with four candidates on the ballot against this project.

Please renovate/reconstruct whatever-you-need to do to upgrade the present library. We do not need a "showplace library" downtown. They are all over the county. And we certainly don't need a garage. That's been documented in the \$100,000 report from Nelson/Nygaard that you refuse to let see the light of day on a council agenda.

The irony here may be that building this project & an unnecessary garage may result in higher parking fees downtown to help offset the cost (seems unlikely that it could). With the pandemic causing some businesses to fold & the prospect of more doing the same, people from elsewhere in the county are already unwilling to come downtown for one reason or another—paid parking being one—just what the remaining businesses need is NOT higher parking fees.

And then there's the magnolia trees. Removing them? What happened to climate mitigation? The City planted a number of young trees in the Bay Drive corridor that will take years to become substantial carbon sinks, but you're going to remove 10 fully grown trees that already are?

And finally.....if this project moves ahead, I'm just letting you know I will never vote for a bond issue in the City again & will be happy to lead the charge that others do the same.

The City has betrayed us, pure & simple, & can no longer be trusted.

Thank you.
Sandra Cohen
172 Peach Terrace
SC

Rosemary Balsley

From: gail williamson <gailpage@earthlink.net>
Sent: Sunday, October 25, 2020 7:04 PM
To: City Council; City Plan; Lee Butler; Ryan Bane; Justin Cummings; Martine Watkins; Renee Golder; Donna Meyers; Katherine Beiers; Sandy Brown; Tony Condotti; Martin Bernal; savenearylagoon@gmail.com
Subject: Renovate the Current Library with Bond Money Approved by the Voters.

City Council,

Please build affordable housing on Front St, not on the Farmers' Market Lot. Front St is too small, won't allow farmers to park their trucks, is too dark as it's east facing and won't be comfortable for farmers or customers for much of the year. The heritage trees are a delight and we need to save what few we have left. If we are to be forward thinking we will not be building unneeded parking garages on the last desirable community space. Developers of high end condos should be required to provide their own on-site parking.

Gail Williamson
Santa Cruz

Rosemary Balsley

From: totolove@cruzio.com
Sent: Sunday, October 25, 2020 7:20 PM
To: City Council; Justin Cummings
Cc: City Plan; Martin Bernal; Mark Dettle; Bonnie Lipscomb; Lee Butler
Subject: Parking Garage aka new library

Dear City Council Members:

There is clear evidence that a solid majority of voters oppose the mixed-use project on lot 4.

Please listen to our community members who do NOT want you to spend funds we do not have, to "put up a parking lot" for 80 million dollars. Offering a contract to Griffin Structures to do this project is a brutal waste of our tax money.

Renovate / repair / restore / upgrade the Downtown Library at the Civic Center, its present location, where voters were led to believe the Measure S bond money would be spent when we voted for it in 2016. Jayson Architecture has presented a strong, attractive, shovel-ready plan for renovation that can proceed immediately. **This proposal provides the same space and services, including all brand new everything, as the proposed library in the mixed-use project.**

Measure S funds continue to diminish as explained by the City Manager and it is time to move immediately on a renovation before we lose any more of Measure S funds to attrition.

Build 100s of units of affordable sustainable housing on Front Street's parking Lot 7 (Cathcart & Front Street) instead of the 50 units proposed for Lot 4 (Current Farmer's Market Cedar Street). Housing that is not held hostage to the proposed mixed-use project which has been controversial for three years and 10 months. Housing which the whole community can support.

Assure sufficient parking for now and the future through parking demand management instead of unnecessary parking garage.

Build a permanent pavillion for the Farmers' Market and Create a Downtown Commons. We have waited a long time for a Community Plaza/Commons. I'm tired of waiting for the Center we all hoped would happen after the earthquake! We deserve a central park. We have been here a lot longer than some of the people who have promoted that awful library idea/disaster! Save the 10 Heritage trees — all at the market's present Lot 4 (Cedar Street) location. This would also meet the 2017 Downtown Plan call for a village character for Cedar Street.

We can have a much-needed community plaza to revitalize the heart of Downtown in the wake of the pandemic and economic crisis, surrounded by shops, cafes, and restaurants. (We want a real community, a sustainable one, not some pillaged village succumbed to the overbearing real estate lobby who are so willing to "eat up" our diverse coastal towns)

The housing aspect is bogus! Do the right thing for we, the Real People of Our Santa Cruz Community! Now!

Sincerely,

Sharon L. McGraham
Blackburn St., Santa Cruz, CA

Rosemary Balsley

From: Peter Weiss <peterweissmusic@gmail.com>
Sent: Sunday, October 25, 2020 7:37 PM
To: City Council
Subject: reject the mixed use library plan please

We need to reimagine our downtown in this time of COVID and climate change. We need to focus on OUTDOOR gathering places - keep the farmers market where it is and don't build more parking structures. Increase outdoor seating for restaurants by removing lanes from Cedar Street. Renovate the current library structure. We need low cost, low tech solutions. Not mega projects.

Thank you

Peter Weiss
696 Meder St
Santa Cruz, CA 95060
831-295-2606

Rosemary Balsley

From: Sandra Brauner <sanjan@cruzio.com>
Sent: Sunday, October 25, 2020 8:56 PM
To: City Council
Subject: Reg. Mtg. 10/27/20 Agenda Item 30 Mixed-Use Project

Dear Honorable Council Members:

I respectfully ask you to vote to withdraw from any further consideration of the proposed Mixed-Use Project, and to move ahead without further delay on renovation of our beloved library in its present location—where it was intended to be, and is, an integral part of our Civic Center— making use of the Measure S funds that are immediately available.

Thank you.

Sandra Brauner,
A Downtown Library Regular User

Rosemary Balsley

From: Lauren E Eisenberg <lauren12@sbcglobal.net>
Sent: Sunday, October 25, 2020 9:02 PM
To: City Council; Justin Cummings
Cc: City Plan; Martin Bernal; Mark Dettle; Bonnie Lipscomb; Lee Butler
Subject: OPPOSITION TO GARAGE/LIBRARY

Dear City Council Members:

There is clear evidence that a solid majority of voters oppose the mixed-use project on lot 4.

Renovate / repair / restore / upgrade the Downtown Library at the Civic Center

where voters were led to believe the Measure S bond money would be spent when we voted for it in 2016. Jayson Architecture has presented a strong, attractive, shovel-ready plan for renovation that can proceed immediately.

This proposal provides the same space and services, including all brand new everything, as the proposed library in the mixed-use project.

Measure S funds continue to diminish as explained by the City Manager and it is time to move immediately on a renovation before we lose any more of Measure S funds to attrition.

Build 100s of units of affordable sustainable housing on Front Street's parking Lot 7 (Cathcart & Front Street) instead of the 50 units proposed for Lot 4 (Current Farmer's Market Cedar Street).

Housing that is not held hostage to the proposed mixed-use project which has been controversial for three years and 10 months. Housing which the whole community can support.

Assure sufficient parking for now and the future through parking demand management instead of unnecessary parking garage.

Build a permanent pavillion for the Farmers' Market and Create a Downtown Commons. Save the 10 Heritage trees — all at the market's present Lot 4 (Cedar Street) location. We can have a much-needed

community plaza to revitalize the heart of Downtown in the wake of the pandemic and economic crisis, surrounded by shops, cafes, and restaurants.

This would also meet the 2017 Downtown Plan call for a village character for Cedar Street.

Sincerely,

Lauren Eisenberg, Realtor
Bailey Properties, Inc.
831.419.4018 Mobile
CalBRE#01402836

Sent from my iPhone

Rosemary Balsley

From: Kendra Baker <kendra@theglassjar.com>
Sent: Sunday, October 25, 2020 9:07 PM
To: City Council
Subject: Downtown library!

Dear City Council members,

I truly can't wait for Santa Cruz to have an amazing library in our downtown.

I wanted to send a message of support and ask that you move forward with approval of a contract for an Owner's Representative to manage the outreach, design, financing and construction details of the new downtown library.

Thank you for all that you do.

Best,
Kendra Baker

--

Kendra Baker
Founder and President | The Glass Jar Inc.
Email: kendra@theglassjar.com
Phone/Text: 617-939-7224

The Glass Jar was founded in Santa Cruz, CA in 2010 with a focus on the nexus of locally sourced food and community. We operate [The Penny Ice Creamery](#), [The Picnic Basket](#) and [Snap Taco](#).



Rosemary Balsley

From: lbeyea@cruzio.com
Sent: Sunday, October 25, 2020 9:40 PM
To: City Council
Subject: Agenda Item 30 "Mixed-Use" Project

Dear Mayor and Council Members:

I urge you to postpone further spending on the ill-conceived "mixed-use" project for Lot 4 - most immediately you should cancel the premature expenditure of \$240,000 for a project management consultant, something that makes no sense when no comprehensive assessment of future parking needs has been carried out, funding for any housing component is uncertain and uncommitted, and we are facing a significant budget deficit this year.

Staff has still not provided the "detailed financial information" that Council asked for at your June 23 meeting and it appears staff will not be able to do so.

I encourage you to meet with Nelson/Nygaard to review the "Downtown Parking Strategic Plan" and the principles behind it, and to clarify the actual future needs.

Staff has given inaccurate and misleading information for funding the library in its Summary Report. Measure S funds continue to diminish and it is time to move immediately on the renovation of the library as designed in concept by Jayson Architecture. Remodeling and expanding the Library on its existing site should be expedited, before we lose any more of Measure S funds to attrition. One option that has not been explored is abandonment of some on-street parking to allow the building (and sidewalks) to be expanded outward on one or more sides of the building. The Jayson Architecture renewed and modernized proposal provides the same program space and services as would be provided within the parking structure project, and would include all brand-new finishes and revamped services.

It's advantageous to "un-mix" the mixed use project. The City can plan for affordable housing projects at many other city-owned locations downtown, including notably, Lot 7. These could be projects that front onto the streets, creating a "village" feel, and could benefit from including commercial lease space on the ground floors. Housing projects on other downtown properties could accommodate far more units than can be integrated into a parking structure on Lot 4.

De-coupling the Library renewal and desired affordable housing from a parking structure project has numerous advantages. The Council needs to seriously question whether adding significant debt to the City's budget for an expensive and arguably unnecessary parking structure makes sense, especially when it is apparent that parking revenues from a new structure would never be enough to pay for all of the new parking. Avoiding that expenditure presents an opportunity to improve our downtown in other ways. Lot 4 could be enhanced to create an inclusive and welcoming Downtown Open Air Commons, while also meeting the 2017 Downtown Plan call for a village character for Cedar Street.

Thank you for your attention to this vital issue that will shape our downtown and civic life for decades to come.

Len Beyea, resident of Santa Cruz since 1970
516 Soquel Ave Apt 4
Santa Cruz, CA 95062

Rosemary Balsley

From: Meridith Cook <meridith.a.cook@gmail.com>
Sent: Sunday, October 25, 2020 10:31 PM
To: City Council; Justin Cummings; Donna Meyers; Katherine Beiers; Sandy Brown; Renee Golder; Cynthia Mathews; Martine Watkins
Subject: Downtown Library

Dear City Council,

My family and I use the downtown library often. I am writing to encourage you to vote to hire Griffin Structures and keep the Mixed Use Library project moving forwards. We want to have the best library that the bond money can build for us, that meets the needs of Santa Cruz. It's vital to have a dynamic, modern Downtown branch.

Thank you,
Meridith Cook

Rosemary Balsley

From: Sandra Ivany <si@sandraivany.com>
Sent: Sunday, October 25, 2020 10:32 PM
To: City Council; Justin Cummings; Sandy Brown; Katherine Beiers; Martine Watkins; Donna Meyers; Renee Golder; Cynthia Mathews
Cc: Mark Dettle; Martin Bernal; Bonnie Lipscomb; Lee Butler; Tony Condotti
Subject: Use Measure S funds to Renovate Downtown Library !

Dear City Council Members:

There is clear evidence that a solid majority of voters oppose the mixed-use project at the current site of the Farmers' market.

Please renovate / repair / restore the Downtown Library at the Civic Center, its present location, where voters were led to believe the Measure S bond money would be spent when we voted for it in 2016.

Jayson Architecture has presented a strong, attractive, shovel-ready plan for renovation that can proceed immediately.

This proposal provides the same space and services, including all brand new everything, as the proposed library in the mixed-use project.

Measure S funds continue to diminish as explained by the City Manager and it is time to move immediately on a renovation before we lose any more of Measure S funds to attrition.

Build 100s of units of affordable sustainable housing on Front Street's parking Lot 7 (Cathcart & Front Street) instead of the 50 units proposed for current Farmer's Market Cedar Street.

Housing that is not held hostage to the proposed mixed-use project which has been controversial for three years and 10 months. Housing which the whole community can support.

Assure sufficient parking for now and the future through parking demand management instead of unnecessary parking garage.

Build a permanent pavillion for the Farmers' Market and Create a Downtown Commons. Save the 10 Heritage trees — all at the market's present location. We can have a much-needed community plaza to revitalize the heart of Downtown in the wake of the pandemic and economic crisis. This would also meet the 2017 Downtown Plan call for a village character for Cedar Street.

City Council does not have authorization to proceed with offering a contract to Griffin Structures for \$ 240,000. - voters passed Measure S to renovate 10 libraries throughout Santa Cruz County and funds to complete a mixed use project for \$ 80 - \$ 100 million has not been identified.

Despite what headlines in the Commentary section of the Sentinel state - the library / garage will **NOT** be the "key to solving affordable housing crisis" or be a "Game-Changer for Equity in Santa Cruz".

Quite the opposite!

And how very disappointing for our elected officials and city employees to voice this kind of misleading dis-information to the community.

This project is not in sync with the equity and environmental values of our community. **WE WANT TO BE A MODEL OF SUSTAINABLE COMMUNITY!**

We have the chance to do it, to show other coastal towns how to stay vibrant and be an interesting town, **not a corporate center.**

We have many granny-units still waiting for permits. Help streamline the process for getting them done!
The use of roads, water, and other resources will be impacted by any big projects, and this is not the time to do big development projects.

3 years and 10 months is enough ! We are not certain exactly what the hidden agenda is with pushing this project thru and wasting so much staff time (and money) to discuss at endless meetings.

But, at City Council meeting this Tuesday it is time to end this discussion and go back to what the citizens voted for - Use Measure S funds to Renovate Downtown Library !

Sincerely,

Sandra Ivany
community member since 1988

Rosemary Balsley

From: Brett Garrett <brett@dolphyn.com>
Sent: Sunday, October 25, 2020 10:35 PM
To: City Council
Subject: Item 30: No Parking Garage! Consider Microtransit instead.

I oppose the proposed Mixed-Use Library Project. Please do NOT grant the Owner's Representative contract.

The affordable housing could have been built by now, had it not been subject to the baggage of this controversial project. Please support clean proposals for affordable housing on City property.

The library should be renovated where it is, perhaps according to the Jayson proposal. Lot 4 is a bad place for books, in the heart of a flood zone, about 6 feet lower elevation than the current library location.

And the proposed 400-space garage is controversial at best. It is expected to cost at least \$20 million, more than \$50,000 per space. It will be cheaper to build a downtown microtransit solution, making it easy for anyone to get around downtown regardless of owning a car or not.

Imagine a system of electric robotic vehicles providing quick point-to-point service, throughout downtown and beyond. Given that autonomous vehicle technology is improving every year, we can anticipate that each microtaxi will cost much less than half of a parking space while serving more people per day.

Drivers will be able to park outside of downtown, perhaps at the under-used Boardwalk and Gateway Plaza lots (if the lot owners allow), and ride a microtaxi directly to their final destination. Given the amount of parking that already exists near downtown, the City should prioritize making existing parking convenient to use instead of building more.

The system could be loosely based on the concept of Personal Rapid Transit, using narrow dedicated lanes for portions of the route but not depending on them, because the vehicles will be capable of traveling in mixed traffic when necessary. You won't need to wait for a shuttle bus, because the microtaxis will be waiting for you at designated locations.

The microtaxis will be able to coordinate their movements, forming a virtual "train" when needed to get through intersections efficiently. In this way they would cut through traffic so that many people will find this system more convenient than driving to a downtown garage. The system will be a "last-mile solution" for drivers parking near downtown and for transit riders on the bus – and the proposed train!

The agenda report predicts that at least half of future downtown residents will be parking downtown. This is a sort of self-fulfilling prophecy intended to justify construction. Residents will be parking mostly at night when more parking is available, and the percentage who actually park downtown will depend on pricing.

A parking garage would serve only car owners. Instead, the City of Santa Cruz could improve equity and discourage car ownership by creating a downtown that works for all of us. In the age of climate crisis, the choice is clear.

Sincerely,

Brett Garrett (Member of Downtown Commission)
190 Walnut Ave Unit 301
Santa Cruz, CA 95060

Rosemary Balsley

From: Bill Malone <billmalone@pacbell.net>
Sent: Sunday, October 25, 2020 10:46 PM
To: City Council
Subject: Agenda Item 30 Mixed-Use Project Let the citizens decide.

Let the citizens decide.

Every now and then a very controversial civic project comes along (e.g., Desalination, Coast Hotel expansion). This definitely is one of them.

I certainly agree that the Council members should decide most issues.

But the citizens should be allowed to vote on some projects, especially controversial ones like this.

I think we all would agree that this project will change the character of our City.

Most of us moved here because we like the "small town" ambiance of Santa Cruz. It is a unique town in this fast-pace world we live in. It is a comfortable refuge. Most of us would like to keep it that way.

I am not against progress. But this is NOT needed. The existing Downtown Library is a gem and can be renovated.

There are several available lots for affordable housing. And probably they are more desirable.

We certainly don't need more public parking. We already have more than we use or need. More parking is a waste of our taxpayers money.

It is obvious that the parking lot will never pay for its self (the local taxpayers will have to pay).

This project is a boondoggle. Somebody's folly (a costly foolish undertaking; unwise investment or expenditure.)

Common sense concludes that there is no way that this project is cheaper than just renovating our current Downtown Library.

To use business or developer's jargon: This project does NOT "pencil out".

We elect people to City Council that we hope are pragmatic.

I urge the Council to either terminate this project or to take a big democratic step: Let the Voters decide this one.

Bill Malone

Rosemary Balsley

From: Susan Cavalieri <susanwcavalieri@gmail.com>
Sent: Sunday, October 25, 2020 11:01 PM
To: City Council
Subject: Mixed use project on lot 4

Dear City Councilmembers,

I am writing in opposition to the library-garage-housing complex proposed for the Farmers' Market site. The City is in an economic crisis because of Covid 19. Businesses have closed and many people do not have the financial resources to shop or dine in town. Offices are also closed with employees working from home, a practice which is likely to continue. In addition, the County is developing active transportation plans. As safe bike lanes and sidewalks eventually connect the County and City fewer cars will continue to come into the downtown area. Therefore, a parking garage on lot 4 is not needed now or in the future.

In addition to the continuing pandemic, Santa Cruz just experienced several months of excessive heat and disastrous wildfires. As I write this email on Sunday, October 25th, strong winds are expected in the Bay Area and PG&E will probably turn off power to many customers to prevent more wildfires. The stress of climate chaos continues to affect us during this pandemic. Yet climate heating, drought and wildfire, and sea level rise will only become worse as the area warms toward 2 degrees C above pre-industrial temperatures, Building a garage which facilitates driving and the burning of climate heating fossil fuels is unconscionable.

City residents and the government need to work together to develop a City vision promoting health for people and our environment. A new idea to build affordable housing on lot 7, renovate the library at its current site and save the Farmer's Market and heritage trees on lot 4 is being discussed in the community. Please listen to public voices demanding a different vision. Do not approve the \$240,000 owners' representative contract for the mixed use garage complex.

Susan Cavalieri
190 Walnut Ave.
Santa Cruz

Rosemary Balsley

From: Willow Katz <kohenet@sbcglobal.net>
Sent: Monday, October 26, 2020 12:14 AM
To: City Council; Justin Cummings; Cynthia Mathews; Donna Meyers; Katherine Beiers; Martine Watkins; Renee Golder; Sandy Brown; Martin Bernal; kohenet@sbcglobal.net
Subject: City Council, End mixed-use project on Lot 4

City Council Members,

Martine Watkins, Cynthia Mathews, Sandy Brown, Justin Cummings, Donna Meyers, Katherine Beiers, and Renee Golder,

Please permanently end the mixed-use project on Lot 4.

Please permanently stop the proposed mixed-use project on Lot 4, the present site of the Farmers' Market.

The project is ill-conceived from an urban planning standpoint.

Its financial viability has not been demonstrated.

Renovate the library as part of the Civic Center, in its present location.

Jayson Architecture has presented a strong, attractive plan for renovation that can proceed immediately.

- **Build 100's of units of affordable housing** on Front Street's parking Lot 7 instead of the 50 units proposed for Lot 4.
- **Assure sufficient parking for now and the future** through parking demand management instead of an unnecessary and far more expensive parking garage. Money saved can be used to provide funds for affordable housing and upgrade the Jayson Architecture plan for renovation of the existing Downtown Library.
- **Create a Downtown Commons; build a permanent pavillion for the Farmers' Market**, other community events, and concerts; **and save the 10 Heritage trees** at the market's present Lot 4 location. We can have a much-needed community plaza to revitalize the heart of Downtown in the wake of the pandemic and economic crisis.

Despite City Council direction to staff to provide basic financial details, **staff cannot show where the money is coming from for the Lot 4 mixed-use project.**

- **Library:** Staff fails to acknowledge that the City Council has decreased Measure S money available for the Downtown Library by \$1.5 million, and they lowball additional funds required by the plan for building a new library at \$3 million. Then they speculate about where to get the money.

- **Parking:** Staff do not have a plan for financing the garage.
- **Housing:** City staff have had less than strong success at obtaining state and federal grants for affordable housing. One possible source last year, for \$16.1 million, was vetoed by the Governor. The only city application decided so far this year, for \$900,000, did not receive an award; two other applications, for which notification was originally expected in August, have not yet received any word.

The Lot 4 mixed-use project, slated to cost \$80 million or more, will not create a better downtown. It would **use bond funds** voters were led to believe during the 2016 Measure S campaign that we were approving for renovation of the Downtown Library.

It would **displace the Farmers' Market** from Lot 4 to Lot 7, only 51% of the current space. It would **cut down 10 Heritage trees** on Lot 4. It would **include an unneeded 6-story 400-space parking garage**. It would **create only a fraction of the affordable housing that could be built** on the city-owned Lot 7 on Front Street.

A solid majority of voters oppose this project.

It is time to end the mixed-use project.

Thank you.

Sincerely,

Willow Katz

Santa Cruz, CA 95060

Rosemary Balsley

From: Linda Wilson <lindaannwilson@me.com>
Sent: Monday, October 26, 2020 12:15 AM
To: City Council; Justin Cummings; Donna Meyers; Katherine Beiers; Sandy Brown; Renee Golder; Martine Watkins; jyork@santacruzsentinel.com; downtowncommonsadvocates@gmail.com
Subject: Abandon the Lot 4 mixed-use project!

Dear Mayor Cummings and City Councilmembers:

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Sent from my iPad

Rosemary Balsley

From: Carol Colin <cjc4peace@gmail.com>
Sent: Monday, October 26, 2020 6:40 AM
To: City Council; Justin Cummings; +dmeyers@cityofsantacruz.com;
++kbeiers@cityofsantacruz.com; +sbrown@cityofsantacruz.com;
+rgolder@cityofsantacruz.com; +mwatkins@cityofsantacruz.com;
+jyork@santacruzsentinel.com; +downtowncommonsadvocates@gmail.com
Subject: Abandon the Lot 4 mixed-use project!

Dear Mayor Cummings and City Councilmembers:

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Carol J. Colin senior advocate voter

Rosemary Balsley

From: Carol Colin <cjc4peace@gmail.com>
Sent: Monday, October 26, 2020 6:51 AM
To: City Council
Subject: Downtown Library Heritage Trees

Dear Mayor Cumminngs and City Council,

Please renovate our downtown Library at it's present location by Civic Center and save our 11 Heritage Trees! I have asthma and want more trees planted and saved. I am so shocked that ass an environmentalist you don't seem to care about our Heritage Trees.

We voted to renovate the library at it's present location not this bait and switch construction you all are trying to put forth now. It is too expensive! Please stop and give us a place downtown for our Farmer's Market, Health and Antique fairs. Please save our Heritage Trees.

Thank you,

Carol Colin, Senior Advocate and Voter

Rosemary Balsley

From: Tim Brattan <timbrattan@yahoo.com>
Sent: Monday, October 26, 2020 7:48 AM
To: City Council
Subject: Allocation of City Funds for Mixed Use Library

Dear Council,

We urge your council to vote against the staff proposal to spend any precious tax dollars on a contract with Griffin Structures. This is not the time economically to invest in a project of this scope given the economy and that the public overwhelmingly does not support. At minimum, we believe it prudent to wait until a new Council is seated on January 1 following the November 3rd vote.

Contrary to City Staff's position, parking demand in the City and in the US is dropping for many reasons. The garage project is short-sighted and is contrary to the findings and recommendations of the Nelson-Nygaard consultant study and transportation trends. It also misses an opportunity to do what the vast majority of Santa Cruz citizens want: to improve the Farmers Market Lot as a Town Commons.

There are other, better lots to build affordable housing and parking downtown. If we lose this opportunity to create a downtown plaza for farmer's market, antique fairs and other economic boosting uses - it will be lost forever. The last thing we need is a 6-story concrete structure in this location that casts a cold shadow downtown on Pacific Ave during winter, and amplifies climate change induced heat during summer that collectively increases heating and cooling energy costs forever. Is that really the legacy you want to leave?

Please reconsider doing what we can afford and what the public supported in Measure S: renovating the existing library in the City Plaza.

Tim Brattan
Suzi Mahler
City of Santa Cruz residents

Rosemary Balsley

From: Christopher Garwood <cggxvi@gmail.com>
Sent: Monday, October 26, 2020 7:49 AM
To: City Council
Subject: Agenda item #30 Library Consultant City council meeting of 10/27/2020
Attachments: santa cruz city support letter october 2020 library.pdf

Dear Councilmembers:

Attached please find a letter I would like to be in the record for this important agenda item. Thanks very much,
best regards, Chris Garwood

Christopher Garwood

+33 (0) 7 86 05 38 77

PO Box 207
St. Helena, CA 94574
USA

26 October 2020

City Council

City of Santa Cruz

Via email

Re: Agenda item #30 for Tuesday 27 October City Council Meeting

Dear Councilmembers;

I am writing on behalf of the ownership of 1010 Pacific Apartments in support of the City moving forward to retain a consultant for the proposed library mixed use development.

We were among the pioneer developers to start the process of intensifying residential and commercial use downtown when we built 1010 Pacific some fifteen years ago. The six-story project has helped anchor the lower edge of downtown as a vital part of the downtown community and has also provided much needed mixed income housing.

We support the City's plans to move forward with the mixed-use library project as it will provide much needed replacement parking as downtown continues to densify and also contribute to provide housing for all income levels.

Sincerely,

A handwritten signature in blue ink, appearing to read "Garwood", with a stylized flourish extending to the right.

Christopher Garwood

Partner

1010 Pacific Apartments

1010 Pacific Avenue,

Santa Cruz, CA 95060

Rosemary Balsley

From: Hayley Mears <hayley.mears@gmail.com>
Sent: Monday, October 26, 2020 8:30 AM
To: City Council
Subject: Support an Owner's Representative for Library Mixed Use Project

Dear Santa Cruz City Council Members,

It's time to move forward with affordable housing now, a great new library, a transportation hub that accommodates electrical vehicles, more bike storage, and parking for residents, workers and visitors. Please vote YES on the Owner's Representative contract.

Thank you!

Rosemary Balsley

From: Jacquelyn Griffith <jkgriffith2@icloud.com>
Sent: Friday, October 23, 2020 3:14 PM
To: City Council
Subject: Staff Misrepresentations on Parking Garage Detailed

Dear Council,

In the course of living here 40 years, there have been times before when I observed City Staff being so set on their opinion that they forgot they were Not the duly elected City Council and pushed their solution, including leaving out critical information that should have been supplied to Council. The parking garage is another case of this, so I am supplying some details which should lead you to dig up the missing studies we have all paid for as tax payers, and conclude that this is NO TIME to be repeating this undemocratic error in the midst of economic downturn that is curtailing the money in our General Fund for our police, fire, clean-up and other essential services!

Fact Check

City staff: The Downtown Parking District is modeled to reach a shortfall of 700 spaces at full General Plan build-out

Fact check: Staff came to this conclusion after using the model developed by Nelson\Nygaard staffer, Patrick Siegman. [Siegman said that staff mis-used his model](#) because staff assumed parking demand was unresponsive to price increases. The staff report does not acknowledge the Siegman critique.

City staff: The Parking District is estimated to lose approximately 369 parking spots in the coming years.

Fact check: In the staff report in 2018, the number of lost parking spaces was said to be 235 due to new development on surface parking lots. There is no explanation for the new calculation. Nor is there justification for the assumption that there will be no parking spaces in the new development. The bigger issue is whether the parking spaces lost from surface lots need to be replaced. Siegman's modeling concludes that no garage is necessary. In the foreseeable future there will continue to be a surplus of parking spaces in spite of the loss of surface parking spaces and new development Downtown. This is due to decline in parking demand resulting from the doubling of parking prices approved in 2018.

Missing Information

The following information is not in the staff report.

Garage financing plan is deficient

In 2018 City staff hired a consultant, Economic Planning Systems (EPS), to check their plan for financing the garage. EPS noted that the City had not taken into account the ability to pay the 30 year debt on the

garage during periods of economic recession. EPS notes, "the model does not evaluate a worst-case scenario (for parking revenues) where a major recession occurs or a technological change (and pricing) substantially reduces parking demand."

Opportunity cost to affordable housing

The project proposes a mere 50 units of affordable housing, when 200 units of housing would be possible if it were not for the space taken up by a six-level garage. Another way of looking at this opportunity cost is the lost opportunity to build 200 units of housing on Lot [#7 on Front St.](#) if the Farmers Market were to be permanently located there. Keeping the Farmers Market in its existing location would net an additional 150 units of affordable housing.

Opportunity cost of parking revenue

Parking revenue can be put into the General Fund and used to prevent further cuts to Police, Fire, Parks, Economic Development, etc. The Council should know that the money they spend on this project could be used to address the fiscal crisis that has already produced a 10% cut in the General Fund budget.

Jacquy

"We must accept finite disappointment, but never lose infinite hope."

Rev. Dr. Martin Luther King, Jr.

Rosemary Balsley

From: Ira Schwartz <ischwartz@baymoon.com>
Sent: Monday, October 26, 2020 8:46 AM
To: City Council
Subject: Oppose Library/Garage Plan

Dear Council,

Count me among the many who don't "buy" the arguments for the proposed new library/garage/housing monstrosity. Please do not waste more time and money - specifically the \$240,000 contract on the Oct 27 agenda - on this project.

Ira Schwartz
316 Myrtle St
Santa Cruz 95060

Sent from my iPad

Rosemary Balsley

From: David Benterou <dbenterou@gmail.com>
Sent: Monday, October 26, 2020 9:11 AM
To: City Council; jyork@santacruzsentinel.com; downtowncommonsadvocates@gmail.com
Subject: End the Lot 4 mixed-use debacle!

Dear Mayor Cummings and City Councilmembers:

I am a Santa Cruz resident since 2007 and have some concerns over what will be a major downtown transition. It can shift downtown culture to be inviting to residents, or strictly business for tourists and lose the earthy Santa Cruz flavor (and patrons).

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Regards,
David Benterou

Rosemary Balsley

From: Cara <ratbert@cruzio.com>
Sent: Monday, October 26, 2020 9:27 AM
To: City Council
Subject: Go forward with the Library Mixed Use Project

Dear Santa Cruz City Council Members,

I attended the meeting when you decided in favor of the Library Mixed Use Project, and listened to all the stakeholders. I already knew how important a new library would be to our community, our one major commons where all are welcome without having to spend money. But when I heard from the proponents of low cost housing, it dawned on me that this project in toto is a big steps towards equity in Santa Cruz.

Please don't let an outspoken group of entitled white adults talk you into backing down from a wise decision already made. Go forward with the contract with Griffin Structures. They did a lovely job on the Watsonville Library.

Thank you,

Caroline Lamb
130 Serra Court, Santa Cruz

Rosemary Balsley

From: Betty Kavanaugh <bkavanau555@yahoo.com>
Sent: Monday, October 26, 2020 9:50 AM
To: City Council; Justin Cummings; Donna Meyers; Katherine Beiers; Sandy Brown; Renee Golder; Martine Watkins; jyork@santacruzsentinel.com; downtowncommonsadvocates@gmail.com
Subject: Abandon the Lot 4 mixed-use project!

Dear Mayor Cummings and City Councilmembers:

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

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It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Sent from my iPhone

Rosemary Balsley

From: Jeffrey Werner <wernerj322@gmail.com>
Sent: Monday, October 26, 2020 9:55 AM
To: City Council
Cc: Jeffrey Werner; Sandy Brown; Katherine Beiers; Donna Meyers; Justin Cummings; Martine Watkins; Cynthia Mathews; Renee Golder
Subject: Please Vote NO on Library in the Garage Contract

City Council Members,

Please vote no on the contract for the library in a garage.

We do not need this parking and we want a library renovation we voted for.

Let's All Sing or Play a Happy Tune

Keeping Down Low,

Jeffrey

Jeffrey Werner
wernerj322@gmail.com
831-247-0247

When this is over I'm buying a new hat.

Rosemary Balsley

From: Tamarah Minami <tamarahminami19@gmail.com>
Sent: Monday, October 26, 2020 10:06 AM
To: City Council; Justin Cummings; +dmeyers@cityofsantacruz.com;
++kbeiers@cityofsantacruz.com; +sbrown@cityofsantacruz.com;
+rgolder@cityofsantacruz.com; +mwatkins@cityofsantacruz.com;
+jyork@santacruzsentinel.com; +downtowncommonsadvocates@gmail.com
Subject: Abandon the Lot 4 mixed-use project!

Dear Mayor Cummings and City Councilmembers:

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

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The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Also, as a local climate activist, this project is going the completely wrong direction in terms of our city's carbon footprint. This would be one the the largest co2 emitting projects we have undertaken in years, and besides that fact that we don't need more parking, we can't build our city around having more parking because people need to drive less. The city council has repeatedly told the public and the youth that they are working hard to lower the city's carbon footprint, and fight global warming. Please use this project to show us that you actually mean that.

Thank you for your consideration and your efforts on behalf of our community.

Best,
Tamarah

Rosemary Balsley

From: mary odegaard <marytodegaard@gmail.com>
Sent: Monday, October 26, 2020 10:08 AM
To: City Council; Justin Cummings; +dmeyers@cityofsantacruz.com;
++kbeiers@cityofsantacruz.com; +sbrown@cityofsantacruz.com;
+rgolder@cityofsantacruz.com; +mwatkins@cityofsantacruz.com;
+jyork@santacruzsentinel.com; +downtowncommonsadvocates@gmail.com
Subject: Abandon the Lot 4 mixed-use project!

Dear Mayor Cummings and City Councilmembers:

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

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It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Listen to the citizens! Our message is clear and strong! We have a healthy vibrant vision for our community and the garage is not part of it. BASTA!

Peace, Sincerely Mary Odegaard

Rosemary Balsley

From: Lisa Benson <lisa@lisabenson.net>
Sent: Monday, October 26, 2020 10:09 AM
To: City Council
Subject: In Support of the Library Project

Hello City Council -

I am writing in continued support of the Library Project. Please approve a contract to engage Griffin Structures to represent the City's interest in project implementation, including community outreach, engagement and design.

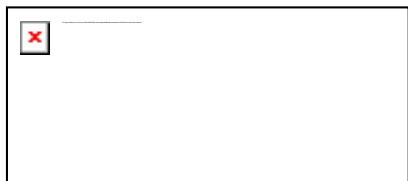
This is an important project and I support it for the following reasons:

- It will provide a modern library that will be an excellent community space with varied uses which we will need post COVID.
- It starts to move the needle in terms of densification of housing in the downtown area.
- The fact that some of the housing is also affordable housing is a huge win.
- Lastly it will provide much needed downtown parking. I know we all want to live in a world where there isn't a need for cars. But we are not to that point yet. In the meantime, if there are going to be more people living downtown there needs to be a place for their single car. It is also important to have places for people who are visiting downtown businesses to have a place to park.

I appreciate the City and the Council coming up with a forward thinking, mixed use solution for downtown. Please do not let this project stall out.

Much Laughter,

Lisa Benson



NOMADIC BUSINESS STRATEGIST

lisabenson.net

831-335-4235



The Laughing Phoenix, Inc.

Rosemary Balsley

From: Nina Rose Odegaard <nrodegaard@gmail.com>
Sent: Monday, October 26, 2020 10:29 AM
To: City Council; Justin Cummings; +dmeyers@cityofsantacruz.com;
++kbeiers@cityofsantacruz.com; +sbrown@cityofsantacruz.com;
+rgolder@cityofsantacruz.com; +mwatkins@cityofsantacruz.com;
+jyork@santacruzsentinel.com; +downtowncommonsadvocates@gmail.com
Subject: Abandon the Lot 4 mixed-use project!

Dear Mayor Cummings and City Councilmembers:

I am so disappointed, so very very disappointed. Please stop this project. I voted in good faith to have our beloved library upgraded and would NEVER NEVER NEVER have voted for this project. When elected officials forge ahead with projects like this, in this way, you perpetuate the impression that once elected you in consultation with non elected officials, know better than the voters you were elected to represent. Stop this project. Do the difficult work and go back to the voters if you want to DRASTICALLY change what we were presented with when we voted.

NinaRose Odegaard

135 School St
Santa Cruz CA 95060
831-332-1541

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Rosemary Balsley

From: Donna Ramos <donna@me.com>
Sent: Monday, October 26, 2020 10:30 AM
To: City Council; +jyork@santacruzsentinel.com;
+downtowncommonsadvocates@gmail.com
Subject: End the Lot 4 mixed-use debacle!

Dear Mayor Cummings and City Councilmembers:

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

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Thank you for your consideration and your efforts on behalf of our community.

Rosemary Balsley

From: Doug Brouwer <dbrouwer@ekmmetering.com>
Sent: Monday, October 26, 2020 10:31 AM
To: City Council
Cc: downtowncommonsadvocates@gmail.com
Subject: Library/Parking Structure

Dear Council Members,

I urge you to not approve any further funding for the proposed parking structure. At minimum, please just agree to postpone your decision for at least 2 years. My reason is that it is very clear that within the next 5 years, automobile travel as we now know it will be completely changed. If you haven't kept up with the amazing advances in autonomous vehicles, I urge you to familiarize yourselves on what is happening in that world. Here are a couple of links to describe some of what is going on:

<https://www.youtube.com/watch?v=tTOFMwKEg7o>

Or search for "Nico Larco autonomous vehicle"

<https://twitter.com/WholeMarsBlog/status/1319725499459850240>

Or search for "whole mars catalog Tesla"

What all of this means is that when fully autonomous vehicles become available, individual ownership of cars will no longer make sense, and the need for parking those cars will decrease dramatically. The only question right now is when that will be. The question of if it will happen has been answered. I believe, and a lot of people, who are much more in the know than I, believe, that the "when" will be much more clear in a couple of years. If we invest now in this parking structure, we will be paying for it for many years past the point when we start to wonder what we are going to do with it. We'll be trying to figure out how to make use of something that is no longer an asset, but a liability. Please don't load that on my kids' kids. We don't need the parking structure now. We certainly won't need it in the future.

Best regards

Doug Brouwer
363 Berkeley Way

Rosemary Balsley

From: John - Linda Brown <brown1978@msn.com>
Sent: Monday, October 26, 2020 10:34 AM
To: City Council
Subject: Agenda Item #30 "Mixed-Use Project"

Please do NOT approve the Griffin Structures contract tomorrow!

The Mixed-Use project idea has been a fiasco from the get-go, with wasted taxpayer money and hundreds of hours of city workers' time.

Please go back to the Jayson Architecture proposal for renovating the current library building, which is what taxpayers *thought* would happen when they approved the now fast-disappearing Measure S funds.

Linda & John Brown
1190 7th Ave. #55
Santa Cruz CA 95062

Rosemary Balsley

From: Casey Meyers <borntoread95@yahoo.com>
Sent: Monday, October 26, 2020 10:39 AM
To: City Council
Subject: Support an Owner's Representative for Library Mixed Use Project

Dear Santa Cruz City Council Members,

It's time to move forward with affordable housing now, a great new library, a transportation hub that accommodates electrical vehicles, more bike storage, and parking for residents, workers and visitors. Please vote YES on the Owner's Representative contract.

Thank you!
Casey Meyers

Rosemary Balsley

From: Michael Levy <levysantacruz@gmail.com>
Sent: Monday, October 26, 2020 10:53 AM
To: City Council
Subject: Garage

Dear Councilmembers:

Please, stop with the garage already! Why?

1. People don't want it. Have you ever seen a more skewed public response?
2. The garage is not needed. Parking demand is projected to decrease with increasing parking fees and other trends. This is true despite the loss of surface lot spaces with downtown development.
3. We can have an upgraded library and low-income housing without building a garage.
4. The existential crisis of climate means that we need to proactively plan for REDUCED car use (even electric).
5. Moving the beloved Farmers' Market to a smaller lot would be a sad blow to the community.
6. Because of #2, financing is uncertain at best and the project is fiscally irresponsible.

Thank you.

--

Michael Levy
2120 N. Pacific Ave. #45
Santa Cruz, CA USA
408-458-3566

Rosemary Balsley

From: Rick Longinotti <longinotti@baymoon.com>
Sent: Monday, October 26, 2020 11:10 AM
To: City Council; Justin Cummings; Sandy Brown; Renee Golder; Cynthia Mathews; Donna Meyers; Katherine Beiers; Martine Watkins
Subject: Want affordable housing?

Dear City Council Members,

There are many reasons to oppose the library/garage/housing project.

Affordable housing:

- A city-owned lot the size of the Farmers Market lot should fit over 200 units of affordable housing, not a mere 50. The space planned for parking 400 cars would crowd out space for affordable housing. (To give an idea of the space required, the Soquel/Front St. garage contains 400 parking spaces).
- The sad irony is that the Downtown does not need 400 new parking spaces, according to [a consensus of consultants who advised the City](#) on parking.
 - Janis Rhodes (J.R. Parking Associates) told the City that new parking garages will never pay for themselves. The only way this garage would be financially viable is for it to be subsidized with revenue from other parking garages and meters Downtown. Even this strategy is no longer viable, since the City's financing model did not include the prospect of an economic recession. According to the City's consultant, Economic and Planning Systems, "It should be noted, however, that the model does not evaluate a worst-case scenario (for parking revenues) where a major recession occurs or a technological change (and pricing) substantially reduces parking demand."
 - Patrick Siegman, when at Nelson\Nygaard, modeled future parking demand and concluded that a new garage was not needed. He is the consultant whose work the City staff misrepresented in presentations to the Downtown Commission and City Council. See my article [An Honest Consultant](#)
 - UCSC Professor and parking researcher Adam Millard-Ball advised the City Council that it would be cheaper to pay working commuters not to park Downtown than to build a new garage.
 - City staff have failed to bring the completed Nelson\Nygaard [Downtown Parking Strategic Plan](#) to the City Council. The Strategic Plan does not recommend a garage. It states, "The most fiscally prudent approach to accommodating additional demand: Modernize parking management"
- It's not accurate that spending on the garage would not impact the City's General Fund. The City is legally able to put parking revenue into the General Fund. This was [confirmed by the City Attorney](#). At this time of fiscal crisis, building a garage would come at the expense of City workers and services.
- If/when we see economic recovery Downtown, parking revenue saved from not building a garage could be used to leverage state and federal funds for affordable housing. City staff estimate the debt on the

garage as costing \$2.9 million per year—for 30 years. Compare that potential resource to the \$3 million in the City's Housing Trust Fund.

- It is not accurate that future affordable housing projects need a new garage in order to avoid having to build parking on site. There are approximately 1500 empty parking spaces in City garages overnight that can accommodate Downtown residents with a parking permit. We don't need another 400 spaces.
- By offering the Farmers Market a permanent location on City parking lot #7 on Front St., the City loses the opportunity to build 200 units of affordable housing on that site. A net gain of 150 affordable units can be had by giving the Farmers Market permanence at its existing location.

Environment:

1. Construction with concrete results in large emissions of carbon dioxide. If the cement industry were a country, it would be the third largest emitter in the world after China and the USA.
2. The need to pay a 30 year debt on the garage means the City will need more people to drive Downtown and pay for parking. The City program of METRO bus passes and JUMP Bike credit for all workers Downtown could be cut back or eliminated. The universal bus pass program was approved by a narrow 4-3 majority of the Council in 2019, with the Council members who support a garage voting no.
3. Spending City revenue on a garage instead of affordable housing for the Downtown workforce misses the opportunity to for those workers to be able to walk to work.

Downtown vitality:

1. Locating a parking garage at that site draws traffic to the Downtown core, diminishing walk-ability. The driveways and dead space of a parking structure discourage walking.
2. Public non-commercial common space is key to the vitality of any city. Moving the Farmers Market to Front St. is exactly what the Downtown Plan said not to do: *"Open spaces within downtown Santa Cruz should have value and meaning; they should be carefully located where people want to be and in locations that take advantage of the unique resources, heritage, and traditions of the community. They should not be contrived or created from 'leftover' space"*
3. When the Downtown Parking District is short on revenue to pay the debt service, the City will have to raise parking rates or fees on businesses. Downtown businesses aren't fond of either strategy.

In closing, I suggest that the City has not learned from its experience with promoting the desalination plant. Why does a group of citizens need to resort to a ballot initiative in order to be able to have a seat at the table of dialogue that resulted in unanimous approval of alternatives to desalination? Why doesn't the City engage in a process with citizens who oppose the parking structure? Surely a "public process" in which the Nelson\Nygaard report costing the City \$100,000 is suppressed, doesn't qualify as a democratic process.

-Rick Longinotti

Rosemary Balsley

From: Bonnie Bush
Sent: Monday, October 26, 2020 11:18 AM
To: City Council
Subject: FW: Library Mixed Use project

Bonnie Bush, CMC

City Clerk Administrator
City of Santa Cruz
831-420-5035

Public Records Requests may be submitted online via the Public Records Request form, by email to bwillman@cityofsantacruz.com, or by hard copy form available at the City Clerk's Office located at 809 Center Street, Room 9, Santa Cruz, CA 95060.

Please note: Public Record Act Requests submitted via email, fax, USPS, or dropoff after 5:00 p.m. on a business day, Saturdays, Sundays, or holidays will be processed as received on the next open business day. The 10-day response period begins when the request is received.

From: deidre@hamiltonlandplanning.com [mailto:deidre@hamiltonlandplanning.com]
Sent: Monday, October 26, 2020 11:12 AM
To: Donna Meyers <dmeyers@cityofsantacruz.com>; Katherine Beiers <kbeiers@cityofsantacruz.com>; Sandy Brown <sbrown@cityofsantacruz.com>; Renee Golder <rgolder@cityofsantacruz.com>; Cynthia Mathews <CMathews@cityofsantacruz.com>; Martine Watkins <mwatkins@cityofsantacruz.com>; Justin Cummings <jcumplings@cityofsantacruz.com>
Cc: Bonnie Bush <bbush@cityofsantacruz.com>
Subject: Library Mixed Use project

Mayor and Council members:

I am writing to you as a member of the Downtown Commission. I was on the commission when we voted to recommend to the Council that the library mixed use project be approved. We reviewed volumes of information, listened to input from staff, and heard from the public, both for and against the project. We considered how the project would affect the further of the downtown area considering all of the existing and proposed development called for in the general plan. We considered our existing Transportation Demand Management program measures that are currently in effect and what could be done in the future to help reduce car trips into the downtown area and improve the program. We considered the fiscal impacts on the parking district both with and without the project and on the businesses in the downtown area. We also considered the desired goal of the Council to provide affordable housing in the downtown area. We considered the balance of all of these things along with the goal of reducing greenhouse gas now and in the further and decided as a body that this project should be approved. Subsequently the project received approval from two different City Councils. The action you are considering today is a necessary next step to move the project forward. I understand that there are people that are opposed to the project and are not interested in seeing it succeed; however, I personally do not agree with their position, and the fact that the City Council voted to support the project says that you too don't agree with their position either. Their voices have been heard loud and clear over several years, several hearings and several studies, and it is now time to move this important project forward for the betterment of our downtown and of the City of Santa Cruz. I urge you to act to award the contract of the owner's rep for the library mixed use project.

Thank you for your consideration.
Deidre

Deidre Hamilton
deidre@hamiltonlandplanning.com
(831) 423-9992



Rosemary Balsley

From: Curt Simmons <curtsimmons@hotmail.com>
Sent: Monday, October 26, 2020 11:24 AM
To: City Council
Subject: Agenda Item 30 Mixed-Use Project

Re: opposition to mixed use project

Dear City Council Members,

I'm not going to repeat all of the valid reasons for rejecting the mixed use project. There are many. They are well thought out and researched. You have heard them all and you should listen.

I just want to add one more email stating my opposition to this project. Affordable housing - yes, but build it. There are many potential downtown sites. A renovated library - yes, what are you waiting for? A 400-space garage displacing our Farmers Market - no! Please don't waste another dollar pursuing this project.

Curt Simmons
Co-owner Plaza Lane Optometry
Downtown Santa Cruz

Rosemary Balsley

From: coco@finedesignsbycoco.com
Sent: Monday, October 26, 2020 11:24 AM
To: City Council
Subject: In support of the Owner's Representative Contract

Hello Members of the Santa Cruz City Council,

I, Coco Raner-Walter would very much like to be put on the agenda for the group speaking time in regards to the Library project.

As the Chairperson for the Santa Cruz Democratic Central Committee, I am writing to you to voice that we voted in favor for this wonderful multi use building project and would very much like you to move forward with it.

Thank you for your time and consideration.

Sincerely,
Coco Raner-Walter
Chairperson
SCCDCC
831-915-2495

supporting confirmation of the Owner's Representative contract. It's item #30 on the agenda.

Rosemary Balsley

From: Shelley Hatch <scghia@gmail.com>
Sent: Monday, October 26, 2020 11:42 AM
To: Justin Cummings; City Council
Subject: 1 more reason garage is in wrong location

The proposed location for the parking garage would make more sense to be where you plan to put the Farmer's Market , not where the market is now located. Many of the garage spaces will be utilized on a daily and overnight basis by people who will live in the hundreds of luxury units to be built facing the river ,on Front Street. It makes sense that a resident of an expensive unit would rather be closer to their car and it's ringing alarm than to be blocks away when it goes off in the middle of the night. Will there be someone all night in the garage who can disable all the car alarms so they don't awaken the sleeping residents who live in the garage's lower income units ? Or will the Tesla owner have to walk blocks to get to their car to see what's happening ? Can the waves travel from your residence to your car alarm in a remote garage without interference ? <https://www.crime-safety-security.com/Emergency-Button.html> .

I learned about the plan for a new structure while attending city meetings ,and understood that the developers did not want to provide sufficient on site parking , but that it would be located elsewhere. .It didn't pencil out for them, as they said, so Economic Development and other city entities came to their rescue with a plan to add the garage onto the citizen passed Measure S , even though the word garage was never used in either Measure S outreach to the public or in the Measure S ballot language.

Shelley
Hatch

Rosemary Balsley

From: Deborah Tracy-Proulx <dtracyproulx@gmail.com>
Sent: Monday, October 26, 2020 11:43 AM
To: City Council
Subject: Approve contract with Guthrie Structures

Dear Councilmembers,

I am writing in support of approving a contract with Guthrie Structures, Inc. to act as the Owner's representative for the Library Mixed Use project.

The community has shown its support for a robust library system that meets contemporary and future needs. The current downtown library — the main library for the entire system — is structurally and programmatically inadequate. Simultaneously, the community faces a housing crisis, especially for low/moderate income residents. Options have been studied at depth by an appointed committee, supported by extensive technical studies and extensive community outreach. The mixed use approach achieves a cost-effective combination of community benefits including a new library, permanently affordable housing, and a program of shared replacement parking to support a thriving downtown. Two different city councils have voted to proceed with this project. Funding for this approach can be assembled through multiple sources; it is cost-effective and environmentally sound.

Deb Tracy-Proulx
Santa Cruz City Schools Trustee
Former librarian
Parent

--

Deb Tracy-Proulx
[831.251.0943](tel:831.251.0943) mobile

Rosemary Balsley

From: Jane Orbuch <jorbuch@comcast.net>
Sent: Monday, October 26, 2020 11:46 AM
To: City Council; Justin Cummings; Donna Meyers; Katherine Beiers; Sandy Brown; Renee Golder; Martine Watkins; jyork@santacruzsentinel.com; downtowncommonsadvocates@gmail.com
Subject: Abandon the Lot 4 mixed-use project!

Dear Mayor Cummings and City Councilmembers:

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Its a terrible time when we are all concerned and putting time in the election to push through a plan so impactful of the downtown Santa Cruz we love. Give the community more time and move forward with the far more sensible plan from "Downtown Commons Advocates" Our downtown farmers market and its heritage trees are a community treasure. We don't need more parking , but less. More mass transit and biking.

Thank you for your consideration and your efforts on behalf of our community.

Rosemary Balsley

From: Joseph Schultz <jozseph@gmail.com>
Sent: Monday, October 26, 2020 11:52 AM
To: City Council; Justin Cummings; +dmeyers@cityofsantacruz.com;
++kbeiers@cityofsantacruz.com; +sbrown@cityofsantacruz.com;
+rgolder@cityofsantacruz.com; +mwatkins@cityofsantacruz.com;
+jyork@santacruzsentinel.com; +downtowncommonsadvocates@gmail.com
Subject: Abandon the Lot 4 mixed-use project!

Dear Mayor Cummings and City Councilmembers:

Although this is a cut and paste letter, it is totally in line with my position as a longtime SC business owner.

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.
If you have any questions about my position please don't hesitate to contact me.

Jozseph Schultz
INdia Joze 831 325-3633

Rosemary Balsley

From: Cory Meyers <corymeyers@me.com>
Sent: Monday, October 26, 2020 12:04 PM
To: City Council
Subject: RE: Item 30, Owner's Rep for Mixed Use Library

Dear Mayor and Members of the City Council,

Please move forward with hiring an owner's representative for the mixed library and affordable housing project. This project would at least 50 new deed restricted affordable homes for working families in downtown Santa Cruz, right near transit and a beautiful new, modern library. What better investment can we make as a community than to support our low income families through the creation of new community and educational space, that will be accessible to all? By building housing in downtown we can take advantage of the surrounding amenities and job opportunities to reduce commuter car trips, plus the development of centralized parking will allow for the development of even more housing on inefficient, city owned surface lots.

Hiring an owner's representative is a largely routine and administrative item, and not a decision that warrants further delay. This project has already been approved by 2 Councils, supported by a special Council subcommittee, and the Downtown Library Advisory Committee. It is also supported by a large coalition of housing, business, labor, environmental groups, and nonprofit service providers.

Please stop delaying this project to appease project opponents who only want to abuse this process as a political exercise. Build the new Library NOW!

Sincerely,

Cory Meyers
Owner, Yarn Shop Santa Cruz

Rosemary Balsley

From: Jamileh Cannon <jamileh@workbenchbuilt.com>
Sent: Monday, October 26, 2020 12:09 PM
To: City Council
Subject: RE: Item 30, Owner's Rep for Mixed Use Library - Please approve!

Dear Mayor and Members of the City Council,

Please move forward with hiring an owner's representative for the mixed library and affordable housing project. This project would at least 50 new deed restricted affordable homes for working families in downtown Santa Cruz, right near transit and a beautiful new, modern library. What better investment can we make as a community than to support our low income families through the creation of new community and educational space, that will be accessible to all? By building housing in downtown we can take advantage of the surrounding amenities and job opportunities to reduce commuter car trips, plus the development of centralized parking will allow for the development of even more housing on inefficient, city owned surface lots.

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Please stop delaying this project to appease project opponents who only want to abuse this process as a political exercise. Build the new Library NOW!

Sincerely,

Jamileh Cannon

Rosemary Balsley

From: Bob Lamonica <boblamonica@gmail.com>
Sent: Monday, October 26, 2020 12:10 PM
To: City Council
Subject: RE: Item 30, Owner's Rep for Mixed Use Library

Dear Mayor and Members of the City Council,

Please move forward with hiring an owner's representative for the mixed library and affordable housing project. This project would at least 50 new deed restricted affordable homes for working families in downtown Santa Cruz, right near transit and a beautiful new, modern library. What better investment can we make as a community than to support our low income families through the creation of new community and educational space, that will be accessible to all? By building housing in downtown we can take advantage of the surrounding amenities and job opportunities to reduce commuter car trips, plus the development of centralized parking will allow for the development of even more housing on inefficient, city owned surface lots.

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Please stop delaying this project to appease project opponents who only want to abuse this process as a political exercise. Build the new Library NOW!

Sincerely,

Bob Lamonica

Rosemary Balsley

From: Cindy <cincin@elgatito.com>
Sent: Monday, October 26, 2020 12:12 PM
To: City Council
Subject: Agenda Item 30, Mixed-use Project

Dear City Council Members,

I object to the Mixed-use Project for several reasons:

First, I voted for a renovation of the existing Library. The existing structure is sound and I would like to see the Library remain in the current location. This building will require repairs no matter it's future use. I feel strongly that the needed repairs should be made for the building's originally intended purpose as a Library.

Second, I am in favor of affordable housing but not on the lot that currently hosts the weekly Farmer's Market and is home to several majestic heritage trees. A better location for housing and parking would be on a City owned lot closer to the Metro Bus Depot.

Third, This project is not supported by a large portion of the voting population. Given that the make up of the City Council may look differently in a week due to the contentious nature of this Project, I propose this Agenda Item be tabled until after the election.

Thank you,
Cindy Chace
425 Cleveland Ave.
Santa Cruz

Rosemary Balsley

From: Chris Richardson <Chris@streetsteam.org>
Sent: Monday, October 26, 2020 12:20 PM
To: City Council
Subject: RE: Item 30, Owner's Rep for Mixed Use Library

Dear Mayor and Members of the City Council,

Please move forward with hiring an owner's representative for the mixed library and affordable housing project. This project would at least 50 new deed restricted affordable homes for working families in downtown Santa Cruz, right near transit and a beautiful new, modern library. What better investment can we make as a community than to support our low income families through the creation of new community and educational space, that will be accessible to all? By building housing in downtown we can take advantage of the surrounding amenities and job opportunities to reduce commuter car trips, plus the development of centralized parking will allow for the development of even more housing on inefficient, city owned surface lots.

Hiring an owner's representative is a largely routine and administrative item, and not a decision that warrants further delay. This project has already been approved by 2 Councils, supported by a special Council subcommittee, and the Downtown Library Advisory Committee. It is also supported by a large coalition of housing, business, labor, environmental groups, and nonprofit service providers.

Please stop delaying this project to appease project opponents who only want to abuse this process as a political exercise. Build the new Library NOW!

Sincerely,

CHRIS RICHARDSON

Chief Program Officer

1671 The Alameda, Suite 306 • San Jose, CA 95126

Main: (408) 899-7350 • Mobile: (650) 804-6701

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ENDING HOMELESSNESS
THROUGH THE DIGNITY OF WORK.

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Rosemary Balsley

From: Duf Fischer <duf_fischer@yahoo.com>
Sent: Monday, October 26, 2020 12:21 PM
To: City Council
Subject: RE: Item 30, Owner's Rep for Mixed Use Library

Dear Mayor and Members of the City Council,

Please move forward with hiring an owner's representative for the mixed library and affordable housing project. This project would at least 50 new deed restricted affordable homes for working families in downtown Santa Cruz, right near transit and a beautiful new, modern library. What better investment can we make as a community than to support our low income families through the creation of new community and educational space, that will be accessible to all? By building housing in downtown we can take advantage of the surrounding amenities and job opportunities to reduce commuter car trips, plus the development of centralized parking will allow for the development of even more housing on inefficient, city owned surface lots.

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Please stop delaying this project to appease project opponents who only want to abuse this process as a political exercise. Build the new Library NOW!

Sincerely, Duf Fischer

[Sent from Yahoo Mail on Android](#)

Rosemary Balsley

From: Barbara Gibson <barbarawgibson@yahoo.com>
Sent: Monday, October 26, 2020 12:21 PM
To: City Council
Subject: Agenda item 30, mixed use project

Dear City Council Members,

I object to the Mixed-use Project for several reasons:

First, I voted for a renovation of the existing Library. The existing structure is sound and I would like to see the Library remain in the current location. This building will require repairs no matter it's future use. I feel strongly that the needed repairs should be made for the building's originally intended purpose as a Library.

Second, I am in favor of affordable housing but not on the lot that currently hosts the weekly Farmer's Market and is home to several majestic heritage trees. A better location for housing and parking would be on a City owned lot closer to the Metro Bus Depot.

Third, This project is not supported by a large portion of the voting population. Given that the make up of the City Council may look differently in a week due to the contentious nature of this Project, I propose this Agenda Item be tabled until after the election.

Thank you,

Barbara Gibson
147 Tree Frog Lane
Santa Cruz, California
Mobile 510-502-0746

Sent from my iPad Etch-a-Sketch

Rosemary Balsley

From: Lynn Dunn <dunnreimers@mac.com>
Sent: Monday, October 26, 2020 12:26 PM
To: City Council
Subject: Agenda Item 30 Mixed-Use Project

Dear City Council

1. The various components of the existing library building can be restored/rebuilt/repared/upgraded ... in other words, fixed. It just takes money (we have Measure S funds) and the desire to spend the money to restore 30,000 square feet (or more) of the existing building instead of building 30,000 square feet (or more) of new library.
2. What about a partnership with Renovate the Civic Auditorium ?
3. Ellen Primack stood at her Renovate the Civic Auditorium booth and was asked over and over to consider partnering with the library ?
4. The third leg, continue orchestra practice sessions at City Hall, bringing a much needed annual mental shift from tensions of city hall to enjoyment of sitting in city hall spaces filled with music.
5. Triecta for the residents, city and visitors. A destination. A vibrant civic corner: renovated library, renovated civic auditorium and revived city hall.

A new group, Friends of the Civic Auditorium, has formed to support the renovations. Their goal is to raise awareness and funding. Since the foundation of the auditorium is structurally sound, Primack says the renovations will focus primarily on modernization. The Civic Leadership Team first formed in 2012, and eventually partnered with ELS Architecture and Urban Design. Together they came up with a plan that includes retractable seating for around 1,700 audience members (which is actually a downsize from the current 2,000-seat capacity), an open rooftop balcony, elevators and second-floor entrances. They're also looking to update the lighting and technical equipment, while expanding the lobby and concessions bar. The David and Lucile Packard Foundation sponsored the surveys and business planning studies, as well as the current outreach efforts. Although Arts Council Santa Cruz County is the group's current fiscal sponsor, no one has yet to contribute any funding to the renovations. The group is looking to raise an additional \$20 million to implement the proposed renovations.

Rosemary Balsley

From: Ellen Farmer <ellen.farmer@yahoo.com>
Sent: Monday, October 26, 2020 12:29 PM
To: City Council
Subject: RE: Item 30, Owner's Rep for Mixed Use Library

Dear Mayor and Members of the City Council, Please change your approval of the massive parking garage library project and instead create a commons area on site. Use your library improvement funding to remodel the library that already exists. Downtown does not need more parking. We do need affordable housing, but not in one of the few sites where we could have a downtown commons.

Sincerely,
Ellen Farmer
831-750-9799

Rosemary Balsley

From: Brian O'Connor <oconnorbri@yahoo.com>
Sent: Monday, October 26, 2020 12:41 PM
To: City Council
Subject: Item 30, Owner's Rep for Mixed Use Library - Comments

Dear Mayor and Members of the City Council

Do not approve this mixed use project without an honest vote by the citizens. I am against the parking garage, library housing project. The prior vote was to rebuild the existing library, not a multi-story parking garage.

It's an abuse of power by the Council to redirect those funds to this ill advised project. It does not address any of the problems facing Downtown Santa Cruz.

This power and money grab reminds me of Trump using Military funds to build his idiotic wall. Outrageous on both counts.

Using this website for an obvious political statement is another abuse of power. People opposed to the project do not have equal access to the email addresses of the citizens.

No Rail. Widen the Freeway, disband the RTC and use those funds for salaries to fix the surface roads which are in woeful disrepair. Btw, 124 River Street is for sale and would make a perfect location for a Parking Garage using the neighboring parcel owned by Bank of America in combination with my parcel for a multi-story project, which conceivably could also include housing. Keep the Library where it is and rebuild it.

Brian O'Connor
Commercial Realtor (20 years)
Santa Cruz County
BRE #01911496

Rosemary Balsley

From: Shelley Hatch <scghia@gmail.com>
Sent: Monday, October 26, 2020 12:43 PM
To: City Council
Subject: RE: Item 30

Dear Mayor and City Council,

DO NOT move forward with hiring an owner's representative for the mixed library, garage, and housing project. This project is in the wrong location and is a result of developers not wanting to provide the needed parking spaces for the residents they economically benefit from renting or selling to.

This project is NOT supported, but opposed, by a large coalition of housing, business, labor, and environmental groups, due to a myriad of financing and other problematic aspects to the plan.

Remodel the old Civic Center Library NOW !

Sincerely, Tadd and Ebin Harch

Rosemary Balsley

From: Deborah Marks <deborahmarks2@gmail.com>
Sent: Monday, October 26, 2020 12:52 PM
To: City Council; Martin Bernal
Subject: Mixed Use Library

Dear Mayor and Members of the City Council,

As you make a decision about hiring the developers representative for the library garage project I wish to remind you that the library money that was approved by the community was to repair and improve the existing library and not to build a new library under a parking garage plus moving the beloved FARMERS MARKET. I am offended by how the Council ignored the voters in the community and misused its power to build a giant parking garage. While I support adding affordable housing downtown I am appalled by the lack of transparency and disrespect for community opinion on this matter.

Sincerely,

Deborah Marks

Rosemary Balsley

From: Bob Morgan <robertmorgan@baymoon.com>
Sent: Monday, October 26, 2020 1:02 PM
To: Justin Cummings; City Council
Cc: Bonnie Bush; micah posner
Subject: Sierra Club: Written comment for 10/27
Attachments: Sierra Club-Final!garage letter.pdf

Dear Mayor Cummings and City Council Members,

The Sierra Club, Santa Cruz Group would like to submit a written comment for the public record for Item #30 on the October 27th City Council agenda.

Please see our attached comment for submission for the record.

Thank you and best regards,

Bob Morgan, Transportation Committee Chair, Sierra Club, Santa Cruz Group.



**SANTA CRUZ COUNTY
GROUP**

Of The Ventana Chapter

P.O. Box 604, Santa Cruz, CA 95061

<https://ventana2.sierraclub.org/santacruz/>

email: sierraclubsantacruz@gmail.com

May 19, 2020

Santa Cruz City Council

Mayor Justin Cummings

809 Center Street, Rm 10

Santa Cruz, CA 95060

Subject: Mixed-use Project on Downtown Public Parking Lot 4

Dear Mayor Cummings and City Council Members,

The Sierra Club asks you to consider the economic impacts and the climate emergency as you review the Parking Lot 4 mixed-use project. This proposal, including its planned four hundred car garage, replaces the largest public open space downtown and puts the City in a vulnerable economic position during the coronavirus pandemic. It is antithetical to sustainable, ecological principles; rather than new construction, invest precious community resources to keep the current library on its present site and preserve public open space on Parking Lot 4.

We support Jayson Architects' library renovation proposal. This project will improve our library and create a public plaza, bounded by the library, City Hall and the Civic Auditorium--the library renovation will revitalize the Civic Center. Cultivating public space, both on Parking Lot 4 and at the Civic Center will promote health, tourism and enhance the quality of life we enjoy in Santa Cruz.

City Consultants Do Not Support Additional Downtown Parking

We are not alone in our reasoning. Experts in the fields of parking management and economics have recommended improving parking management instead of financing the eighty-seven million dollar garage. In a 2015 presentation to the City Planning Commission consultants Janis Rhodes from JR Parking Associates, Frederik Ventner from Kimley-Horn and Ria Hutabarat-Lo from Nelson Nygaard unanimously supported implementing alternative parking strategies before increasing our parking inventory.

Presentations to the City Council from parking expert Patrick Seigman, formerly of Nelson/Nygaard, and UCSC Environmental Parking Economics professor Adam Miller-Ball (March, 2019) were clear: **don't build more parking; manage parking better** by implementing parking and

transportation demand management strategies. Both emphasized that we have a parking management problem, not a parking supply problem.

Public Presentation of Parking Study

The Sierra Club would like the City Council to hold a public review of the recent Nelson/Nygaard Santa Cruz Downtown Parking Study undertaken between 2017 and 2019. The findings from this study are critical to the decision-making process. In this “Parking Toolbox” they advise a wide variety of parking strategies to achieve balanced, sustainable approaches to parking management before building additional parking. “...it is better and less expensive for a city to increase the efficiency of how existing parking is used, rather than to simply build more spaces” (94), they write. They articulate a strong cautionary warning: “Building and maintaining parking is expensive, so it is critical to the City’s long-term financial sustainability” that decision makers find the appropriate balance between parking supply and encouraging residents to use other modes to come downtown (1).

Compliance with California Climate Action Goals

Transportation is the single largest contributing factor to climate change. We cannot reduce carbon without reducing Vehicle Miles Traveled and CO2 emissions. California has taken the lead with Senate Bill 32 which requires a 40% reduction of greenhouse gas emissions by 2030. Santa Cruz can join proactive cities of the world by designing city centers to support the climate, pedestrians and bikes. The City’s 2020 Climate Action Plan (p.41) calls for a 10% reduction of car trips by 2020. ***The operation of a large new Parking Garage would work at cross purposes to the critical goal of reducing car trips. Specifically, if the City prioritizes its Climate Plan Goal, the parking garage will be underutilized and unable to service its debt. If the City meets the parking garage debt, it is by providing additional parking at an economical price, thus effectively incentivizing increased automobile trips and working against the goals of the Climate Plan. Albert Einstein said that “one cannot simultaneously prevent and prepare for war” He could have been talking about automobile trips and their impact on the world’s climate.***

Preserve Public Open Space Downtown

The City Council has recognized the benefit of open space for the mental and physical well-being of residents. It’s Health in All Policies ordinance, now codified in our municipal code (6.02) is explicit, public health requires “Accessible built environments that promote health and safety, mitigate emissions, [and] improve parks and green space...”

Affordable Housing Downtown

We understand the environmental benefits to building affordable, workforce housing near transit, employment, public space and shopping areas. We are not convinced that the City needs a parking garage as a means to create housing. ***We support affordable housing downtown and recommend that the City invest in it directly, without additional parking, as per new guidelines around parking and affordable housing recently passed at the state level.***

The Covid-19 Crisis Economy Is Precarious

Due to the exceptional circumstances with Covid-19, our recommendations are even more cogent: financing a major capital expenditure is unwise in uncertain economic times. Facing what the International Monetary Fund recently called the "worst downturn since the Great Depression", makes building a garage an imprudent economic decision. A mixed-use project will further undermine the City's economic stability.

Conclusion

The Sierra Club requests you review the parking consultants' findings and present the downtown parking study to the public. We urge you to support Jayson Architects' library renovation and do not move forward with a mixed-use project on Parking Lot 4. We need to recreate Parking Lot 4 for tourists, community gatherings and events, enhancing our quality of life with the largest public open space downtown.

Respectfully,

Micah Posner, Chair

Sierra Club, Santa Cruz Group

Rosemary Balsley

From: Janine <j9discuss@gmail.com>
Sent: Monday, October 26, 2020 1:04 PM
To: City Council
Subject: Library Project - Keep Going!

Hi

I am writing in support of the Library project. I know you have an agenda item about moving forward on a contract. Please vote Yes.

As Don Lane so wonderfully summarized in his blog article:

- The funding is there.
- The housing opportunities are there.
- The land is there.
- We can move forward on this and make real strides toward a more diverse and equitable community.

Don't let the NIMBYs who like trees slow you down. I like trees too, and I'm a YIMBY.

Janine Roeth
407 Ocean View Ave
Santa Cruz, CA

Rosemary Balsley

From: Catherine O'Kelly <catherine_okelly@comcast.net>
Sent: Monday, October 26, 2020 1:07 PM
To: City Council
Subject: Please Stop This Insanity!

Dear Mayor and City Council members,

Please abandon your plans to move the Farmer's Market, and destroy beautiful heritage trees, to build something **ONLY** your downtown business people want! Where is your vision of the future? Don't you **READ**? Don't you know that there will be **LESS** automobile use in 10 years, not **MORE**? Don't you know that gasoline and fossil fuels are harmful to our fragile environment? You have a beautiful coastal community, and you should do everything to preserve its beauty, not to destroy trees, as you already have (all the tall trees across from city hall were removed about 8 years ago, as have *many* heritage trees around town).

Do you think residents would be comfortable knowing that there is a parking garage above them? Did you ever see photos of the pancaked parking garage that collapsed during the Northridge Earthquake in Los Angeles in 1994? You have a parking garage on Front Street—most of those spaces are taken by downtown employees. Why not do what other cities have done and give your employees **FREE** monthly bus passes? And free up those parking spaces for store *customers* instead? Two-hour parking limit on some of your street parking spaces? Can **YOU** have a leisurely dinner, browse the storefronts, or go to a movie in just **TWO HOURS**? Not very well-thought out idea there!

Face it, folks! Most visitors don't come to Santa Cruz to shop in your little bitty downtown area! They come to play on the **BOARDWALK**! They come to see the **OCEAN!!!** If you're lucky, they also come downtown to **EAT**. They sure as heck don't want to see a multi-story building blocking the sunset! What you really want is **NO PLACE** for people to gather! No Town Square. No pleasant public park for folks to eat Zoccoli's snacks. One of the best idea you've ever had is the trolley to give folks a lift for 25 cents between the Boardwalk area and Downtown. It could be free...and operate all year long.

What most of us want is to have the **MAIN LIBRARY** fixed up! You have the little parking lot right next to it that can be built upon! It is just a shame to want to destroy our main library, with its large children's area upstairs and the fabulous California history section downstairs. The bathrooms need to be completely rebuilt, and there is lots of cosmetic stuff you can do, but the main structure of the library is **NOT** in danger of falling down! Can you **PLEASE** put this insane idea to rest? We are begging you....what more can we do?

Catherine O'Kelly
catherine_okelly@comcast.net
831-419-3672

Rosemary Balsley

From: David Lyng <dlyng@davidlyng.com>
Sent: Monday, October 26, 2020 1:13 PM
To: City Council
Subject: RE: Item 30, Owner's Rep for Mixed Use Library

Dear Mayor and Members of the City Council,

Please move forward with hiring an owner's representative for the mixed library and affordable housing project. This project would at least 50 new deed restricted affordable homes for working families in downtown Santa Cruz, right near transit and a beautiful new, modern library. What better investment can we make as a community than to support our low income families through the creation of new community and educational space, that will be accessible to all? By building housing in downtown we can take advantage of the surrounding amenities and job opportunities to reduce commuter car trips, plus the development of centralized parking will allow for the development of even more housing on inefficient, city owned surface lots.

Hiring an owner's representative is a largely routine and administrative item, and not a decision that warrants further delay. This project has already been approved by 2 Councils, supported by a special Council subcommittee, and the Downtown Library Advisory Committee. It is also supported by a large coalition of housing, business, labor, environmental groups, and nonprofit service providers.

Please stop delaying this project to appease project opponents who only want to abuse this process as a political exercise. Build the new Library NOW!

Sincerely,
David Lyng

Sent from my iPhone
CalDRE 00793982

Rosemary Balsley

From: Jessie Bristow <jbristow@swenson.com>
Sent: Monday, October 26, 2020 1:14 PM
To: City Council
Subject: RE: Item 30, Owner's Rep for Mixed Use Library

Dear Mayor and Members of the City Council,

Please move forward with hiring an owner's representative for the mixed library and affordable housing project. This project would at least 50 new deed restricted affordable homes for working families in downtown Santa Cruz, right near transit and a beautiful, new, modern library. What better investment can we make as a community than to support our low income families through the creation of new community and educational space that will be accessible to all? By building housing in downtown we can take advantage of the surrounding amenities and job opportunities to reduce commuter car trips, plus the development of centralized parking will allow for the development of even more housing on inefficient, city owned surface lots.

Hiring an owner's representative is a largely routine and administrative item, and not a decision that warrants further delay. This project has already been approved by 2 Councils, supported by a special Council subcommittee, and the Downtown Library Advisory Committee. It is also supported by a large coalition of housing, business, labor, environmental groups, and nonprofit service providers.

Thank you for your time and consideration,

Jessie B.

Rosemary Balsley

From: Tera Martin <teramartin17@gmail.com>
Sent: Monday, October 26, 2020 1:20 PM
To: City Council
Subject: RE: Item 30, Owner's Rep for Mixed Use Library

Dear Mayor and Members of the City Council,

Please move forward with hiring an owner's representative for the mixed library and affordable housing project. This project would at least 50 new deed restricted affordable homes for working families in downtown Santa Cruz, right near transit and a beautiful new, modern library. What better investment can we make as a community than to support our low income families through the creation of new community and educational space, that will be accessible to all? By building housing in downtown we can take advantage of the surrounding amenities and job opportunities to reduce commuter car trips, plus the development of centralized parking will allow for the development of even more housing on inefficient, city owned surface lots.

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Please stop delaying this project to appease project opponents who only want to abuse this process as a political exercise. Build the new Library NOW!

Sincerely,

Tera Martin
Harbor High and Branciforte Middle School parent, Cabrillo instructor, Santa Cruz resident

Rosemary Balsley

From: Mindi Broughton <mindibroughton@gmail.com>
Sent: Monday, October 26, 2020 1:22 PM
To: City Council
Subject: RE: Item 30, Owner's Rep for Mixed Use Library

Dear Mayor and Members of the City Council,

Please move forward with hiring an owner's representative for the mixed library and affordable housing project. This project would at least 50 new deed restricted affordable homes for working families in downtown Santa Cruz, right near transit and a beautiful new, modern library. What better investment can we make as a community than to support our low income families through the creation of new community and educational space, that will be accessible to all? By building housing in downtown we can take advantage of the surrounding amenities and job opportunities to reduce commuter car trips, plus the development of centralized parking will allow for the development of even more housing on inefficient, city owned surface lots.

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Please stop delaying this project to appease project opponents who only want to abuse this process as a political exercise. Build the new Library NOW!

Sincerely,

Mindi Broughton
Pacific Avenue Land LLC

Rosemary Balsley

From: nelsontrio@cruzio.com
Sent: Monday, October 26, 2020 1:23 PM
To: City Council
Subject: The "Parking Garage Mixed Use Project" ?

Dear City Council members,

Kind regards to you, and thank you for serving in trying times.

There has been, and will be, much debate and controversy about building a City-sponsored project involving a large new automobile parking garage downtown, and for fundamentally good reasons.

At a time of economic uncertainty, tough budget cuts for Council to come to terms with, and grave risk to civilization from increasing climate destabilization, a landmark new investment in 6-story parking infrastructure for polluting, resource-intensive and cost-intensive automobiles might seem to some like the most unwise choice to make. It might look to some like a rationalizations-wrapped, sweetened flavor of tragic climate denialism.

Accordingly the project concept before you Tuesday has *consciously* not been dubbed the "Parking Garage Mixed Use Project." Its proponents would rather you and the general public focus on library benefits and housing benefits rather than grasp the central fact that this concept version of library is glued together by benefits for automobiles, not people.

Dear council members, we can better address downtown library, parking, and housing needs *without* tens of millions of dollars needlessly diverted into concrete to serve the automobile. If we're doing what we need to, to address climate, then projected future reductions in parking spaces downtown are fully compatible with reducing our existing over-reliance on the automobile to get around.

The City's parking consultants, and local sustainable transportation advocates as well, have already pointed to the more sustainable alternatives to a new parking garage, while conversely, I don't see in your agenda materials where City staff has yet adequately detailed to you how the finances for the project before you will in fact work.

Sincerely,

Jack Nelson
Environmental Planner and Land Use Planner, retired
127 Rathburn Way, Santa Cruz

P.S. If this garage-library project goes forward, I feel it should get an explanatory plaque, from a literary source, for those who come after us to see.

This would be, a concise quote from famous novelist Kurt Vonnegut:

'Dear future generations: Please accept our apologies. We were rolling drunk on petroleum.'

Rosemary Balsley

From: Scott Family <imscott@cruzio.com>
Sent: Monday, October 26, 2020 1:26 PM
To: City Council
Subject: Item 30 Mixed Use Library, Agenda for October 27, 2020

To: Santa Cruz City Council

Re: Item 30 Mixed Use Library, Agenda for October 27, 2020

Dear Mayor Cummings and Council Members:

This project, slated to cost \$80 million or more, is ill-conceived. It would use bond funds that the 2016 Measure S campaign led voters to believe were for the renovation of the Downtown Library. There was nothing on the Measure S ballot about moving any of our libraries to new locations or putting the downtown branch at the bottom of a massive parking garage.

It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

So many voters oppose this project. We did not vote for our bond funds to be used for this purpose and think it is a blatant disregard for the voting process and a betrayal of the public's trust.

The time has come to say NO to this inappropriate, underfunded, misguided use of the taxpayers dollars!

Sincerely,
Isabelle Scott
418 Sumner St.
Santa Cruz, CA 95062

Rosemary Balsley

From: Geraldine Lieby <gerilieby@me.com>
Sent: Monday, October 26, 2020 1:31 PM
To: City Council
Subject: Library Mixed Use Project

Hello,

I have been on both sides of this issue. After listening to the arguments on both sides over the months, I've come to the conclusion that while I like the idea of a stand alone library, I think it is not the wisest choice. We need a modern library, affordable housing and consolidated parking to allow the building of housing on city owned parcels currently used for parking. And we won't lose the farmers market with this project.

Geri Lieby

Rosemary Balsley

From: Ted Burke <TedBurke@shadowbrook-capitola.com>
Sent: Monday, October 26, 2020 1:34 PM
To: City Council
Subject: RE: Item 30, Owner's Rep for Mixed Use Library

Dear Mayor and Members of the City Council,

Hoping that the 3rd time is the charm . . . and the end to the unfortunate delays and never ending discussions.

Please move forward with hiring an owner's representative for the mixed library and affordable housing project. This project would at least 50 new deed restricted affordable homes for working families in downtown Santa Cruz, right near transit and a beautiful new, modern library. What better investment can we make as a community than to support our low income families through the creation of new community and educational space, that will be accessible to all? By building housing in downtown we can take advantage of the surrounding amenities and job opportunities to reduce commuter car trips, plus the development of centralized parking will allow for the development of even more housing on inefficient, city owned surface lots.

Hiring an owner's representative is a largely routine and administrative item, and not a decision that warrants further delay. This project has already been approved by 2 Councils, supported by a special Council subcommittee, and the Downtown Library Advisory Committee. It is also supported by a large coalition of housing, business, labor, environmental groups, and nonprofit service providers.

Please stop delaying this project to appease project opponents who only want to abuse this process as a political exercise. Build the new Library NOW!

Sincerely,

Rosemary Balsley

From: Kathy Miller <kmiller8991@gmail.com>
Sent: Monday, October 26, 2020 1:38 PM
To: City Council
Subject: Agenda Item 30, Mixed-use Project

Dear City Council Members,

I do not support moving our library and incorporating it into a parking garage, and low income housing project, or relocation of the Wednesday Farmers Market.

My understanding was that as voters we voted for the existing downtown library to be renovated at it's current location. I feel, by it remaining in its current location by the Civic and City Hall, the renovation will enhance the city center feel in our community. Putting another business at the current location would detract from that.

I also see the Wednesday Farmers Market at its current location, along with the large trees existing there, as an important part of our downtown identity. Please reconsider moving the library and farmers market. While we need affordable housing, and parking, we should not do so at the expense of institutions that help define Santa Cruz.

Kathy Miller
314 Locust Street, Apt. C
Santa Cruz, CA 95060

Rosemary Balsley

From: Marianne Mastopietro <vintage51@cruzio.com>
Sent: Monday, October 26, 2020 1:39 PM
To: City Council
Subject: Agenda Mixed - Use Project

To whom it may concern, I strongly oppose this project for these reasons:

The various components of the existing library building can be restored/rebuilt/repared/upgraded.. in other words, fixed. It takes money (we have Measure S funds) and the desire to spend the money to restore 30,000 square feet(or more) of the existing building instead of building 30,000 square feet of a new library.

Sincerely,
Marianne Mastopietro

Rosemary Balsley

From: Jean Brocklebank <jeanbean@baymoon.com>
Sent: Monday, October 26, 2020 1:44 PM
To: City Council
Subject: Agenda item #30 of 10/27/20 meeting

Dear City Council ~

Very quickly, this is **not** just a YES or NO vote request on #30.

Instead we present to you simple requests and offer a good parking alternative plan. Please read further :o)

This extremely contentious matter clearly has residents at logger heads with one another. Our plan (below) can accomplish multiple goals of City staff, the current City Council and the diverse public. Our plan is a fair one, whereby ***everyone gets something, instead of some getting everything***. Our plan allows for proceeding, not delaying, albeit proceeding in quite a different way.

Simple Requests

- We ask for a **restored downtown library** in its present location. Due to Measure S funding restrictions that process must begin now, by agreeing to place its approval on the agenda of your November 10 meeting. Since the success of the mixed-use project is not dependent on the inclusion of the downtown library, we offer these further requests:
- We ask for **affordable housing** on the many other city properties in the downtown area, not on Lot 4, not tied to the controversial mixed-use project.
- We ask for a commitment - *in concept* - to create a Downtown **Open Air Commons** at Lot 4 to make it's sunshiny markets (Farmers, Antique Faire and others) a reality for meeting the 2017 Downtown Plan call for a village character for Cedar Street. What better "village character" than to continue with the Farmers' Market on that Cedar Street lot, including some surface parking to be used by vendors during market days.
- We ask for a new way of thinking about **parking needs** that allows for real, not rhetorical, sustainability.

Alternative Parking Plan

Since the existing library already has its own parking and that is what we primarily care about, we have never focused on parking. In the spirit of holistic planning, we'll do so now. Here's goes:

In all things, adaptation and resiliency are the true hallmarks of sustainability. "Adaptive Management" is a well known and practiced system that is now recognized by both the city and the county of Santa Cruz. It is a structured, iterative process of robust decision making ***in the face of uncertainty***, with an aim to reducing uncertainty over time via system monitoring.

Adaptation and resiliency.

This is what is needed for parking downtown: **Adaptive Parking Management** that can be flexible and accommodating in the face of uncertainty.

For instance, the lower level of all housing projects should include parking.

As an example, if the City plans for affordable housing on its parking Lot 7, then that project should be required to include a lower level for resident parking (including bicycle parking, with ability to add secure bike lockers if and when car parking demand decreases). This makes sense for a building in a flood plain, given the uncertainty of sea level rise. But what if, by the time the project is completed and occupied, residents do not utilize all the lower level parking spaces? Here is where a public-private partnership would allow for public parking in spaces not needed by residents.

Adaptation, resiliency, flexibility, and accommodation. Good planning goals and objectives!

We hope that our alternatives serve as food for thought and that the outcome of Tuesday's City Council meeting will be to set aside approval of a contract with Griffin for proceeding with the mixed-use project and taking a road less travelled these past four years.

Sincerely,
Jean Brocklebank and Michael Lewis

Rosemary Balsley

From: David Lieby <dlieby@gmail.com>
Sent: Monday, October 26, 2020 1:46 PM
To: City Council
Subject: Library Mixed Use Project

Dear Santa Cruz City Council members,

I am writing in support of the Library Mixed Use Project. I feel strongly that it is a most wonderful use of the land and will add so much to the city.

Please approve the project.

Thanks,
David Lieby
310 Everson Dr, Santa Cruz, Ca 95060

Rosemary Balsley

From: Shelly D'Amour <shelly@cruzio.com>
Sent: Monday, October 26, 2020 2:03 PM
To: City Council; Justin Cummings
Cc: City Plan; Martin Bernal; Mark Dettle; Bonnie Lipscomb; Lee Butler
Subject: Library plan

Dear City Council,

When I voted for Measure S, I sure didn't intend it to be used to gut and relocate the current library, never mind the ridiculous waste of money on a parking lot. I believe the concept used to promote the measure was "renovation." This is NOT renovation.

The plan you have in front of you destroys the small town character of that portion of downtown, which I and many others cherish. The scale is out of keeping with the surrounding neighborhood structures and lacks any kind of charm. It is a terrible waste of money.

I can't say it any better than the template letter you have already received, so I will reprint that here, adding my approval. Please do not approve this monstrosity.

Sincerely,
Shelly D'Amour
2120 N. Pacific Ave. #93 SC 95060

=====

Renovate / repair / restore / upgrade the Downtown Library at the Civic Center, its present location, where voters were led to believe the Measure S bond money would be spent when we voted for it in 2016. Jayson Architecture has presented a strong, attractive, shovel-ready plan for renovation that can proceed immediately.

This proposal provides the same space and services, including all brand new everything, as the proposed library in the mixed-use project.

Measure S funds continue to diminish as explained by the City Manager and it is time to move immediately on a renovation before we lose any more of Measure S funds to attrition.

Build 100s of units of affordable sustainable housing on Front Street's parking Lot 7 (Cathcart & Front Street) instead of the 50 units proposed for Lot 4 (Current Farmer's Market Cedar Street). Housing that is not held hostage to the proposed mixed-use project which has been controversial for three years and 10 months. Housing which the whole community can support.

Assure sufficient parking for now and the future through parking demand management instead of unnecessary parking garage.

Build a permanent pavillion for the Farmers' Market and Create a Downtown Commons. Save the 10 Heritage trees — all at the market's present Lot 4 (Cedar Street) location. We can have a much-needed community plaza to revitalize the heart of Downtown in the wake of the pandemic and economic crisis, surrounded by shops, cafes, and restaurants.

This would also meet the 2017 Downtown Plan call for a village character for Cedar Street.

Rosemary Balsley

From: Zoe Kosovic <zkosovic@mac.com>
Sent: Monday, October 26, 2020 2:05 PM
To: City Council; Justin Cummings; Donna Meyers; Katherine Beiers; Sandy Brown; Renee Golder; Martine Watkins; jyork@santacruzsentinel.com; downtowncommonsadvocates@gmail.com
Subject: Abandon the Lot 4 mixed-use project!

Dear Mayor Cummings and City Councilmembers:

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Sent from my iPhone

Rosemary Balsley

From: jasper marino <jaspermarino@gmail.com>
Sent: Monday, October 26, 2020 2:07 PM
To: City Council; Justin Cummings; Donna Meyers; Katherine Beiers; Sandy Brown; Renee Golder; Martine Watkins; jyork@santacruzsentinel.com; downtowncommonsadvocates@gmail.com
Subject: Abandon the Lot 4 mixed-use project!

Dear Mayor Cummings and City Councilmembers:

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Thank you for your consideration and your efforts on behalf of our community.

Jasper

Rosemary Balsley

From: TERRY ROBBINS MAUSHARDT <TMAUSHARDT@msn.com>
Sent: Monday, October 26, 2020 2:09 PM
To: City Council; Justin Cummings; Donna Meyers; Katherine Beiers; Sandy Brown; Renee Golder; Martine Watkins; jyork@santacruzsentinel.com; downtowncommonsadvocates@gmail.com
Subject: Abandon the Lot 4 mixed-use project!

Dear Mayor Cummings and City Councilmembers:

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

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Downtown has been deteriorating for 2 - 2 1/2 yrs and the focus on a new library/parking garage is ludicrous. The downtown community is stumbling and blindly groping to maintain an identity and it doesn't appear to be a priority on any level. As a downtown resident The Farmers Market is the safest and most culturally familiar Santa Cruz event that still exists.

I have lived in SC for 37yrs and have always been proud to call this city my home. But, it has become an embarrassment. It is filthy and unsafe. Residents in their 20's, 30's and 40's who grew up here, and love this town, are avoiding downtown. They refer to it as 'feral'.

My point is this. We need to address the deterioration of the community, support local businesses to help them through the current crisis and get line of sight to what a post-pandemic, new normal will be. Along with 'affordable housing' this needs to be the priority.

It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

"You're only given one little spark of madness. You mustn't lose it." - Robin Williams

Rosemary Balsley

From: Bill Brooks <billbrooks3@gmail.com>
Sent: Monday, October 26, 2020 2:10 PM
To: City Council
Subject: Move ahead

Please move ahead with the new Library, housing and parking structure!!!! Bill Brooks.

William Brooks
400 Highland Ave
Santa Cruz, CA 95060
831 459-6060

Rosemary Balsley

From: Stacy Nagel <cagenagel@gmail.com>
Sent: Monday, October 26, 2020 2:22 PM
To: City Council
Subject: Downtown Mixed-Use Library Project

Dear Santa Cruz City Council Members,

It's time to move forward with affordable housing now, a great new library, a transportation hub that accommodates electrical vehicles, more safe bike storage, and parking for residents, workers, and visitors. Please vote YES on the Owner's Representative contract.

Thank you,
Stacy

--

Cheers,
Stacy Nagel

Rosemary Balsley

From: Ingrid Mednis <imednis@outlook.com>
Sent: Monday, October 26, 2020 2:31 PM
To: City Council; Justin Cummings; Donna Meyers; Katherine Beiers; Sandy Brown; Renee Golder; Martine Watkins; jyork@santacruzsentinel.com; downtowncommonsadvocates@gmail.com
Subject: Abandon the Lot 4 mixed-use project!

Dear Mayor Cummings and City Councilmembers:

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

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Thank you for your consideration and your efforts on behalf of our community.

Rosemary Balsley

From: skrivin <skrivin@got.net>
Sent: Monday, October 26, 2020 2:24 PM
To: City Council
Subject: No to the Lot 4 mixed-use project

Dear Mayor Cummings and City Councilmembers:

It's clear that the downtown library needs renovation, and I believed the Measure S bond I voted for in 2016 would provide funding for that purpose.

I'm also in favor of more affordable housing, especially downtown. It seems to me that, despite promises to the contrary, most of the newer apartment and condo projects build in recent years skew more toward the luxury range.

However, I am NOT in favor of mixing these two project together.

I am NOT in favor of moving the vibrant downtown Farmer's Market to a smaller space.

I am NOT in favor of cutting down a large number of beautiful Heritage trees.

I know you are all doing your best to envision a better downtown with the added stress of an economy devastated by a pandemic. To me, a library should be a stand-alone, vibrant, and welcoming place for the community. This mixed-use project feels more like a parking garage with some added housing and a new library thrown in to make it more palatable.

Thanks for considering my view,
Susan Krivin

Rosemary Balsley

From: Grant Wilson <grrrant@cruzio.com>
Sent: Monday, October 26, 2020 2:31 PM
To: City Council; Justin Cummings; Donna Meyers; Katherine Beiers; Sandy Brown; Renee Golder; Martine Watkins; jyork@santacruzsentinel.com; downtowncommonsadvocates@gmail.com
Subject: Please STOP the Lot 4 mixed-use project!

Dear Mayor Cummings and City Councilmembers:

I find it particularly frustrating when there's already been ample public input and approx 80% of comments and emails of community members are opposing this project, yet a number of you continue to pursue it. Where is democracy in that? If you consider yourself a representative and a dedicated public servant the choice seems simple, but maybe some of you it's not quite so clear. THAT is profoundly disturbing to me.

City staff have not provided a basic plan to fund the Lot 4 mix-use project. They can't show funding for the mixed-use Library, affordable housing, or parking garage. Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost at least \$80 million. It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

Please move ahead with the plan for renovation of the Downtown Library (as so many voters approved). Please build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.
Sincerely,

Grant Wilson
832 Riverside Ave
Santa Cruz CA 95060

Rosemary Balsley

From: john markytan <jmarkytan@gmail.com>
Sent: Monday, October 26, 2020 2:32 PM
To: City Council
Subject: Agenda item #30 Mixed Use Project

Having followed this saga for years I now urge you to drop the big box and new library project and to proceed to spend Measure S funds on a retro-fit redo of the existing library. Measure S in its original forms does not say libraries will be moved and built elsewhere. We thought we were voting to fix leaky roofs and buy equipment. The detailed financial reports never materialized because of the uncertainty of funding sources. The mixed use project is a mixed up mess, and a crazy place to put a library.

Please begin to impliment the Jayson Arch. proposal to fix up our current library. It is not neccessary to mix up housing issues, downtown development and parking structures with our lovely community library....thank you Council

Rosemary Balsley

From: Stacy Nagel <snagel@google.com>
Sent: Monday, October 26, 2020 2:38 PM
To: City Council
Subject: Downtown Mixed-Use Library Project

Dear Santa Cruz City Council Members,

It's time to move forward with affordable housing now, a great new library, a transportation hub that accommodates electrical vehicles, more safe bike storage, and parking for residents, workers, and visitors. Please vote YES on the Owner's Representative contract.

Thank you,
Stacy Nagel

--



Stacy Nagel
Program Manager, Strategic Programs

Rosemary Balsley

From: Teresa Thomae <teresathomae@gmail.com>
Sent: Monday, October 26, 2020 2:50 PM
To: City Council
Subject: RE: Item 30, Owner's Rep for Mixed Use Library

Dear Mayor and Members of the City Council,

I was proud to serve on the DLAC to examine the feasibility of a new library. The committee was an impressive combination of library experts, library users and community activists. We worked hard and were unanimous in our recommendation to move forward with the mixed use option. I realize there is a loud contingent of opposition. However, they have not done the in-depth analysis nor do they have the vision of future needs from our library...

Please move forward with hiring an owner's representative for the mixed library and affordable housing project. This project would at least 50 new deed restricted affordable homes for working families in downtown Santa Cruz, right near transit and a beautiful, new, modern library. What better investment can we make as a community than to support our low income families through the creation of new community and educational space that will be accessible to all? By building housing in downtown we can take advantage of the surrounding amenities and job opportunities to reduce commuter car trips, plus the development of centralized parking will allow for the development of even more housing on inefficient, city owned surface lots.

Hiring an owner's representative is a largely routine and administrative item, and not a decision that warrants further delay. This project has already been approved by 2 Councils, supported by a special Council subcommittee, and the Downtown Library Advisory Committee. It is also supported by a large coalition of housing, business, labor, environmental groups, and nonprofit service providers.

Please stop delaying this project to appease project opponents who only want to abuse this process as a political exercise. Build the new Library NOW!

Sincerely,

Teresa Thomae

Rosemary Balsley

From: Mitchell lachman <shevat117@gmail.com>
Sent: Monday, October 26, 2020 2:51 PM
To: City Council; Justin Cummings; +dmeyers@cityofsantacruz.com;
++kbeiers@cityofsantacruz.com; +sbrown@cityofsantacruz.com;
+rgolder@cityofsantacruz.com; +mwatkins@cityofsantacruz.com;
+jyork@santacruzsentinel.com; +downtowncommonsadvocates@gmail.com
Subject: Abandon the Lot 4 mixed-use project!

Dear Mayor Cummings and City Councilmembers:

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Good bye, Mitchell Lachman

Rosemary Balsley

From: Mitchell lachman <shevat117@gmail.com>
Sent: Monday, October 26, 2020 2:53 PM
To: City Council; Justin Cummings; +dmeyers@cityofsantacruz.com;
++kbeiers@cityofsantacruz.com; +sbrown@cityofsantacruz.com;
+rgolder@cityofsantacruz.com; +mwatkins@cityofsantacruz.com;
+jyork@santacruzsentinel.com; +downtowncommonsadvocates@gmail.com
Subject: Abandon the Lot 4 mixed-use project!

Dear Mayor Cummings and City Councilmembers:

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Good bye, Mitchell Lachman

Rosemary Balsley

From: Bob Morgan <robertmorgan@baymoon.com>
Sent: Monday, October 26, 2020 2:54 PM
To: City Council; jyork@santacruzsentinel.com; downtowncommonsadvocates@gmail.com
Subject: End the Lot 4 mixed-use debacle!

Dear Mayor Cummings and City Council members:

The Environmental Green Team of Temple Beth El opposes moving ahead with the mixed-use facility on Lot 4.

We are concerned that City staff have not provided even the most basic funding plan to pay for the ill-conceived Lot 4 mixed-use project. The staff dispute this, but they can't show viable funding for the mixed-use Library, affordable housing, or parking garage.

Please end this poorly conceived project, one voters of Measure S county-wide did not for when they passed Measure S. We also believe that a renovation of the current library is much more less resource intensive, aligning with the City's Climate Action plan.

Furthermore, we understand that there has not been attempt to heed the most recent Downtown Parking Strategy recommendations of Nelson/Nygaard, who in its most recent study is clear that the City should pursue building a new parking structure after all other parking reform and Transportation Demand Management mechanisms to decrease automobile use have been put in place and encouraged.

Please vote against hiring an owner's representative for a project that should not be built in the first place.

Voters *do not* want this project that displaces the iconic Farmers' Market to an inferior location, a project with shaky or non-existent financing shaky, a garage that has not been recommend by the City's own consulting team and undefined "affordable" housing units.

We urge you to *stop* this project now, preserve the 10 Heritage trees on Lot 4 with the Farmers' Market, renovate the current library with Measure S funds and build housing on Lot 7 on Front Street.

Now is the tie to change course! Please END this project! Move forward with the plan to renovate the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your work for our community.

Regards,

Bob Morgan, Environmental Green Team, Temple Beth El, Aptos.

Rosemary Balsley

From: Russell Brutsche <russellb@cruzio.com>
Sent: Monday, October 26, 2020 3:05 PM
To: City Council; Justin Cummings; Donna Meyers; Katherine Beiers; Sandy Brown; Renee Golder; Martine Watkins; jyork@santacruzsentinel.com; John Hall
Subject: stop mixed-use Lot 4

Please stop your plans for a multi-level bldg on lot 4. Leave Farmers Mkt there, and renovate our library at current site, like the majority of citizens want.

Thank you
Russell Brutsché

Rosemary Balsley

From: LaNor Maune <lmaune@gmail.com>
Sent: Monday, October 26, 2020 3:07 PM
To: City Council
Subject: RE: Item 30, Owner's Rep for Mixed Use Library

Dear Mayor and Members of the City Council,

Please move forward with hiring an owner's representative for the mixed library and affordable housing project. This project would at least 50 new deed restricted affordable homes for working families in downtown Santa Cruz, right near transit and a beautiful, modern library. What better investment can we make as a community than to support our low income families through the creation of new community and educational space that will be accessible to all? By building housing in downtown we can take advantage of the surrounding amenities and job opportunities to reduce commuter car trips, plus the development of centralized parking will allow for the development of even more housing on inefficient, city owned surface lots.

Hiring an owner's representative is a largely routine and administrative item, and not a decision that warrants further delay. This project has already been approved by 2 Councils, supported by a special Council subcommittee, and the Downtown Library Advisory Committee. It is also supported by a large coalition of housing, business, labor, environmental groups, and nonprofit service providers.

Please stop delaying this project to appease project opponents who only want to abuse this process as a political exercise. Build the new Library NOW!

Sincerely,

LaNor Maune

Rosemary Balsley

From: Ellen Bass <ellen@ellenbass.com>
Sent: Monday, October 26, 2020 3:12 PM
To: City Council
Subject: October 27 City Council Meeting mixed-use library project

Dear Mayor Cummings and City Councilmembers:

I am strongly opposed to the ill-conceived Lot 4 mix-use project. The cost of this project during this difficult time when so many city programs are being defunded is exactly what Santa Cruz does not need. We can renovate the existing library for much less money, keep our farmer's market and more open space. Also, because there is so much controversy over this project, it seems deeply problematic to me to forge ahead with this when we are in the midst of voting on City Councilmembers. It's not the same scale, of course, but it's also not unlike filling RBG's seat on the Supreme Court. It would be sensible and fair, I think, to at least wait for the new membership of the City Council before spending any more money on a project that I and so many others find imprudent and objectionable.

I appreciate your consideration.

Sincerely,

Ellen Bass
226 Younglove Ave.
Santa Cruz, CA 95060

Rosemary Balsley

From: John Sears <eldersears@gmail.com>
Sent: Monday, October 26, 2020 3:14 PM
To: City Council; Justin Cummings; +dmeyers@cityofsantacruz.com;
++kbeiers@cityofsantacruz.com; +sbrown@cityofsantacruz.com;
+rgolder@cityofsantacruz.com; +mwatkins@cityofsantacruz.com;
+jyork@santacruzsentinel.com; +downtowncommonsadvocates@gmail.com
Subject: Covid-19 and the Lot 4 mixed-use project!

Dear Mayor Cummings and City Councilmembers:

Covid-19 has made quite clear the need for open spaces within the matrix of the city where people can be outside observing "social distancing." The need is crucial to mental and physical health. I voted for the bond measure to improve the libraries, but I did not vote for the envisioned loss of the Farmer's Market or to highrise away the last of the open sky downtown.

The restaurant street seating downtown reminds me of some of the beautiful cities of Mexico and Europe where the interplay of structures and social open space are understood to be crucial elements of life in a vibrant city. Although this concept is recognized in the General Plan it seems to be ignored in recent execution and would be irrevocably damaged by the Library/Garage proposal.

The Pandemic is redesigning our work, lives, economy, and cities with effects projected years into the future. If there is an up-side it is that we have been invited to Pause and Reassess. I hope your votes on this issue will reflect agreement.



(photo attributed to: <https://antoniorambles.com/tag/plaza-de-la-paz-guanajuato-mexico/>)

Thank you for your consideration and your efforts on behalf of our community.

John Sears
A Circles Neighbor

Rosemary Balsley

From: Kevin Meehan <kmmeehan24@gmail.com>
Sent: Monday, October 26, 2020 3:15 PM
To: City Council
Subject: Downtown Commons Advocates Support

Hello City Council,
I am a Santa Cruz resident and voter.

I am writing to voice my support for the Downtown Commons Advocates project. We need more projects like these that add more affordable housing and provide non-car based living communities that will reduce GHG emissions.

Please have the courage to stand up to the NIMBY's and vote yes for this project.

Best Regards,

Kevin Meehan

Rosemary Balsley

From: Dave Johnson <d.p.johnson@outlook.com>
Sent: Monday, October 26, 2020 3:17 PM
To: City Council; Justin Cummings; Donna Meyers; Katherine Beiers; Sandy Brown; Renee Golder; Martine Watkins; jyork@santacruzsentinel.com; downtowncommonsadvocates@gmail.com
Subject: Abandon the Lot 4 mixed-use project!

Dear Mayor Cummings and City Councilmembers:

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

From: [julia mcdermott](#)
To: [Justin Cummings](#); [City Council](#)
Subject: Please Abandon the Lot 4 mixed-use project!
Date: Monday, October 26, 2020 3:22:24 PM

Dear Mayor Cummings and City Councilmembers:

If COVID has shown us anything, it is that our downtown can have a lot more open space, outdoor eating and people-friendly outdoor spaces. People are going to want to spend more time outdoors now that they are more use to eating and being outside as a safety measure.

Please table this project and DO NOT PUT ANY MORE MONEY into it! We do not need to start with a project management team when so many do not want this to go forward.

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place. The Lot 4 mixed-use project is slated to cost \$80 million or more.

It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign.

It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage.

And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

It is long overdue to change course!

Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Julia McDermott
jreamcd@yahoo.com

Rosemary Balsley

From: Josh Renaud <joshrenaud@gmail.com>
Sent: Monday, October 26, 2020 3:23 PM
To: City Council
Subject: I support the new library project

Hello,

I live in Santa Cruz (219 1/2 Van Ness Ave) and strongly support the multi-use library project downtown. Our community needs more housing and deserves a better library. This project will address those concerns and add parking as well.

I find most of the arguments against the project to be disingenuous. They preposterously claim approving such a "tall" building will turn Santa Cruz into Los Angeles. They also ignore the fact that the farmer's market will have a new, permanent location elsewhere downtown. These arguments are not in good faith and it's troubling to the degree opponents are going to oppose any and all improvements to our city.

Increasing density is a key part of sustainable development. If we are serious about reducing our impact on the environment, as well as keeping Santa Cruz livable for people who don't own properties or have high incomes, then we must have a development plan that includes higher density projects such as the library project in question.

Thank you,

Josh Renaud
219 1/2 Van Ness Ave, Santa Cruz

Rosemary Balsley

From: Judy Weaver <jbweaver@cruzio.com>
Sent: Monday, October 26, 2020 3:24 PM
To: City Council; Justin Cummings; Donna Meyers; Katherine Beiers; Sandy Brown; Renee Golder; Martine Watkins; jyork@santacruzsentinel.com; downtowncommonsadvocates@gmail.com
Subject: Agenda Item 30 - Mixed-Use Project

Dear Mayor Cummings and City Council members:

I am writing in opposition to funding \$240,000 to Griffin Structures for implementing the mixed-use project on Lot 4.

City staff have still not provided the 'detailed financial information' that the City Council requested at their June 23rd meeting. It appears that they will not be able to do so as of this meeting on Tuesday, October 27th.

It is time to END pursuit of this mixed-use project. Please vote against hiring an owner's representative for a project that should not be built in the first place.

We do not need another parking garage, specifically located in the middle of downtown Santa Cruz and on Lot 4. This does not agree with the 2017 Plan for the Cedar Street area.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign. It would displace the Farmers' Market from Lot 4 to Lot 7, about HALF as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an UNNEEDED 6-story 400-space parking garage. And it would create only a FRACTION of the affordable housing that could be built on the city-owned Lot 7 on Front Street or other city owned locations downtown.

Re the existing Santa Cruz library, the Jayson Architecture proposal provides virtually the same program space and services as the proposed new library by Group 4 (Option D) for almost the same amount of money, within the limits of the budget of Measure S funds. Both proposals would need to raise more funds for more ideal space and services. Plus the Jayson proposal includes more outdoor spaces for library patrons, including children.

It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 and other locations that the whole community can support!

Thank you for your consideration.

Judy Weaver
Santa Cruz, CA
95060

Rosemary Balsley

From: Sydney Conner <sydconner@yahoo.com>
Sent: Monday, October 26, 2020 3:29 PM
To: City Council
Subject: Abandon the Lot 4 mixed-use project!

Dear Mayor Cummings and City Councilmembers:

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but the bottom line is they can't show funding for the mixed-use Library, affordable housing, or parking garage. It is time to END pursuit of this ugly pipe dream.

Please vote against hiring an owner's representative for a project that should not be built in the first place. The Lot 4 mixed-use project is slated to cost \$80 million or more.

It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign.

It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact), at a time when social distancing is imperative.

It would cut down 10 Heritage trees on Lot 4.

It would include an unneeded 6-story 400-space parking garage.

And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street!

It is long overdue to change course! Please END this ill-conceived project NOW!

Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Sincerely,

Sydney Conner

Rosemary Balsley

From: Jane Kostina <ianakostina@gmail.com>
Sent: Monday, October 26, 2020 3:39 PM
To: City Council
Subject: I support the mixed use library project!

We need this new library, we need parking, and we need housing! People who I hear talk about this project negatively nearly always say something that isn't true, and the mailers against the project are horribly misleading, and the people who wrote them should be ashamed of themselves. I rent an apartment on Beach Hill, I've lived here for several years, I want to see this town succeed. People live and work here, and We need more housing yesterday!

Thank you,
Jane Kostina

Rosemary Balsley

From: Morgan Luard <m_luard@yahoo.com>
Sent: Monday, October 26, 2020 3:40 PM
To: City Council; Justin Cummings; Donna Meyers; Katherine Beiers; Sandy Brown; Renee Golder; Martine Watkins; jyork@santacruzsentinel.com; downtowncommonsadvocates@gmail.com
Subject: Abandon the Lot 4 mixed-use project!

Dear Mayor Cummings and City Councilmembers:

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Sent from my iPhone

Rosemary Balsley

From: Dusty <hndmiller@hotmail.com>
Sent: Monday, October 26, 2020 3:42 PM
To: City Council
Subject: Yes on Mixed Use Building

As you know, one of the best things about Santa Cruz - that our city council is very good at paying attention to residents' concerns when making decisions, is also one of the worst things about Santa Cruz because good projects are usually held up for years and decades.

We've been waiting for decades for the open parking lots on Cedar St to be developed. We now have a good proposal for the use of the largest open parking lot. We need the parking, the library, the residences, and the solar collectors this project offers, please don't delay development now; it may be an ugly parking lot for another 2-3 decades.

Thank you,
Dusty Miller

Rosemary Balsley

From: Cheryl Penn <cheryl.penn@gmail.com>
Sent: Monday, October 26, 2020 3:42 PM
To: City Council
Subject: Standalone Library (no parking garage)

Hello,

I've lived in Santa Cruz, walking distance from downtown, for 10 years. I go down there often. I use the library often. Books, access to information, and a space for public gatherings is very important, especially in such a small town. It's even more important after we lost Logos, arguably the best bookstore I've seen in my lifetime.

I was horrified to hear that there is a project that would combine a parking facility with the great institution known as the Public Library! It's an institution that deserves and commands its own building. If you care about what the library really is and signifies in American culture than please treat it with the respect it deserves.

best,
Cheryl Penn
Santa Cruz resident

Rosemary Balsley

From: Toby Paige <tobypaige@gmail.com>
Sent: Monday, October 26, 2020 3:46 PM
To: City Council; Justin Cummings; +dmeyers@cityofsantacruz.com;
++kbeiers@cityofsantacruz.com; +sbrown@cityofsantacruz.com;
+rgolder@cityofsantacruz.com; +mwatkins@cityofsantacruz.com;
+jyork@santacruzsentinel.com; +downtowncommonsadvocates@gmail.com
Subject: Abandon the Lot 4 mixed-use project!

Dear Mayor Cummings and City Councilmembers:

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Tobias Paige

Rosemary Balsley

From: Kater Pollock <kater@elgatito.com>
Sent: Monday, October 26, 2020 3:49 PM
To: City Council
Subject: October 27 City Council Meeting mixed-use library project

Dear Mayor Cummings and City Councilmembers:

As a longtime resident of Santa Cruz, I am strongly opposed to the Lot 4 mix-use project and respectfully request that each of you vote against it.

When I voted for the 2016 Measure S, I believed the bond funds were for renovation of the Downtown Library. Now it seems you have substituted the mix-use project.

This project would displace the Farmers' Market from Lot 4 to Lot 7. It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage, which I do not want. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

It is time to change course! Please END this ill-conceived project NOW!. Please move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Kater Pollock
check out my website!
<http://www.katerpollock.com>

Rosemary Balsley

From: Becky Steinbruner <ki6tkb@yahoo.com>
Sent: Monday, October 26, 2020 3:55 PM
To: City Council; Bonnie Bush
Cc: Becky Steinbruner
Subject: Public Comment re: Item #30 Mixed-Use Project on October 27, 2020 Council Agenda and Reporting Broken Website Link
Attachments: Screenshot at 2020-10-26 15-17-13.png

Dear City Council,

I am submitting this comment regarding Agenda Item #30, the Mixed-Use Project and Parking Garage. I am also reporting a broken website link to the agenda (see attached screen shot).

I strongly oppose the Mixed-Use Parking Garage and Library Project and urge your Council to deny the Project entirely.

This Project is NOT what was described in the Measure S information proposed to voters who wanted to support fiscally-responsible library improvement projects. Combining the downtown library with a larger development that would serve only to supply parking for other large developments is deceitful.

The existing Downtown Library should be renovated and would be demonstrating the highest level of environmental stewardship by doing so. Isn't that what Santa Cruz is known for..."Reduce, Re-Use, Recycle".

Where is the "detailed financial information" the Council requested of staff on June 23, 2020? This project is financially questionable, and must be denied.

Please deny this Project entirely in the interest of fiscal responsibility, transparency to the people and accountability to the voters who supported library improvement with Measure S.

In September, 2017, City Economic Development Director Bonnie Lipscomb announced on public television that the City had already promised tech giants hundreds of units for their employees to live.

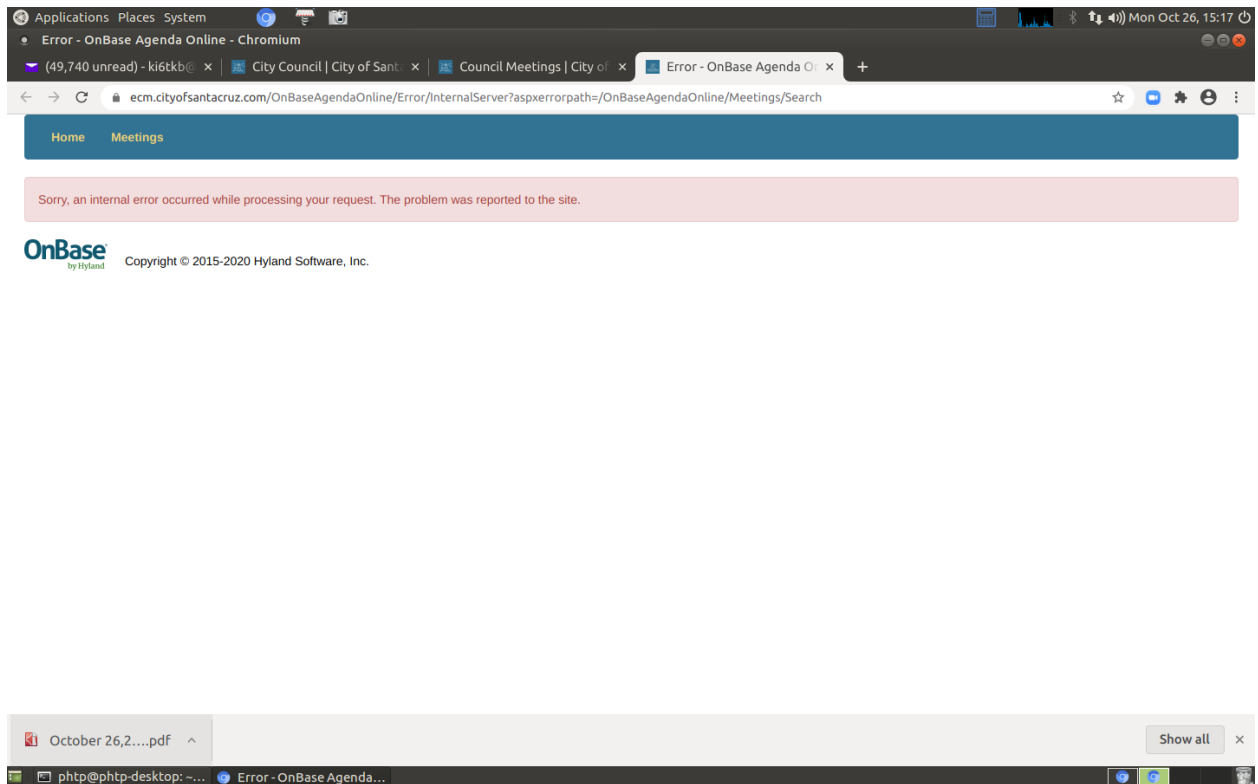
How could City Director of Economic Development, Bonnie Lipscomb, make the statement in September, 2017 on KION that "the City of Santa Cruz has already promised 500-700 new residential units to high-tech employers" for their workers here?

<http://www.kion546.com/news/santa-cruz-brings-tech-jobs-to-the-central-coast/620943865>

The problem is supplying parking for all those employees, so it is clear that this is what the Project before you in Item #30 is really all about.

NO THANK YOU. Please deny this Project completely and use Measure S money to renovate the existing Downtown Library.

Sincerely,
Becky Steinbruner



Rosemary Balsley

From: Paolo <got-art@charter.net>
Sent: Monday, October 26, 2020 3:55 PM
To: City Council; Justin Cummings; Donna Meyers; Katherine Beiers; Sandy Brown; Renee Golder; Martine Watkins; jyork@santacruzsentinel.com; downtowncommonsadvocates@gmail.com
Subject: Abandon the Lot 4 mixed-use project!

Dear Mayor Cummings and City Councilmembers:

Do not destroy the character of Santa Cruz-

Capitalistic interests do not care about a culture or character of a city but just to invest and make more money. Santa Cruz was not ever about changing to create more coffers for the developers but to establish a different kind of town then the Mountain Views of the bay area.

People flock to S.Cruz for it's smallness yet largeness of culture and beauty.

You are slowly going to make this a homogenized uninteresting downtown village. Fight against gentrification!

Also, city staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Paul Albert – resident of Santa Cruz County since 1980

Rosemary Balsley

From: Marc Blumberg <mbc@cruzio.com>
Sent: Monday, October 26, 2020 4:26 PM
To: City Council
Subject: Agenda Item 30, Mixed-use Project

Dear City Council Members,

I object to the Mixed-use Project for several reasons:

First, I voted for a renovation of the existing Library. The existing structure is sound and I would like to see the Library remain in the current location. This building will require repairs no matter it's future use. I feel strongly that the needed repairs should be made for the building's originally intended purpose as a Library.

Second, I am in favor of affordable housing but not on the lot that currently hosts the weekly Farmer's Market and is home to several majestic heritage trees. A better location for housing and parking would be on a City owned lot closer to the Metro Bus Depot.

Third, This project is not supported by a large portion of the voting population. Given that the make up of the City Council may look differently in a week due to the contentious nature of this Project, I propose this Agenda Item be tabled until after the election.

Please do not go forward spending city money for further studies until after the election, let the people be heard. We are facing a hard financial enviornment due to the Covid19 shut down. Let's look at this issue with new eyes and listen to the people this election.

Thank you,
Marc Blumberg
425 Cleveland Ave.
Santa Cruz

Rosemary Balsley

From: Randa Solick <rsolick@gmail.com>
Sent: Monday, October 26, 2020 4:29 PM
To: City Council; Justin Cummings; Donna Meyers; Katherine Beiers; Sandy Brown; Renee Golder; Martine Watkins; jyork@santacruzsentinel.com; downtowncommonsadvocates@gmail.com
Subject: Abandon the Lot 4 mixed-use project!

Dear Mayor Cummings and City Councilmembers:

Please , no library in the garage. You don't have the funding, we the citizens want to keep the lot as it is, we want much more affordable housing on another city-owned lot, and we want the old library renovated. You have the duty to listen to us, the people who pay for abs use the facilities Please fulfill that.

Don't vote to hire an owner's rep for this. Renovate our existing library and leave us the 'commons' and the gorgeous magnolias we love. Front St us a horrible choice for the Farmers Market. Don't push forward this mixed up project.

Rosemary Balsley

From: Contreras, Rose V <ContreR@sutterhealth.org>
Sent: Monday, October 26, 2020 4:31 PM
To: City Council
Subject: Item 30 on Agenda re: Owner's Representative for Downtown Library Mixed Use Project
Attachments: Letter to Santa Cruz City Council re. Item 30 on Agenda.pdf

This letter is being sent on behalf of Larry deGhetaldi, M.D., PAMF Santa Cruz Area CEO, and Stephen Gray, Chief Administrator, SM&SC / PAMF Santa Cruz Operations Executive:



October 26, 2020

RE: Item 30 on Agenda re: Owner's Representative for Downtown Library Mixed Use Project

Dear Mayor and Members of the City Council,

We are writing to you to ask that you move forward with hiring an owner's representative for the mixed use library project downtown.

We support this project for many reasons. We know that housing and access to health care are the top needs laid out in our Community Health Needs Assessment in Santa Cruz. This project would not only increase the housing pool for our working families but it would also improve access to important resources in our community.

We are particularly excited about the potential of one of our most valuable health care providers in our community, Dientes, having a clinic here as part of this project. Access and proximity are important factors in health outcomes and we know that this will be a valuable resource to the downtown community.

This project has been approved by two councils and the Downtown Library Advisory Committee. We join other groups and businesses in supporting this needed project. We believe this will help improve the health of our community and hope we can move forward with the process to build the new library as soon as possible.

Sincerely,

Larry deGehtaldi, M.D.
Area CEO
PAMF Santa Cruz

Stephen Gray
Chief Administrator / Operations Executive
Sutter Maternity & Surgery Center / PAMF Santa Cruz

Rose Contreras
Executive Assistant to
Larry deGhetaldi, M.D., PAMF Santa Cruz CEO

Sutter Health

Administration Department | PAMF Santa Cruz
2025 Soquel Avenue | Santa Cruz, CA 95062
831-458-5505 | Direct
831-239-2543 | Mobile
831-423-4515 | Fax

ContreR@sutterhealth.org

SZAdministration@sutterhealth.org

Confidentiality Notice: This email is for the sole use of the intended recipient and may contain material that is confidential and protected by state and federal regulations. If you are not the intended recipient please immediately delete it and contact the sender. Thank you.

October 26, 2020

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Sincerely,

Larry deGehtaldi, M.D.
Area CEO
PAMF Santa Cruz

Stephen Gray
Chief Administrator / Operations Executive
Sutter Maternity & Surgery Center / PAMF Santa Cruz

Rosemary Balsley

From: Zachariah Buck <buckzac@gmail.com>
Sent: Monday, October 26, 2020 4:33 PM
To: City Council; Justin Cummings; +dmeyers@cityofsantacruz.com;
++kbeiers@cityofsantacruz.com; +sbrown@cityofsantacruz.com;
+rgolder@cityofsantacruz.com; +mwatkins@cityofsantacruz.com;
+jyork@santacruzsentinel.com; +downtowncommonsadvocates@gmail.com
Subject: Please Abandon the Mixed-use Project on Lot 4

Dear Mayor Cummings and City Councilmembers:

Please move forward in a fiscally responsible direction by voting against the owner's representative for the mixed-use library project. Now is not the time for the City of Santa Cruz to subsidize a private-public interest development with our library's Measure S funds.

Santa Cruz Public Libraries, citing a financial deficit of \$5 million by July 2021, has eliminated the jobs of 62 persons, with remaining staff suffering a 10% pay cut, meanwhile City management continues to push forward despite these fiscal realities. It would be offensive to approve the costly owner's representative contract at this time, when so many library staff members have lost so much.

The City's report on the mixed-use project on Lot 4 cites a major "projected funding gap", well beyond anything that could be conceivably fund-raised. For instance the City's draft mentions "exploring" Friends of the SCPL as a funding source. But it is highly unlikely that the Friends board, consisting of representatives from chapters throughout the county, would approve funds being funneled exclusively into the Downtown chapter's project. It is not feasible to raise tens of millions of dollars with such flimsy plans.

City staff is rushing forward on this just one week before the election. Let the voters decide. City Staff, under the direction of Martín Bernal, should listen to all the voices in our community, instead of pursuing a partisan agenda. A plurality of Santa Cruz is progressively minded, but Bernal continues to treat this perspective as opposition to be overcome, defeated. Santa Cruz will thrive when City staff chooses to embrace the creative urban planning solutions coming from our community.

We can use our bond funds in the way that voters intended them to be used, to renovate the Downtown Library. We can have a much-needed community plaza to revitalize the heart of Downtown in the wake of the pandemic and economic crisis. We can foster the rich cultural life of Santa Cruz. We can improve our beautiful Farmers Market and create a Downtown commons. We can invest wisely in significant affordable housing projects. We can increase the quality of life in our city.

And we can listen to our community and abandon the mixed-use project on Lot 4 now.

Thank you for your consideration,
Zach Buck

Rosemary Balsley

From: Leah Loversky <ldloversky@gmail.com>
Sent: Monday, October 26, 2020 4:34 PM
To: City Council
Subject: Support for the Downton Library/Housing Project

Hi City Council Members,

I am writing in support of authorizing a consultant to pursue further planning of the proposed downtown library and housing project. As a renter in my 20s, I know how expensive it is to find housing in Santa Cruz. The number of units that the project will bring to the downtown area will be a boon to a region that is experiencing an acute housing crisis. Inequality and social inequity is real and everyone needs a home; it is our responsibility to make sure that Santa Cruz is a place that not just the rich can afford.

I also shop at the downtown farmer's market every Wednesday and know that it will just move to a nearby location. Thank you,

Leah Loversky

Rosemary Balsley

From: Mary Kopp <maryekopp@gmail.com>
Sent: Monday, October 26, 2020 4:37 PM
To: City Council; Justin Cummings; +dmeyers@cityofsantacruz.com;
++kbeiers@cityofsantacruz.com; +sbrown@cityofsantacruz.com;
+rgolder@cityofsantacruz.com; +mwatkins@cityofsantacruz.com;
+downtowncommonsadvocates@gmail.com
Subject: Abandon the Lot 4 mixed-use project!

Dear Mayor Cummings and City Councilmembers:

Wait until after the election.

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Rosemary Balsley

From: alanna stock <alannastock@yahoo.com>
Sent: Monday, October 26, 2020 4:38 PM
To: City Council; Justin Cummings; +dmeyers@cityofsantacruz.com;
++kbeiers@cityofsantacruz.com; +sbrown@cityofsantacruz.com;
+rgolder@cityofsantacruz.com; +mwatkins@cityofsantacruz.com;
+jyork@santacruzsentinel.com; +downtowncommonsadvocates@gmail.com
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Alanna Stock

Sent from my iPhone

Rosemary Balsley

From: Barbara Roettger <bqnbarbara@gmail.com>
Sent: Monday, October 26, 2020 4:38 PM
To: City Council; Justin Cummings; Donna Meyers; Katherine Beiers; Sandy Brown; Renee Golder; Martine Watkins; jyork@santacruzsentinel.com; downtowncommonsadvocates@gmail.com
Subject: PLEASE END THE PURSUIT the Lot 4 mixed-use project

Dear May Cummings and the Council Members,

Without the most basic plan to fund the Lot 4 mix-use project, it would be an irresponsible move to proceed with spending our taxes on studies.

Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. To use bond funds that we were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign, is a ***total bait and switch!*** Please spare the 10 Heritage trees on Lot 4.

Your own consultants state that the 6-story 400-space parking garage is NOT necessary. We need to act like our house is on fire and do everything possible to get away from using fossil fuels and building a giant monstrosity to enable cars to park is insanity.

It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Sincerely,
Barbara Roettger
329 Rigg St
Santa Cruz, 95060

Rosemary Balsley

From: Zachariah Buck <buckzac@gmail.com>
Sent: Monday, October 26, 2020 4:47 PM
To: City Council; Justin Cummings; Donna Meyers; Katherine Beiers; Sandy Brown; Renee Golder; Martine Watkins; jyork@santacruzsentinel.com; downtowncommonsadvocates@gmail.com; Jean Brocklebank
Subject: Please Abandon the Mixed-use Project on Lot 4

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Please move forward in a fiscally responsible direction by voting against the owner's representative for the mixed-use library project. Now is not the time for the City of Santa Cruz to subsidize a private-public interest development with our library's Measure S funds.

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And we can listen to our community and abandon the mixed-use project on Lot 4 now.

Thank you for your consideration,
Zach Buck

Rosemary Balsley

From: Roo Ra <roora1138@gmail.com>
Sent: Monday, October 26, 2020 4:48 PM
To: Justin Cummings
Cc: City Council
Subject: Item 30. Award Contract for Mixed Use Library Owner's Representative Contract to Griffin Structures, Inc.

Mayor Justin Cummings, before his deciding vote on 6/23/20 in favor of this project:

"We'll see what we get at the next meeting in August... *We're really trying to get the affordable housing component and if we can't maximize those benefits [referring to the grant awards], then we'll likely need to move forward with renovation.*" [emphasis added]

<https://youtu.be/7bwjxU7ktwU?t=31379>

After the Mayor's proposed 5th amendment to Vice Mayor Donna Myer's motion —"Should we not be able to move the [affordable housing component] forward, City Council will move forward with the renovation."— was not accepted due to her claim that it was "inherent in the existing motion"...

"If that's not acceptable at this point in time, I will say that when this comes back, I just want it to be clear that part of my major intention in moving forward with this [amendment], is that there's been this confidence that we can make an affordable housing project work on this site and I think we've already... [Cummings withdrew the motion]... set our standard with having a minimum of 50 affordable units, and *if we can't meet that then we're going to have ANOTHER CONVERSATION about this topic... Based on the financial projections and our ability to meet the affordable housing, low-income housing, we'll need to revisit that when we have these conversations about finances.*" [emphasis added]

<https://youtu.be/7bwjxU7ktwU?t=31509>

THAT CONVERSATION is expected to occur during Item 30, scheduled for this Tuesday's City Council meeting and located on the agenda AFTER the caveat announcement —more in the service of Council and staff than the public, on hold, waiting for eternity to be Zoomed into the meeting—that the allocation for public comment WILL NOT exceed 60 minutes.

Apparently, the ONLY "affordable" housing funds currently "in play" for this project and the Metro project, which the City Council jointly prioritized for funding, remain the same as 4 months ago:

- LHTF grant application for max \$5 million (decision expected October 2020; not yet awarded*)
- PLHA grant application for min \$1,588,464 over 5 years (decision expected January 2021)
- Lipscombe's "a little under \$3 million" in the Affordable Housing Trust Fund, per the 6/23/20 City Council meeting.

*LHTF grant odds: 33 applications for \$57 million in available funding; \$118 million requested at 107.12% "over subscription" with 18 applications requesting max \$5 million, per the CA HCD LHTF Applications Log.

FACT CHECKINGthis item's Library Project FAQs attachment... 1 of 3

The City Manager, and the Directors of Economic Development, Public Works and the Library —the agents behind this project— each gross a little more or less than a quarter of a million dollars annually in salary and CalPERS benefits.

What the concept of "affordable" housing may mean to them would be somewhat different than its reality for those relying on minimum wage without any benefits in a post-COVID19 economy.

"How many [affordable] housing units will the Library Mixed-Use Project add downtown?"

Per direction from the City Council, the project will include *a minimum of 50 total [affordable] housing units: 10 moderate-income units, 20 low-income units, and 20 very-low-income units.*" [emphasis added]

MISLEADING, missing relevant data

In the last 2 years the Area Median Income (AMI, based on a 4-person household) in Santa Cruz County increased 26.4% to \$110,000 from the \$87,000 it had held each year from 2012 through 2017.

This is the HIGHEST increase within the 7 out of 58 California counties with the highest AMI, Santa Cruz being the 7th and the only county outside of the 9-county San Francisco Bay Area region. The AMI of the counties of San Mateo, San Francisco, and Marin increased 20.9%, Alameda and Contra Costa 14.2%, and Santa Clara 13.1% in the same 2-year period.

Those who qualify NOW for the "affordable" housing in this project, based on the 2020 State Income Limits, depends on the persons-per-household units being built (UNKNOWN at this time).

As to the Economic Director's steadfast advocacy for the inclusion of "market-rate" housing, what income levels would those units target compared to the 120% over AMI for the "affordable" housing "moderate-income" households, listed below?

Considering variations for the 2-3 person households (2-3 working adults, single working adult with 1-2 children, single adult on fixed income with 1-2 children, 2-3 adults on fixed income)... and a 168-hr work month...

10 "moderate-income" units GO TO

- 1-person households with a maximum total income of \$92,400/yr; \$7700/mo; \$45.83/hr
- 2-person households with a maximum total income of \$105,600/yr; \$8800/mo; \$52.38/hr
- 3-person households with a maximum total income of \$118,800/yr; \$9900/mo; \$58.92/hr
- Using the AMI REFERENCE POINT of 4-person households, this level allows a maximum total income (120% of the 2020 \$110,000 AMI) of \$132,000/yr; \$11,000/mo; \$65.48/hr

20 "low-income" units GO TO

- 1-person households with a maximum total income of \$74,350/yr; \$6196/mo; \$36.88/hr
- 2-person households with a maximum total income of \$85,000/yr; \$7083/mo; \$42.16/hr
- 3-person households with a maximum total income of \$95,600/yr; \$7967/mo; \$47.42/hr

20 "very-low-income" units GO TO

- 1-person households with a maximum total income of \$46,350/yr; \$3863/mo; \$22.99/hr
- 2-person households with a maximum total income of \$53,000/yr; \$4417/mo; \$26.29/hr
- 3-person households with a maximum total income of \$59,600/yr; \$4967/mo; \$29.56/hr

Given the "affordable" housing funding shortage for this project and the current California minimum wage...

- \$13/hr for employers with 26 or more employees
- \$12/hr for employers with 25 or fewer employees

WHY NOT ADVOCATE INSTEAD for the prioritization of "extremely-low income" 1-2 person households on shovel-ready Lot 7?

Considering variations for these 1-2 person households (1-2 working adults, single working adult with a child, single adult on fixed income with a child, 1-2 adults on fixed income)... and a 168-hr work month...

20 "extremely-low income" units GO TO

- 1-person households with a maximum total income of \$27,800/yr; \$2317/mo; \$13.79/hr
- 2-person households with a maximum total income of \$31,800/yr; \$2650/mo; \$15.77/hr

BUT wait a minute...

According to the requirements under Section 105 of the LHTF Final 2020 Guidelines (p10 of 17), at least 30% of the awarded funds, after deducting administrative expenses, "shall be expended on assistance" to extremely-low-income households. "To comply with this requirement, dwelling units or shelter beds must be [a]ffordable to, and restricted for, [extremely-low-income households] with household income of no more than 30 percent of AMI."

Since extremely-low-income units are not included in this project, if the City of Santa Cruz beats the odds and receives the requested max \$5 million (or portion thereof) for this project and the Metro project (bundled together in the grant application), the Economic Development Director apparently intends to "kick this can down the road" to the Metro project, whose developer may be more willing to include it... no doubt, with the assurance of "market rate" housing as counterbalance.

www.hcd.ca.gov/grants-funding/nofas/docs/NOFA-Schedule.pdf

<https://www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits.shtml>

<https://www.hcd.ca.gov/grants-funding/active-funding/lhtf.shtml>

https://www.hcd.ca.gov/grants-funding/active-funding/lhtf/docs/2020_final_guidelines.pdf

FACT CHECKING this item's Library Project FAQs attachment... 2 of 3

During the 9/22/20 meeting, the Economic Development Director advocated again for the inclusion of "market rate" housing, to subsidize the library component: "In order to really maximize the air rights fee that a developer would pay we would almost certainly need to have some market rate housing in the project... to fill a gap on the library portion."

<https://youtu.be/zvUoOiBSOQ?t=9885>

"What are Air Rights?"

"Air rights" is a colloquial term referring to the right to build a given amount of square footage on a given parcel of land. Air right parcels are three-dimensional parcels created vertically and horizontally within a building to establish separate legally transferable lots. *The affordable housing component will have its own separate air rights parcel that an affordable housing developer can then lease/purchase to finance and develop the affordable housing.* [emphasis added]

MISLEADING, incomplete, incorrect

Omission: "...that... a developer can then lease... [FOR USE IN OTHER PROJECTS in order for the City] to finance and develop the affordable housing[component in this project]."

"Air rights" are leased, not purchased. In the absence of zoning by-laws restricting transferable property rights, such rights could be transferred to any development. Neither the City nor the County of Santa Cruz have any existing zoning by-laws governing "air rights". But then, nothing apparently precludes the City from a bit of spot zoning, a la Felix.

Let's peak into that Pandora's Box labeled "air rights"...

From downtown Toronto, where development of parks is NOW more desirable than affordable housing... An idea for this community to embrace for a Downtown Commons after the City of Santa Cruz has constructed "multi-use" high rises on all the downtown surface parking lots —the refuge for business tents after the last "Big One"...

Rail Deck Park

"In fall 2016, the Toronto City Council endorsed a proposal for a new major park in Downtown Toronto, to be built *[ON A DECK]* over the rail corridor between Bathurst Street and Blue Jays Way. *Known as Rail Deck Park, the project will transform this unused air space into Toronto's next great gathering space for recreation, culture and celebration.*" [emphasis added]

<https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/rail-deck-park/rail-deck-park-overview/>

From Boston (and Manhattan, the ultimate purveyor in "air rights")...

<https://youtu.be/yoerd2lvAXk?t=32>

"As Donald J. Trump demonstrated with his 72-story black glass tower at 845 United Nations Plaza, which was at one time the tallest residential building in the city, it is possible for a tower to, well, tower over its neighbors if it has successfully transferred sufficient air rights. Mr. Trump performed a dominolike maneuver and legally stockpiled air rights from at least seven low-rise properties that had F.A.R. to spare, merging their lots with his. Then — presto — he maxed out the block's allowable density in the form of a single slender tower."

<https://www.nytimes.com/2013/02/24/realestate/the-great-race-for-manhattan-air-rights.html>

F.A.R defined...

<https://streeteasy.com/blog/what-are-nyc-air-rights-all-about/>

FACT CHECKING this item's Library Project FAQs attachment... 3 of 3

"What will happen to the trees on Lot 4?

The City will work with an arborist to assess the health of the trees and then work with community members who are interested in relocating the trees to an alternative site."

MISLEADING, floating the possibility of successful relocation

"The magnolia tree is a large, broad-leaf evergreen with a trunk that can reach a diameter of 2 to 3 feet. Mature trees are difficult to transplant, as the root system is rope-like with few offshoot branches, allowing it to spread wider than most trees. Magnolia trees with a trunk diameter smaller than 4 inches have the best chance of being moved via transplanting into a new location."

<https://www.gardenguides.com/105811-move-magnolia-tree.html>

"Magnolias are generally soft-wooded and may be prone to breakage... The bark is thin, and easily damaged... [Their] roots tend to girdle (circle the trunk or root ball)... The root system spreads wider than most trees. For this reason, transplanting magnolias is difficult, as so much of the root system is lost."

<https://hgic.clemson.edu/factsheet/magnolia/>

Rosemary Balsley

From: Barbara Palmer <bpalmer@baileyproperties.com>
Sent: Monday, October 26, 2020 4:50 PM
To: City Council
Subject: RE: Item 30, Owner's Rep for Mixed Use Library

Dear Mayor and Members of the City Council,

Both rental housing and single family home purchases are expensive in our area. Lack of supply is the problem.

Please move forward with hiring an owner's representative for the mixed library and affordable housing project. This project would at least 50 new deed restricted affordable homes for working families in downtown Santa Cruz, right near transit and a beautiful new, modern library. What better investment can we make as a community than to support our low income families through the creation of new community and educational space, that will be accessible to all? By building housing in downtown we can take advantage of the surrounding amenities and job opportunities to reduce commuter car trips, plus the development of centralized parking will allow for the development of even more housing on inefficient, city owned surface lots.

Hiring an owner's representative is a largely routine and administrative item, and not a decision that warrants further delay. This project has already been approved by 2 Councils, supported by a special Council subcommittee, and the Downtown Library Advisory Committee. It is also supported by a large coalition of housing, business, labor, environmental groups, and nonprofit service providers.

Please stop delaying this project to appease project opponents who only want to abuse this process as a political exercise. Build the new Library NOW!

Sincerely,
Barbara J. Palmer
Realtor, DRE #0777977
Pathway to Homeownership Committee, California Association of Realtors

Rosemary Balsley

From: Carmella Weintraub <carmella@got.net>
Sent: Monday, October 26, 2020 4:57 PM
To: City Council
Subject: Use Measure S funds to Renovate Downtown Library

From: Carmella Weintraub (carmella@got.net) October 26, 2020

To: Justin Cummings; Katherine Beiers; Martine Watkins; Donna Meyers; Renee Golder; Sandy Brown; Cynthia Mathews

Subject: Parking Garage Library Structure

Dear Folks, It is with great sadness that we, once again, navigate a process that seems so futile. It takes a lot of effort under the current Cover climate for a citizen to offer their perspective on the workings of the County to manage policy and other issues of governance. I noted in today's Sentinel that your body issued a statement that citizens need to limit their input at the meeting on Tuesday, October 27 to one hour. Or, alternately, could appoint a representative. Perhaps I have misconstrued the rules, but for those of us who have the obligation to offer our input on this measure, for or against, on paper or verbally, may or may not be connected to an organization, thus making it more difficult to find a representative. Your directive makes it appear that the Council "allows" us to speak, when it is really our right we are exercising. Please do not forget that it is the citizens you are representing and not the interests of the Planning Department, City Manager, Office of Economic Development or Corporate Developers that you are serving.

That being said:

1) I object to this project on many levels and on many principles, but primarily on the way in which it upends what our town represents. Primarily, the plan that has been developed AFTER Measure S was voted in is putting an end to one of the remaining "open spaces" in our town in the MIDDLE of the "town square" that has evolved over time around the Farmer's Market, a place of gathering for many people in this community. It has become a grass roots place of wonderful sunny days, with fruits and flowers and wonderful vibes that make Santa Cruz what it is and always has been - a low key, natural and "small is beautiful" arena of social discourse.

What will take its place will be an **enshrinement to the automobile** IN THE MIDDLE OF TOWN, taking up the entire block, shading the buildings behind it and blocking any

hope of circulating the energy or the light, sun and breezes while creating more concrete canyons which do not match up with our DNA in this town. As I have known it for 50 years, our DNA is beauty, light and energy which are humanly scaled and circulate positivity. I would not object if it were not going to be permanently scarring our quaint town.

2) I object also on economic grounds due to the rising costs of this project and the availability of a perfectly good library that only needs updating and for which we voted.

I have a lien of my property and so does every other citizen and we voted for re-doing the original library near the existing City Center. Let's stick with that.

3) I also believe the City Council is overreaching when it over-rules the original Downtown Plan. That plan followed certain guidelines and was voted on by people in good faith. To go against it seems morally and ethically wrong.

4) As I an artist and designer, the aesthetics of the design are crucial to this project and have not been presented after those of the Renovation of the current buildings WERE presented. You have an obligation to your constituents to transparently give us that information.

5) I believe this project has become contentious because of the underhanded way in which it has been presented and the City Council, in collusion with City Officials have betrayed the trust that was embedded in Measure S. Your Council needs to step back from rushing ahead until all of the issues are resolved.

6) I vote no on spending more money until people can agree collectively on how to handle this unwanted set of structures.

Rosemary Balsley

From: Joe Jordan <jjordan@sky-power.org>
Sent: Monday, October 26, 2020 4:58 PM
To: City Council; Justin Cummings
Subject: NO on parking-garage / library project

Importance: High

For all the reasons already being sent to you by the vast majority of uncompromised people in this community, please deal straight and REJECT this "mixed-use" plan at the mtg. Tues.10/27. Thx.

-- Joe Jordan (Santa Cruz resident, "west-side")

#####

Rosemary Balsley

From: Ella Carroll <ellacarroll@gmail.com>
Sent: Monday, October 26, 2020 5:00 PM
To: City Council; Justin Cummings; +downtowncommonsadvocates@gmail.com; Donna Meyers; Katherine Beiers; Sandy Brown; Renee Golder; Martine Watkins
Subject: Please do not proceed with the lot 4 mixed use project

Dear Mayor Cummings and City Councilmembers:

My name is Ella Carroll, I grew up and currently reside here in Santa Cruz, and as a constituent I am writing to ask that you reconsider and reject plans to move forward with the lot 4 mixed use project.

I feel that it is disingenuous to use the 2016 measure S funding for a project so radically different from simply renovating the library, which is what voters (myself included) originally believed the funds were for. The proposed mixed use project is ill conceived and unnecessary.

As you have no doubt read in other emails

"The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street."

Thank you for your consideration and your efforts on behalf of our community.

regards,
Ella Carroll

Rosemary Balsley

From: Mary Reynolds <mardemer@icloud.com>
Sent: Monday, October 26, 2020 5:08 PM
To: City Council
Subject: October 27 City Council Meeting mixed-use library project

Dear Mayor Cummings and City Councilmembers:

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show guaranteed funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that the 2016 Measure S campaign led voters to believe were for renovation of the Downtown Library. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

It is long overdue to change course! Please END this ill-conceived project NOW!. Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Sent from my iPad

Rosemary Balsley

From: DAVID LAUGHLIN <dlaughlin@ebold.com>
Sent: Monday, October 26, 2020 5:19 PM
To: City Council
Subject: October 27 City Council Meeting mixed-use library project

Dear Mayor Cummings and City Councilmembers:

I believe that we should provide housing for all economic levels in the downtown rather than parking for cars. You approved the Sports Arena without any additional parking and it has worked just fine. We don't need this boomdoggle in our city that we will be paying for years and years. If you think that I and many others will ever vote for any type of tax increase or bond measure after this bait and switch BS with the library, good luck.

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show guaranteed funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that the 2016 Measure S campaign led voters to believe were for renovation of the Downtown Library. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

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Thank you for your consideration and your efforts on behalf of our community.

Rosemary Balsley

From: Michael Menace <michaelmenace@rocketmail.com>
Sent: Monday, October 26, 2020 5:37 PM
To: City Council; Justin Cummings; Donna Meyers; Katherine Beiers; Sandy Brown; Renee Golder; Martine Watkins; jyork@santacruzsentinel.com; downtowncommonsadvocates@gmail.com
Subject: Abandon the Lot 4 mixed-use project!

Dear Mayor Cummings and City Councilmembers:

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

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It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Rosemary Balsley

From: Janet Bryer <jbryer62@gmail.com>
Sent: Monday, October 26, 2020 5:56 PM
To: City Council
Subject: opposition to garage/library

Dear Mayor Cummings and City Councilmembers:

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show guaranteed funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that the 2016 Measure S campaign led voters to believe were for renovation of the Downtown Library. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

It is long overdue to change course! Please END this ill-conceived project NOW!. Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.
Janet Bryer

Rosemary Balsley

From: Roo Ra <roora1138@gmail.com>
Sent: Monday, October 26, 2020 6:00 PM
To: Justin Cummings
Cc: City Council
Subject: Re: Item 30. Award Contract for Mixed Use Library Owner's Representative Contract to Griffin Structures, Inc.

Other than the cyberspace formatting errors...

CORRECTION: 2018

In the last 2 years the Area Median Income (AMI, based on a 4-person household) in Santa Cruz County increased 26.4% to \$110,000 from the \$87,000 it had held each year from 2012 through 2017.

On Mon, Oct 26, 2020 at 4:47 PM Roo Ra <roora1138@gmail.com> wrote:

Mayor Justin Cummings, before his deciding vote on 6/23/20 in favor of this project:

"We'll see what we get at the next meeting in August... *We're really trying to get the affordable housing component and if we can't maximize those benefits [referring to the grant awards], then we'll likely need to move forward with renovation.*" [emphasis added]

<https://youtu.be/7bwjxU7ktwU?t=31379>

After the Mayor's proposed 5th amendment to Vice Mayor Donna Myer's motion —"Should we not be able to move the [affordable housing component] forward, City Council will move forward with the renovation."— was not accepted due to her claim that it was "inherent in the existing motion"...

"If that's not acceptable at this point in time, I will say that when this comes back, I just want it to be clear that part of my major intention in moving forward with this [amendment], is that there's been this confidence that we can make an affordable housing project work on this site and I think we've already... [Cummings withdrew the motion]... set our standard with having a minimum of 50 affordable units, and *if we can't meet that then we're going to have ANOTHER CONVERSATION about this topic... Based on the financial projections and our ability to meet the affordable housing, low-income housing, we'll need to revisit that when we have these conversations about finances.*" [emphasis added]

<https://youtu.be/7bwjxU7ktwU?t=31509>

THAT CONVERSATION is expected to occur during Item 30, scheduled for this Tuesday's City Council meeting and located on the agenda AFTER the caveat announcement—more in the service of Council and staff than the public, on hold, waiting for eternity to be Zoomed into the meeting— that the allocation for public comment WILL NOT exceed 60 minutes.

Apparently, the ONLY "affordable" housing funds currently "in play" for this project and the Metro project, which the City Council jointly prioritized for funding, remain the same as 4 months ago:

- LHTF grant application for max \$5 million (decision expected October 2020; not yet awarded*)
- PLHA grant application for min \$1,588,464 over 5 years (decision expected January 2021)
- Lipscombe's "a little under \$3 million" in the Affordable Housing Trust Fund, per the 6/23/20 City Council meeting.

*LHTF grant odds: 33 applications for \$57 million in available funding; \$118 million requested at 107.12% "over subscription" with 18 applications requesting max \$5 million, per the CA HCD LHTF Applications Log.

FACT CHECKINGthis item's Library Project FAQs attachment... 1 of 3

The City Manager, and the Directors of Economic Development, Public Works and the Library —the agents behind this project— each gross a little more or less than a quarter of a million dollars annually in salary and CalPERS benefits.

What the concept of "affordable" housing may mean to them would be somewhat different than its reality for those relying on minimum wage without any benefits in a post-COVID19 economy.

"How many [affordable] housing units will the Library Mixed-Use Project add downtown?"

Per direction from the City Council, the project will include *a minimum of 50 total [affordable] housing units: 10 moderate-income units, 20 low-income units, and 20 very-low-income units.*"[emphasis added]

MISLEADING, missing relevant data

In the last 2 years the Area Median Income (AMI, based on a 4-person household) in Santa Cruz County increased 26.4% to \$110,000 from the \$87,000 it had held each year from 2012 through 2017.

This is the HIGHEST increase within the 7 out of 58 California counties with the highest AMI, Santa Cruz being the 7th and the only county outside of the 9-county San Francisco Bay Area region. The AMI of the counties of San Mateo, San Francisco, and Marin increased 20.9%, Alameda and Contra Costa 14.2%, and Santa Clara 13.1% in the same 2-year period.

Those who qualify NOW for the "affordable" housing in this project, based on the 2020 State Income Limits, depends on the persons-per-household units being built (UNKNOWN at this time).

As to the Economic Director's steadfast advocacy for the inclusion of "market-rate" housing, what income levels would those units target compared to the 120% over AMI for the "affordable" housing "moderate-income" households, listed below?

Considering variations for the 2-3 person households (2-3 working adults, single working adult with 1-2 children, single adult on fixed income with 1-2 children, 2-3 adults on fixed income)... and a 168-hr work month...

10 "moderate-income" units GO TO

- 1-person households with a maximum total income of \$92,400/yr; \$7700/mo; \$45.83/hr
- 2-person households with a maximum total income of \$105,600/yr; \$8800/mo; \$52.38/hr
- 3-person households with a maximum total income of \$118,800/yr; \$9900/mo; \$58.92/hr
- Using the AMI REFERENCE POINT of 4-person households, this level allows a maximum total income (120% of the 2020 \$110,000 AMI) of \$132,000/yr; \$11,000/mo; \$65.48/hr

20 "low-income" units GO TO

- 1-person households with a maximum total income of \$74,350/yr; \$6196/mo; \$36.88/hr
- 2-person households with a maximum total income of \$85,000/yr; \$7083/mo; \$42.16/hr
- 3-person households with a maximum total income of \$95,600/yr; \$7967/mo; \$47.42/hr

20 "very-low-income" units GO TO

- 1-person households with a maximum total income of \$46,350/yr; \$3863/mo; \$22.99/hr
- 2-person households with a maximum total income of \$53,000/yr; \$4417/mo; \$26.29/hr
- 3-person households with a maximum total income of \$59,600/yr; \$4967/mo; \$29.56/hr

Given the "affordable" housing funding shortage for this project and the current California minimum wage...

- \$13/hr for employers with 26 or more employees
- \$12/hr for employers with 25 or fewer employees

WHY NOT ADVOCATE INSTEAD for the prioritization of "extremely-low income" 1-2 person households on shovel-ready Lot 7?

Considering variations for these 1-2 person households (1-2 working adults, single working adult with a child, single adult on fixed income with a child, 1-2 adults on fixed income)... and a 168-hr work month...

20 "extremely-low income" units GO TO

- 1-person households with a maximum total income of \$27,800/yr; \$2317/mo; \$13.79/hr
- 2-person households with a maximum total income of \$31,800/yr; \$2650/mo; \$15.77/hr

BUT wait a minute...

According to the requirements under Section 105 of the LHTF Final 2020 Guidelines (p10 of 17), at least 30% of the awarded funds, after deducting administrative expenses, "shall be expended on assistance" to extremely-low-income households. "To comply with this requirement, dwelling units or shelter beds must be [a]ffordable to, and restricted for, [extremely-low-income households] with household income of no more than 30 percent of AMI."

Since extremely-low-income units are not included in this project, if the City of Santa Cruz beats the odds and receives the requested max \$5 million (or portion thereof) for this project and the Metro project (bundled together in the grant application), the Economic Development Director apparently intends to "kick this can down the road" to the Metro project, whose developer may be more willing to include it... no doubt, with the assurance of "market rate" housing as counterbalance.

www.hcd.ca.gov/grants-funding/nofas/docs/NOFA-Schedule.pdf

<https://www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits.shtml>

<https://www.hcd.ca.gov/grants-funding/active-funding/lhtf.shtml>

https://www.hcd.ca.gov/grants-funding/active-funding/lhtf/docs/2020_final_guidelines.pdf

FACT CHECKING this item's Library Project FAQs attachment... 2 of 3

During the 9/22/20 meeting, the Economic Development Director advocated again for the inclusion of "market rate" housing, to subsidize the library component: "In order to really maximize the air rights fee that a developer would pay we would almost certainly need to have some market rate housing in the project... to fill a gap on the library portion."

<https://youtu.be/zvUoOiBSOQ?t=9885>

"What are Air Rights?"

"Air rights" is a colloquial term referring to the right to build a given amount of square footage on a given parcel of land. Air right parcels are three-dimensional parcels created vertically and horizontally within a building to establish separate legally transferable lots. *The affordable housing component will have its own separate air rights parcel that an affordable housing developer can then lease/purchase to finance and develop the affordable housing.* " [emphasis added]

MISLEADING, incomplete, incorrect

Omission: "...that... a developer can then lease... [FOR USE IN OTHER PROJECTS in order for the City] to finance and develop the affordable housing[component in this project]."

"Air rights" are leased, not purchased. In the absence of zoning by-laws restricting transferable property rights, such rights could be transferred to any development. Neither the City nor the County of Santa Cruz have any existing zoning by-laws governing "air rights". But then, nothing apparently precludes the City from a bit of spot zoning, a la Felix.

Let's peak into that Pandora's Box labeled "air rights"...

From downtown Toronto, where development of parks is NOW more desirable than affordable housing... An idea for this community to embrace for a Downtown Commons after the City of Santa Cruz has constructed "multi-use" high rises on all the downtown surface parking lots —the refuge for business tents after the last "Big One"...

Rail Deck Park

"In fall 2016, the Toronto City Council endorsed a proposal for a new major park in Downtown Toronto, to be built/*ON A DECK*/over the rail corridor between Bathurst Street and Blue Jays Way. *Known as Rail Deck Park, the project will transform this unused air space into Toronto's next great gathering space for recreation, culture and celebration.*" [emphasis added]

<https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/rail-deck-park/rail-deck-park-overview/>

From Boston (and Manhattan, the ultimate purveyor in "air rights")...

<https://youtu.be/yoerd2lvAXk?t=32>

"As Donald J. Trump demonstrated with his 72-story black glass tower at 845 United Nations Plaza, which was at one time the tallest residential building in the city, it is possible for a tower to, well, tower over its neighbors if it has successfully transferred sufficient air rights. Mr. Trump performed a dominolike maneuver and legally stockpiled air rights from at least seven low-rise properties that had F.A.R. to spare, merging their lots with his. Then — presto — he maxed out the block's allowable density in the form of a single slender tower."

<https://www.nytimes.com/2013/02/24/realestate/the-great-race-for-manhattan-air-rights.html>

F.A.R. defined...

<https://streeteasy.com/blog/what-are-nyc-air-rights-all-about/>

FACT CHECKING this item's Library Project FAQs attachment... 3 of 3

"What will happen to the trees on Lot 4?"

The City will work with an arborist to assess the health of the trees and then work with community members who are interested in relocating the trees to an alternative site."

MISLEADING, floating the possibility of successful relocation

"The magnolia tree is a large, broad-leaf evergreen with a trunk that can reach a diameter of 2 to 3 feet. Mature trees are difficult to transplant, as the root system is rope-like with few offshoot branches, allowing it to spread wider than most trees. Magnolia trees with a trunk diameter smaller than 4 inches have the best chance of being moved via transplanting into a new location."

<https://www.gardenguides.com/105811-move-magnolia-tree.html>

"Magnolias are generally soft-wooded and may be prone to breakage... The bark is thin, and easily damaged... [Their] roots tend to girdle (circle the trunk or root ball)... The root system spreads wider than most trees. For this reason, transplanting magnolias is difficult, as so much of the root system is lost."

<https://hgic.clemson.edu/factsheet/magnolia/>

Rosemary Balsley

From: Mary Flodin <maryfloiam@gmail.com>
Sent: Monday, October 26, 2020 6:08 PM
To: City Council; Justin Cummings; +dmeyers@cityofsantacruz.com;
++kbeiers@cityofsantacruz.com; +sbrown@cityofsantacruz.com;
+rgolder@cityofsantacruz.com; +mwatkins@cityofsantacruz.com;
+jyork@santacruzsentinel.com; +downtowncommonsadvocates@gmail.com
Subject: Abandon the Lot 4 mixed-use project!

Dear Mayor Cummings and City Councilmembers:

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Support *the needs of the people who live in this city*, not the monied interests promoting this ill-conceived project. Vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that **voters were led to believe we were approving for renovation of the Downtown Library** during the 2016 Measure S campaign. This feels like corrupt government trickery.

Furthermore, this project would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street. Your cynical and specious insertion of a bit of "affordable housing" bait into this project to appease the bleeding hearts is not working.

Moreover, the proposed parking garage would displace our community's beloved Farmers' Market from Lot 4 to Lot 7, allocating the market only half as large a space (51%, to be exact). Instead, we should be taking steps to *expand* the downtown Farmers' Market, along the model of the San Luis Obispo Farmers' Market (<https://www.sunset.com/travel/insider-guides/downtown-san-luis-obispo-farmers-market>), thus developing a more vibrant, united, and economically dynamic community.

The parking garage project would necessitate cutting down TEN (10) Heritage trees on Lot 4! This anti-life, soulless project conceived out of the rotten, stinking seed of the fossil fuel paradigm was dead on arrival in the 20th Century. A tired, unimaginative, unneeded 6-story 400-space parking garage is in direct conflict with the goals of our 21st Century City Climate Action Plan.

The Covid-19 Pandemic has made clear the need for open spaces within the matrix of the city, where people can be outdoors, observing "social distancing" — a need essential to everyone's mental and physical health. I voted for the bond measure to improve the libraries, but I did not vote for this proposed loss of the Farmer's Market, nor did I vote to highrise away the last of downtown's open sky. The new restaurant street seating downtown reminds me of some of the beautiful cities of Mexico and Europe, where the interplay of structures and social open space, trees, and breathable fresh air (not dim cement structures and auto exhaust) is understood to be a vital part of a vibrant city life.

It is long overdue to change course! END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

[MaryFlodin](#)

831.359.3539

140 Heath Street

Santa Cruz, CA 95060

Rosemary Balsley

From: micjerden@comcast.net
Sent: Monday, October 26, 2020 6:17 PM
To: City Council
Subject: October 27 City Council Meeting mixed-use library project NO!

Dear Mayor Cummings and City Councilmembers:

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show guaranteed funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that the 2016 Measure S campaign led voters to believe were for renovation of the Downtown Library. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

It is long overdue to change course! Please END this ill-conceived project NOW!. Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Sent from my iPhone

Rosemary Balsley

From: Erica Aitken <ericaaitken@me.com>
Sent: Monday, October 26, 2020 6:29 PM
To: City Council
Subject: RE: Item 30, Mixed Use Library

Dear Mayor and Members of the City Council,

Please do not spend 240K on the mix use project that should not exist in the first place.

It is a waste of money and an unnecessary strain on our community. We never expected you to use Measure S as justification for this extravagant expense.

Listen to your community and table this project.

Sincerely,

Erica Aitken
Santa Cruz

Sent from my iPhone

Rosemary Balsley

From: lisa ekström <ekstromdesign@gmail.com>
Sent: Monday, October 26, 2020 6:31 PM
To: City Council; Justin Cummings; Donna Meyers; Katherine Beiers; Sandy Brown; Renee Golder; Martine Watkins
Subject: No on Agenda Item 30 re Mixed-Use Project

Dear Mayor Cummings and City Councilmembers,

I'm writing to urge you against awarding the contract for the Mixed Use Library Owner's Representative for Phase 1 to Griffin Structures.

I strongly oppose the proposal to construct an expensive, oversized mixed-use building on downtown Lot 4.

I've been following proposals for the library and the proposed parking garage for years, attending many meetings, presentations, and reading the reports. Some of you who are now City Council members probably missed much of the earlier stages of this, and for you particularly, the controversy around this could seem puzzling.

We've been witnessing the Decide, Announce, Defend management approach: a top-down, minimally participatory method of public management. For city staff, the last couple of years have been spent in the "Defend" phase, where time spent overcoming resistance and defending the decided plan has led to delays and unsupported plans.

The "Library Project FAQs" posted in the Agenda packet says that "community engagement has been a key piece of each step of this project" but I've already written in detail about how that has been misrepresented. Also, Don't Bury the Library has done a thorough job of documenting how that was not true. Large numbers of concerned residents have experienced a sense of disenfranchisement in the process, a lack of equitable access to city council meetings, and a resulting lack of trust in our government.

I feel the frustration of both sides engaged in what seems a distressing and futile waste of time.

The parking garage idea has been a pet project of the city for years and having observed its history, it has never had the necessary public support. There's a trail of documentation showing the evolution of the city's attempts to sell this idea to the public. It seemed the library was added to it to facilitate the parking garage, to persuade, and to generate that public good will. Only when even that didn't work was the "affordable housing" carrot tacked on. And of course, we all support more affordable housing.

It's a shame because affordable housing could have been the point in the first place, not something used to prop up an unpopular, unwanted project.

It's a shame because all this effort, time, and money have continued to be expended on a project that should have been shelved or re-envisioned years ago.

Yes, let's put our effort, time, and money into affordable housing downtown (on Lot 7 for example) that doesn't come with so many expensive, unnecessary, and misguided complications.

I don't know of any other project in our city's history that has proposed such a heavy financial burden as this Mixed-Use project. In any time, such a commitment of resources and finances should be thoroughly questioned. But especially now, as we face multiple, multi-year crises, this needs even more pointed questioning. So far, the due diligence and numbers have not been provided.

However, the city already paid Jayson Architecture to create a modern renovation plan for the Downtown Library that provides almost the same services and square footage as the mixed-use project. But the Jayson proposal also keeps the library in its historic location as part of the Civic Center and provides nearly 9,000 square feet of valuable outdoor space that we won't have with the mixed-use project. We could be making progress on this library renovation right now, much more quickly and efficiently than we can with the controversial mixed-use project.

The Farmers' Market could have a permanent home at its long-time location, which is nearly twice the size of the lot the

city has proposed for its permanent site. The infrastructure that the Farmers' Market needs could be much more inexpensively accomplished, along with a beautiful Downtown Commons that would improve the environment, enrich downtown, and serve the community for decades to come.

Thank you for your consideration. I appreciate your work on behalf of our community.

Sincerely,
Lisa Ekström
Santa Cruz

Rosemary Balsley

From: Cynthia Adams <cynthiapond@cruzio.com>
Sent: Monday, October 26, 2020 6:31 PM
To: City Council
Subject: library/housing/garage project

Dear Mayor Cummings and other Council Members,

Don't you dare spend another dime on the library/housing/garage project when I have already cast my ballot for new council members!

Is this particular lot necessary for housing equity in our city?

No. We can stop granting permits for large, 100%-market-rate housing projects. Instead, we can mandate that 15% or 20% of units in every large project be affordable.

Is this particular lot necessary for a green downtown commons?

For me the answer is yes. No other lot is large enough and central enough.

Will the library/housing/garage draw city dwellers and tourists to downtown Santa Cruz? No.

Will an ample, lush, green commons draw city dwellers and tourists to downtown Santa Cruz?

I believe it will.

Did paid consultants say we need the parking? No. Quite the contrary.

Is the library/housing/garage project legal?

I'd doubt it. Funding for a new library has not been put to a vote by the people of Santa Cruz.

Will there be a lawsuit if the council proceeds with this?

Who knows? My guess is yes.

If so, will the plaintiffs prevail?

Who knows? My guess is yes.

Either way, will a lawsuit cost valuable money and human energy for both sides? Yes.

I remember voting for the bond for upgrading our libraries. It makes my blood boil that the funding for this project has not been put to a vote by the people of Santa Cruz.

Dear council members, I'm sure you have good intentions. But please stop funding the library/housing/garage proposal.

With this agenda item, please just sit there and do nothing.

Thank you,
Cynthia Adams

Rosemary Balsley

From: Donna Murphy <donna2mm@icloud.com>
Sent: Monday, October 26, 2020 7:22 PM
To: Justin Cummings; Donna Meyers; Katherine Beiers; Sandy Brown; Renee Golder; Cynthia Mathews; Martine Watkins
Cc: City Council
Subject: Support for Downtown Library/Housing Project

Dear Council Members:

It is time to move the Downtown Library/Housing project forward! The Council's own subcommittee that spent a year of time, study and public input has determined that the multi-use project is the preferred investment of our community's money and land.

In June, you made the decision to proceed with the library/housing project. Yet, we've had another month of delay for what should be a straight-forward decision on appointing an owner's representative. At some point, those of you most informed have a responsibility to stop the delays and both assure and insist that the project get done.

The benefits are many and important: affordable housing for our workforce, the best and biggest library, much needed parking that will serve multiple constituencies in the heart of downtown....And, we will get a permanent new Farmer's Market location and improved facilities. Each part of the project has its own funding sources and it maximizes use of valuable land.

Hundreds of individual citizens who have taken time to write or speak on the project and 17 diverse organizations support the project. This is a popular, much-awaited-for project. In addition, it has important environmental and social benefits that seem to get over-looked. Creating affordable, workforce housing near jobs saves on greenhouse gas emissions & reduces commutes; uses less water and other resources; and it is more equitable. The dedicated space for children and youth serves an under-resourced constituency, and is walkable or an easy bike ride for youth throughout the downtown, central and beach flat areas of the city.

Please move the Downtown Library/Housing forward; approve the owner's representative and speed up the planning.

Donna Murphy
831-239-3349

Rosemary Balsley

From: Erica Stanojevic <ericast@gmail.com>
Sent: Monday, October 26, 2020 7:48 PM
To: City Council
Subject: Library-Garage Project

Dear City Council Members,

At this time of economic hardship for our community, we are looking to the City Council for leadership. The decision on funding the development of the garage/library/housing is a matter of trust in government. Will you make such a decision without considering the Nelson\Nygaard "Downtown Parking Strategic Plan? Will you make the decision knowing that the City's consultant, Economic and Planning Systems found that the City's garage financing plan did not account for economic recessions during the 30 year bond debt period? Will you make the decision without knowing the impact on Downtown businesses of a financing plan that is deficient?
Spending on this project comes at the expense of other City priorities.

Thanks for considering,
Erica Stanojevic

Rosemary Balsley

From: Shana Phelan <shanaphelan@gmail.com>
Sent: Monday, October 26, 2020 8:14 PM
To: City Council
Subject: October 27 City Council Meeting mixed-use library project

Dear Mayor Cummings and City Councilmembers:

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show guaranteed funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that the 2016 Measure S campaign led voters to believe were for renovation of the Downtown Library. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

It is long overdue to change course! Please END this ill-conceived project NOW!. Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community. Please do not move forward with Lot 4 project by voting against this. There are much better alternatives!

Shana Phelan
Resident for 34 years

Rosemary Balsley

From: leeseve <leeseve@aol.com>
Sent: Monday, October 26, 2020 8:24 PM
To: City Council
Subject: Mixed-use Project

Dear Mayor Cummings and City Councilmembers:

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show guaranteed funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that the 2016 Measure S campaign led voters to believe were for renovation of the Downtown Library. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

It is long overdue to change course! Please END this ill-conceived project NOW!. Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Sincerely,
Elissa Wagner
Aptos

Rosemary Balsley

From: Shifra Weiss-Penzias <swp@tbeaptos.org>
Sent: Monday, October 26, 2020 8:41 PM
To: City Council
Subject: FW: October 27 City Council Meeting mixed-use library project

From: Shifra Weiss-Penzias
Sent: Monday, October 26, 2020 8:33 PM
To: <mailto:citycouncil@cityofsantacruz.com>
Subject: October 27 City Council Meeting mixed-use library project

Dear Mayor Cummings and City Councilmembers:

I oppose the Lot 4 mixed-use project because the current open space in the heart of the downtown should be used to promote outdoor community gatherings like the Farmers' Market. In Europe, downtown areas have charming town squares where people meet, eat, and chat. These are vital to tourism. In contrast we, in the United States, build our cities devoid of charm to accommodate cars. I oppose the cutting down of 10 Heritage trees on Lot 4 and the construction of a hideous 6-story structure.

Sincerely,

Laurie Penzias

Rosemary Balsley

From: Abigail Goodman <24goodmana@pcscharter.org>
Sent: Monday, October 26, 2020 9:09 PM
To: City Council; +jyork@santacruzsentinel.com;
+downtowncommonsadvocates@gmail.com
Subject: End the Lot 4 mixed-use debacle!

Dear Mayor Cummings and City Councilmembers:

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Rosemary Balsley

From: Joseph Schultz <jozseph@gmail.com>
Sent: Monday, October 26, 2020 9:42 PM
To: City Council; Justin Cummings; Donna Meyers; Katherine Beiers; Sandy Brown; Renee Golder; Martine Watkins; Jessica York; downtowncommonsadvocates@gmail.com
Subject: PLEASE Stop the Mixed-Use Project

Whatever slim arguments there were last year for even considering a huge downtown project have evaporated with the financial catastrophe of the past year.

As a longtime SC business owner, I have had to change directions and plans many times in response to changing business conditions.

Time for Santa Cruz to do the same.

Jozseph Schultz
India Joze Restaurant
831 325-3633

Rosemary Balsley

From: Micah Posner <micahposner@cruzio.com>
Sent: Monday, October 26, 2020 10:32 PM
To: City Council
Cc: Justin Cummings; Sandy Brown; Martine Watkins; dmyers@cityofsantacruz.com; Renee Golder; Katherine Beiers
Subject: agenda item 30- a very mixed use project

Esteemed Councilmembers,

I am not speaking for the Sierra Club in the below email.

If I understand correctly, the last time the mixed use project came up for a vote, you compromised on supporting the project with the condition that it would include 50 affordable units. That was an interesting outcome, given that the City, and country, was entering into a virus induced recession at the time, and the City did not have money in its coffers to even build the affordable housing that was already planned and, to some degree paid for- the units to go on the site adjacent to the Metro.

I appreciated that Mayor Cummings, supported by the rest of the Council, made his support contingent on the staff showing a real plan for building the affordable housing. While I did not support the compromise, I appreciated that Mayor Cummings indicated that the housing was actually part of a compromise, and not just some kind of public relations green washing.

As I suspected, the staff are now asking for the project to go forward without any plan to build the affordable housing. Hiring a development consultant is not going to create a plan to build the affordable housing without money. What Mayor Cummings asked for was to see a plan where the money would come from. There isn't one. There can't be one, unless local and/or state government gets a lot more money and decides to spend it on affordable housing in the City of Santa Cruz. This is not going to happen in the foreseeable future.

For Mayor Cummings and the rest of the Council to show the public that you are serious about the affordable housing, you need to tell the staff to come up with a credible plan for how to pay for the affordable housing part of the project, prior to spending any additional money on it. Otherwise, the consultant will tell you what we know already, that the multi-use project can be built, albeit at some risk to the City's General Fund due to the potential for a decrease in parking revenue, but to include 50 affordable housing units the City will have to make up a large shortfall. If the Council spends money on this project prior to a viable plan for the affordable housing, they are indicating to the public that the Council does not have any significant will to change the plans of the staff and development community, but is, instead, choosing to act as a Public Relations adjunct to the City Corporation, (a function, interesting enough, assigned to the Council in longtime City Manager Dick Wilson's book, "In Defense of Management." - worth a read, but only if you are ready to be honest with yourselves.)

Moreover, given the procedural context under which the "mixed use project" has been cooked up, another broken promise would further decrease our (the public's) trust in government as a whole. Please consider that the entire scheme under which the library would be rebuilt in a parking garage was something that voters never approved of, mistakenly assuming, via the front page print of Measure S (but not the fine print), that our tax increase would go to support, not demolish, existing libraries.

Having researched the subject, I think that the general population does not support bulldozing our library, taking it to the dump, and rebuilding it within a 70 million dollar parking garage. In fact, I do not believe there is not majority support for either idea, much less the two of them together. I believe there is support for building affordable housing on surface parking lots, but you don't have the money for that, and, if you did, a majority of the population would just want you to build the housing and skip the huge concrete scheme being presented to us.

Do you think a majority of the public supports this plan? Are you willing to figure this out? Do you want to do a survey; a straightforward tax initiative? Or, like the Desal Project, are you assuming that the strange insider electoral politics that elects Councilmembers may allow you to hold your seats and do Public Relations for the City as a corporation while it continues on a path independent of the wishes of its citizens? Have you considered, that, if you were to, somehow, succeed in building the 'very mixed use project', that you would do so at the expense of the public's trust in our own government and at the expense of the notion that our electoral system allows voters to have control over things like huge public works projects? Is that worth it?

Please take a step back for a minute, stop thinking about which alliances have triangulated to support this scheme, talk to your partners and your neighbors and think about what you want your role to be in the vestiges of what we call local democracy. Then vote based on whether people in Santa Cruz really want to bulldoze our library, move our Farmer's Market, and spend 70 million dollars in the midst of a recession and in the face of a climate emergency locally propagated by automobile use. Just give it a thought. Please.

Thank you for your consideration,

Micah Posner

Past City Councilmember

Rosemary Balsley

From: Laura Lamascus <myhappygang@gmail.com>
Sent: Tuesday, October 27, 2020 7:18 AM
To: City Council
Subject: Please build us a beautiful library

Hello City Council,

Please vote to move the Library/ Mixed-Use Project forwards. We have been waiting ever so patiently for a beautiful, well-stocked, welcoming library space and are excited about the proposed new library and the positives it adds to our downtown. We are high-volume library users and want the library to be the best it can be. The remodel proposal will cut the number of books and services available, not only to the Downtown Branch, but system-wide. This is unacceptable. Please help us have a modern library downtown!

Thank you for supporting our community,
Laura Lamascus

Rosemary Balsley

From: John Aird <johnaird@earthlink.net>
Sent: Tuesday, October 27, 2020 7:34 AM
To: City Council
Subject: [CAUTION: Verify Sender Before Opening!] ALERT Re: Agenda Item #30 Mixed-Use Project and Proposed Contact.
Attachments: Letter to Council to Urge Denial of \$240,000 Contact on Agenda Item #30.docx

Whoops an early morning mistake!

Here *Attached* is the letter that I'd appreciate being distributed to Council Members. *Not the earlier sent one!*

So please just disregard and destroy earlier mistaken one that was attached to the earlier email I sent below.

Thanks

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

From: John Aird
Sent: Oct 27, 2020 7:20 AM
To: "citycouncil@cityofsantacruz.com"
Subject: Agenda Item #30 Mixed-Use Project and Proposed Contact.

See **Attached** Letter to Council.

Please distribute it to the Council Members immediately.

Thank you!

John C. Aird

To: City Council

Re. Urge Denial of Proposed \$240,000 Contract (Agenda Item #30)

There are unfortunate and telling similarities between the proposed mixed-use “Taj Garage” project and the defunct Desalination one. Here are just some of the most significant:

Both proposals harm or eliminate pursuit of other socially-beneficial goals – adoption of more efficient water-use technologies such as low-flow fixtures and drip irrigation in the case of desalination; renovation of our stand-alone downtown library at its site across from the City Hall where it’s been for over 116 years as an important part of an historic and vital Civic Center while enhancing the Farmer’s Market to become Santa Cruz’s Downtown Commons.

Both environmentally inferior to other available options

Both offered proposed “solutions” contrary to trends going the other way – A mixed-use project dedicated to a car-centric world that’s increasingly opting for other transportation options just like desalination was environmentally harmful and economically wasteful when compared to better water system management, water conservation and regional water sharing.

Both projects supported by the business community but strongly and widely opposed by the majority of the Santa Cruz community as a whole.

These similarities are telling: Desalination, unneeded and unwanted, was ultimately stopped and a better solution found. The future of the Taj Garage should be the same. It too is unneeded and unwanted. Accordingly, I urge you to turn down this \$240,000 contract with Griffin Structures and authorize further planning for renovation of our library where it is.

John C. Aird, 303 Highland Ave., Santa Cruz

Rosemary Balsley

From: Roo Ra <roora1138@gmail.com>
Sent: Tuesday, October 27, 2020 7:35 AM
To: Justin Cummings
Cc: City Council
Subject: Item 30. Award Contract for Mixed Use Library Owner's Representative Contract to Griffin Structures, Inc.

WITH CORRECTIONS for public record

Mayor Justin Cummings, before his deciding vote on 6/23/20 in favor of this project:

"We'll see what we get at the next meeting in August... *We're really trying to get the affordable housing component and if we can't maximize those benefits [referring to the grant awards], then we'll likely need to move forward with renovation.*" [emphasis added]

<https://youtu.be/7bwjxU7ktwU?t=31379>^[11]_{SEP}

After the Mayor's proposed 5th amendment to Vice Mayor Donna Myer's motion — "Should we not be able to move the [affordable housing component] forward, City Council will move forward with the renovation." — was not accepted due to her claim that it was "inherent in the existing motion"...

"If that's not acceptable at this point in time, I will say that when this comes back, I just want it to be clear that part of my major intention in moving forward with this [amendment], is that there's been this confidence that we can make an affordable housing project work on this site and I think we've already... [Cummings withdrew the motion]... set our standard with having a minimum of 50 affordable units, and *if we can't meet that then we're going to have ANOTHER CONVERSATION about this topic... Based on the financial projections and our ability to meet the affordable housing, low-income housing, we'll need to revisit that when we have these conversations about finances.*" [emphasis added]

<https://youtu.be/7bwjxU7ktwU?t=31509>

THAT CONVERSATION is expected to occur during Item 30, scheduled for this Tuesday's City Council meeting and located on the agenda AFTER the caveat announcement — more in the service of Council and staff than the public, on hold, waiting for eternity to be Zoomed into the meeting — that the allocation for public comment WILL NOT exceed 60 minutes.

Apparently, the ONLY "affordable" housing funds currently "in play" for this project and the Metro project, which the City Council jointly prioritized for funding, remain the same as 4 months ago:

- LHTF grant application for max \$5 million (decision expected October 2020; not yet awarded*)
- PLHA grant application for min \$1,588,464 over 5 years (decision expected January 2021)
- Lipscombe's "a little under \$3 million" in the Affordable Housing Trust Fund, per the 6/23/20 City Council meeting

*LHTF grant odds: 33 applications for \$57 million in available funding; \$118 million requested at 107.12% "over subscription" with 18 applications requesting max \$5 million, per the CA HCD LHTF Applications Lo-

FACT CHECKING this item's Library Project FAQs attachment... 1 of 3

The City Manager, and the Directors of Economic Development, Public Works and the Library — the agents

behind this project— each gross a little more or less than a quarter of a million dollars annually in salary and CalPERS benefits.

What the concept of "affordable" housing may mean to them would be somewhat different than its reality for those relying on minimum wage without any benefits in a post-COVID19 economy.

"How many [affordable] housing units will the Library Mixed-Use Project add downtown?"

Per direction from the City Council, the project will include *a minimum of 50 total [affordable] housing units: 10 moderate-income units, 20 low-income units, and 20 very-low-income units.*" [emphasis added]

MISLEADING, missing relevant data

In the last 2 years the Area Median Income (AMI, based on a 4-person household) in Santa Cruz County increased 26.4% to \$110,000 from the \$87,000 it had held each year from 2012 through 2018.

This is the HIGHEST increase within the 7 out of 58 California counties with the highest AMI, Santa Cruz being the 7th and the only county outside of the 9-county San Francisco Bay Area region. The AMI of the counties of San Mateo, San Francisco, and Marin increased 20.9%, Alameda and Contra Costa 14.2%, and Santa Clara 13.1% in the same 2-year period.

Those who qualify NOW for the "affordable" housing in this project, based on the 2020 State Income Limits, depend on the persons-per-household units being built (UNKNOWN at this time).

As to the Economic Development Director's steadfast advocacy for the inclusion of "market-rate" housing, what income levels would those units target compared to the 120% over AMI for the "affordable" housing "moderate-income" households, listed below?

Considering variations for the 2-3 person households (2-3 working adults, single working adult with 1-2 children, single adult on fixed income with 1-2 children, 2-3 adults on fixed income)... and a 168-hr work month...

10 "moderate-income" units GO TO

- 1-person households with a maximum total income of \$92,400/yr; \$7700/mo; \$45.83/hr
- 2-person households with a maximum total income of \$105,600/yr; \$8800/mo; \$52.38/hr
- 3-person households with a maximum total income of \$118,800/yr; \$9900/mo; \$58.93/hr
- Using the AMI REFERENCE POINT of 4-person households, this level allows a maximum total income (120% of the 2020 \$110,000 AMI) of \$132,000/yr; \$11,000/mo; \$65.48/hr

20 "low-income" units GO TO

- 1-person households with a maximum total income of \$74,350/yr; \$6196/mo; \$36.88/hr
- 2-person households with a maximum total income of \$85,000/yr; \$7083/mo; \$42.16/hr
- 3-person households with a maximum total income of \$95,600/yr; \$7967/mo; \$47.42/hr

20 "very-low-income" units GO TO

- 1-person households with a maximum total income of \$46,350/yr; \$3863/mo; \$22.99/hr
- 2-person households with a maximum total income of \$53,000/yr; \$4417/mo; \$26.29/hr
- 3-person households with a maximum total income of \$59,600/yr; \$4967/mo; \$29.56/hr

Given the "affordable" housing funding shortage for this project and the current California minimum wage...

- \$13/hr for employers with 26 or more employees
- \$12/hr for employers with 25 or fewer employees

WHY NOT ADVOCATE INSTEAD for the prioritization of "extremely-low income" 1-2 person households?

Considering variations for these 1-2 person households (1-2 working adults, single working adult with a child, single adult on fixed income with a child, 1-2 adults on fixed income)... and a 168-hr work month...^[L]_{SEP}

20 "extremely-low-income" units GO TO

- 1-person households with a maximum total income of \$27,800/yr; \$2317/mo; \$13.79/hr
- 2-person households with a maximum total income of \$31,800/yr; \$2650/mo; \$15.77/hr

BUT wait a minute...

According to the requirements under Section 105 of the LHTF Final 2020 Guidelines (p10 of 17), at least 30% of the awarded funds, after deducting administrative expenses, "shall be expended on assistance" to extremely-low-income households. "To comply with this requirement, dwelling units or shelter beds must be [a]ffordable to, and restricted for, [extremely-low-income households] with household income of no more than 30 percent of AMI."^[L]_{SEP}

Since extremely-low-income units are not included in this project, if the City of Santa Cruz beats the odds and receives the requested max \$5 million (or portion thereof) for this project and the Metro project (bundled together in the grant application), the Economic Development Director apparently intends to "kick this can down the road" to the Metro project, whose developer may be more willing to include it... no doubt, with the assurance of "market-rate" housing as counterbalance.

www.hcd.ca.gov/grants-funding/nofas/docs/NOFA-Schedule.pdf

<https://www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits.shtml>

<https://www.hcd.ca.gov/grants-funding/active-funding/lhtf.shtml>

https://www.hcd.ca.gov/grants-funding/active-funding/lhtf/docs/2020_final_guidelines.pdf

^[L]_{SEP}

FACT CHECKING this item's Library Project FAQs attachment... 2 of 3

During the 9/22/20 meeting, the Economic Development Director advocated again for the inclusion of "market-rate" housing, to subsidize the library component: "In order to really maximize the air rights fee that a developer would pay we would almost certainly need to have some market rate housing in the project... to fill a gap on the library portion."

<https://youtu.be/zvUoOiBSQ?t=9885>

"What are Air Rights?"

"Air rights" is a colloquial term referring to the right to build a given amount of square footage on a given parcel of land. Air right parcels are three-dimensional parcels created vertically and horizontally within a building to establish separate legally transferable lots. *The affordable housing component will have its own separate air rights parcel that an affordable housing developer can then lease/purchase to finance and develop the affordable housing.* [emphasis added]

MISLEADING, incomplete, incorrect

Omission: "...that... a developer can then lease... [FOR TRANSFER TO OTHER PROJECTS in order for the City] to finance and develop the affordable housing [component in this project]."

"Air rights" are leased, not purchased. In the absence of zoning by-laws restricting transferable property rights, such rights could be transferred to any development. Neither the City nor the County of Santa Cruz have any existing zoning by-laws governing "air rights". But then, nothing apparently precludes the City from a bit of spot zoning, à la Felix.

Let's peek into that Pandora's Box labeled "air rights"...

From downtown Toronto, where development of parks is NOW more desirable than affordable housing... An idea for this community to embrace for a Downtown Commons after the City of Santa Cruz has constructed "multi-use" high rises on all the downtown surface parking lots —the refuge for business tents after the last "Big One"...

Rail Deck Park

"In fall 2016, the Toronto City Council endorsed a proposal for a new major park in Downtown Toronto, to be built [ON A DECK] over the rail corridor between Bathurst Street and Blue Jays Way. *Known as Rail Deck Park, the project will transform this unused air space into Toronto's next great gathering space for recreation, culture and celebration.*" [emphasis added]

<https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/rail-deck-park/rail-deck-park-overview/>

From Boston (and Manhattan, the ultimate purveyor in "air rights")...

<https://youtu.be/yoerd2lvAXk?t=32>

"As Donald J. Trump demonstrated with his 72-story black glass tower at 845 United Nations Plaza, which was at one time the tallest residential building in the city, it is possible for a tower to, well, tower over its neighbors if it has successfully transferred sufficient air rights. Mr. Trump performed a dominolike maneuver and legally stockpiled air rights from at least seven low-rise properties that had F.A.R. to spare, merging their lots with his. Then — presto — he maxed out the block's allowable density in the form of a single slender tower."

<https://www.nytimes.com/2013/02/24/realestate/the-great-race-for-manhattan-air-rights.html>

F.A.R defined...

<https://streeteasy.com/blog/what-are-nyc-air-rights-all-about/>

FACT CHECKING this item's Library Project FAQs attachment... 3 of 3

"What will happen to the trees on Lot 4?"

The City will work with an arborist to assess the health of the trees and then work with community members who are interested in relocating the trees to an alternative site."

MISLEADING, floating the possibility of successful relocation^[1]_[SEP]

"The magnolia tree is a large, broad-leaf evergreen with a trunk that can reach a diameter of 2 to 3 feet. Mature trees are difficult to transplant, as the root system is rope-like with few offshoot branches, allowing it to spread wider than most trees. Magnolia trees with a trunk diameter smaller than 4 inches have the best chance of being moved via transplanting into a new location."

<https://www.gardenguides.com/105811-move-magnolia-tree.html>

"Magnolias are generally soft-wooded and may be prone to breakage... The bark is thin, and easily damaged... [Their] roots tend to girdle (circle the trunk or root ball)... The root system spreads wider than most trees. For

this reason, transplanting magnolias is difficult, as so much of the root system is lost."

<https://hgic.clemson.edu/factsheet/magnolia/>

Rosemary Balsley

From: Mark Mesiti-Miller <markmesitimiller@gmail.com>
Sent: Tuesday, October 27, 2020 7:44 AM
To: Justin Cummings; Donna Meyers; Katherine Beiers; Sandy Brown; Renee Golder; Cynthia Mathews; Martine Watkins
Cc: City Council
Subject: Approve the Griffin Structures agreement for their professional services on the Downtown Library Mixed-Use project

Greetings Mayor Cummings and esteemed Councilmembers,

I am writing to urge every one of you to vote in favor of awarding the contract for the Mixed Use Library Owner's to Griffin Structures, Inc. in an amount up to \$240,000. Griffin Structures is well qualified and brings a wealth of experience in both libraries and mixed-use projects to bear on the Downtown Mixed Use Library Project. Retaining Griffin Structures will provide the city the professional expertise needed to deliver the best possible project at the least possible cost.

Please move this project forward.

Thank you,

Mark

Mark Mesiti-Miller, P.E.

37 year resident of the great city of Santa Cruz

Rosemary Balsley

From: Steve Clabuesch <srclabue@ucsc.edu>
Sent: Tuesday, October 27, 2020 8:40 AM
To: City Council; Justin Cummings; +dmeyers@cityofsantacruz.com;
++kbeiers@cityofsantacruz.com; +sbrown@cityofsantacruz.com;
+rgolder@cityofsantacruz.com; +mwatkins@cityofsantacruz.com;
+jyork@santacruzsentinel.com; +downtowncommonsadvocates@gmail.com
Subject: Abandon the Lot 4 mixed-use project!

Dear Mayor Cummings and City Councilmembers:

City staff have not provided even the most basic plan to fund the ill-conceived Lot 4 mix-use project. They claim otherwise, but at the bottom line, they can't show funding for the mixed-use Library, affordable housing, or parking garage.

It is time to END pursuit of this pipe dream. Please vote against hiring an owner's representative for a project that should not be built in the first place.

The Lot 4 mixed-use project is slated to cost \$80 million or more. It would use bond funds that voters were led to believe we were approving for renovation of the Downtown Library during the 2016 Measure S campaign. It would displace the Farmers' Market from Lot 4 to Lot 7, about half as large a space (51%, to be exact). It would cut down 10 Heritage trees on Lot 4. It would include an unneeded 6-story 400-space parking garage. And it would create only a fraction of the affordable housing that could be built on the city-owned Lot 7 on Front Street.

It is long overdue to change course! Please END this ill-conceived project NOW! Move ahead with the shovel-ready plan for renovation of the Downtown Library and build affordable housing on Lot 7 or elsewhere.

Thank you for your consideration and your efforts on behalf of our community.

Rosemary Balsley

From: Ginny Aragon <gkaragon@aol.com>
Sent: Tuesday, October 27, 2020 9:28 AM
To: City Council; City Plan
Subject: Library project

Dear City Council and Planning Office,

There is no lack of strong feelings and input about this Project. I am writing to voice my strong objection to this plan. It is NOT the Project for the times, the budget, the community, or the future. Having a huge parking garage as a downtown feature does not build community or connection win a time when those qualities/needs are paramount. What downtown is becoming is a large, largely unaffordable housing slabs now sprinkled with parking towers that are not vibrant, interesting or a draw for a downtown that engages with business or shoppers. Certainly in these times when shopping, connecting, driving/parking patterns have changed, this major plan effecting the future development of our community should be rethought and reimagined. The Library and it's uses - now and in the future - seem like an afterthought, as does the affordable housing angle to rationalize this parking tower. Please rethink and take the time that's necessary to provide something that builds community in a holistic sense rather than this Parking First model. I recognize that a lot of time and effort have gone forward all the way around developing a myriad of plans and ideas. But this is not the right solution. There will not be another time when there is space/an open lot plus some measure of funding. There is no do-over here. Treat this as the most important decision effecting the entire downtown since the re-building after the earthquake.

Sincerely,

Ginny Aragon

Rosemary Balsley

From: richelle@baymoon.com
Sent: Tuesday, October 27, 2020 10:00 AM
To: City Council
Subject: Library Project - Please move it forward

Dear Mayor and Members of the City Council,

Please do not feel pressured to delay this project and make a decision today to move this project forward. The small group of people opposing this project will not find common ground with those who support the project. Concessions and delays have already been granted in hopes of finding common ground. It is way past time to move this forward and demonstrate leadership on a much needed project for our city. While I understand the desire to want everyone to be happy with every vote you make, that is not possible with this decision. Unfortunately the project opponents are still posting incorrect facts and statements on social media platforms about this proposal. Let us not reward purposeful misstatements by postponing this project any further.

Sincerely,

Richelle Noroyan

Rosemary Balsley

From: Marion Vittitow <marionv@cruzio.com>
Sent: Tuesday, October 27, 2020 10:20 AM
To: City Council
Subject: Re: Current City issues-- Marion Vittitow

At your last meeting, the Council had to cut funding from a number of vital sources. Instead of approving the \$240,000 to Griffin Structures Inc., why not assess the VITAL issues of this community both in the coming future and now because of the many unplanned for dilemmas we currently face?

We have a currently functioning library and space (I have been getting reading materials from them weekly). New places for building much-needed affordable house (like the corner of Laurel and Front) are a choice. I am not sure new parking is a necessity now or in the current future.
Please review the need for this expenditure at this time. With great respect for what you all do, Marion Vittitow

Rosemary Balsley

From: Christine Weir <chrisweir@baymoon.com>
Sent: Tuesday, October 27, 2020 10:31 AM
To: City Council; Justin Cummings
Cc: City Plan
Subject: oppose mixed-use plan on Lot 4

I am writing to express my strong opposition to the proposed mixed-use library/garage project on Lot 4. I voted to improve our current library, in the civic center, with Measure S funds. I believe the city has done a bait-and-switch, to try to build a parking garage that is unnecessary and counter to our goals for climate change mitigation. The library should be remodeled on it's current site (what we voted for), Lot 4 should be used as a public commons (the proposed substitute lot is inadequate), and more incentives should be used to move downtown workers out of their cars and on to public transport so that more spaces are released for use by shoppers.

Sincerely,

Christine Weir
316 California Street
Santa Cruz, CA 95060

Rosemary Balsley

From: Eva Brunner <evasbrunner@gmail.com>
Sent: Tuesday, October 27, 2020 11:07 AM
To: City Council; Justin Cummings; Donna Meyers; Katherine Beiers; Sandy Brown; Renee Golder; Martine Watkins; jyork@santacruzsentinel.com; John Hall
Subject: Please STOP the Lot 4 mixed use project!

Dear Mayor Cummings and City Councilmembers:

Please vote to STOP the Lot 4 mix-use project. As you know there has already been a tremendous amount of public input - about 80% of comments and emails from community members oppose this project. Yet it is still being pursued. Why ask for public comment and input if it is just going to be ignored if the outcome is not what you wish for?

City staff have not provided a basic plan to fund the Lot 4 mix-use project. They can't show funding for the mixed-use Library, affordable housing, or parking garage. **Please vote against hiring an owner's representative for a project that should not be built in the first place.**

The Measure S campaign led us to believe the bond funds would be used to renovate the Downtown Library. But instead there is now a plan for the Lot 4 mix-use project. It is not shown that there is funding for this plan that is slated to cost at least \$80 million. It would use the funds that we thought were led to believe were to be used for the current downtown library renovation. It would displace the farmer's market to a much smaller lot thus affecting many small farmers' livelihoods as well as other local vendors. There are other more appropriate options for affordable housing such as Lot 7 and other city owned properties. And, a five story parking garage downtown goes against what we all understand as the very real threat of global warming. Why would you prioritize car-oriented infrastructure - and such a misguided one at that?

The integrity of the city council is on the line. To ignore such strong opposition from the community on the Lot 4 mix-use project one has to ask, who do you REALLY represent?

As representatives and dedicated public servants of your community the choice seems obvious. I find it incredibly disturbing that you would ignore such strong opposition from the community on this project. A City Council is only as effective as the trust the community has in it.

Please move ahead with the plan for renovation of the Downtown Library (as so many voters approved). Please build affordable housing on Lot 7 or elsewhere.

Eva Brunner
Santa Cruz, CA

--

Eva Brunner

Bookkeeping services & consulting

for small business and non-profit organizations

Serving since 1990

Rosemary Balsley

From: Garrett Stephens <garstep@umich.edu>
Sent: Tuesday, October 27, 2020 11:36 AM
To: City Council
Subject: Downtown Commons

Hi all,

I support the spirit of a downtown commons. Please leave the space for the farmers market as a space for the farmers market and don't build there.

Thanks for your consideration,
Garrett Stephens

Rosemary Balsley

From: Jeffrey Smedberg <unionize@calcentral.com>
Sent: Tuesday, October 27, 2020 11:49 AM
To: City Council; Justin Cummings; Donna Meyers; Katherine Beiers; Sandy Brown; Renee Golder; Martine Watkins; jyork@santacruzsentinel.com; downtowncommonsadvocates@gmail.com
Subject: We're not ready to move ahead on Lot 4

Dear Mayor Cummings and City Councilmembers:

As I'm sure you are aware, the last vote on the mixed-use project on Parking Lot 4 required a few key details to be addressed before proceeding with the project.

City staff have not provided the required basic funding plan for this mixed-use project. Before knowing if the project could be paid for, it is premature to consider spending nearly half a million dollars on a layer of project management bureaucracy called the "owner's representative."

Considering our City's current and future need for affordable housing, the mixed-use project's housing plan falls far short of the requirement in the Council's earlier vote.

The mixed-use project as currently planned would include an unneeded 6-story 400-space parking garage, and it would create only a fraction of the affordable housing that could be built on the City-owned Lot 7 on Front Street.

Please, instead, move ahead with the voter-approved plan for renovation of the Downtown Library. And make plans to build our critically needed affordable housing on Lot 7 and elsewhere.

I appreciate your consideration of my comments

Sincerely,
Jeffrey Smedberg
170 Hagemann Ave
Santa Cruz, CA 95062

Rosemary Balsley

From: Jaime Snyder <jaime@jaimuse.com>
Sent: Tuesday, October 27, 2020 11:56 AM
To: City Council
Subject: Library-Garage Project

Dear City Council Members,

My wife and I are SC voters and long time residents. We are very disturbed by the continued pursuance of the idea of budding a new public library where the farmer's market and other activities take place. We do not need more parking!!!!!!

This is a dinosaur project—banking on a trend inconsistent with data about parking needs downtown; and a parking driven downtown. We do not need more parking!! We do not need more parking!! We do not need more parking!! It is the wrong time to put city dollars in building new rather than caring for and nourishing the old!

Jaime and Cheryl Snyder

At this time of economic hardship for our community, we are looking to the City Council for leadership. The decision on funding the development of the garage/library/housing is a matter of trust in government. Will you make such a decision without considering the Nelson\Nygaard "Downtown Parking Strategic Plan? Will you make the decision knowing that the City's consultant, Economic and Planning Systems found that the City's garage financing plan did not account for economic recessions during the 30 year bond debt period? Will you make the decision without knowing the impact on Downtown businesses of a financing plan that is deficient?

Spending on this project comes at the expense of other City priorities.

Thanks for considering,

LIBRARY MIXED USE PROJECT



October 27th, 2020 Council Presentation

Page 405 of...

TODAY'S FOCUS

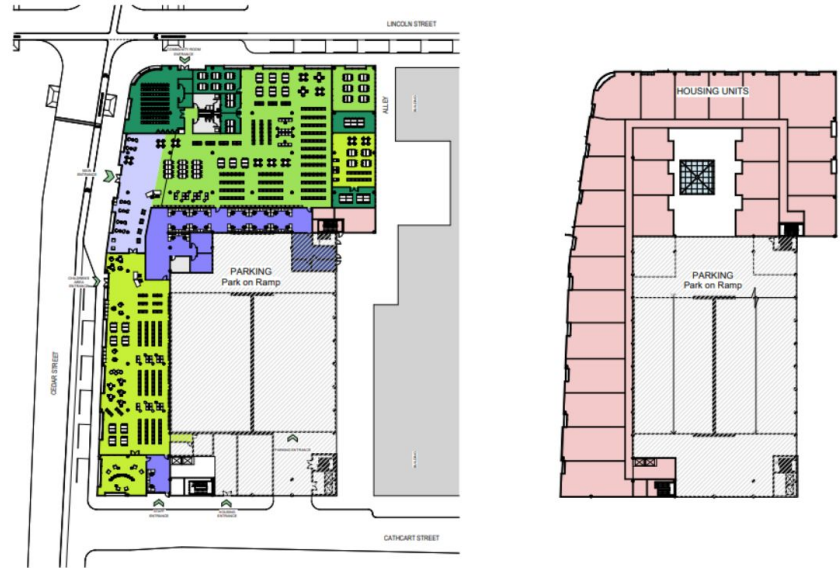
June 23rd direction: Authorize staff to proceed with selection of an owner's representative to manage the overall project implementation

Action today: Award contract for the Mixed Use Library Owner's Representative for Phase 1 to Griffin Structures, Inc

CURRENT PROJECT CONCEPT

On June 23rd, the City Council approved a Downtown Mixed Use Project to include:

- a modern **library** with resources for all;
- **housing** on the upper floors, with a minimum of 50 affordable units; and
- **parking** consolidated into a structure with no more than 400 parking spaces.



HOW WE GOT HERE

- 2017 - Downtown Library Advisory Committee (DLAC) explores project options
 - DLAC unanimously recommended moving forward with a mixed-use project.
- 2018 - Council Voted to move forward with Mixed Use Project
- 2019 - Council voted to create the Downtown Library Council Subcommittee
 - The subcommittee recommended moving forward with a mixed-use project.
- **2020 - On June 23rd Council voted to move forward with Mixed Use Project**

HOW WE GOT HERE - Community Engagement

- **DLAC Process** - included 12 public meetings, 2,273 survey responses, and 76 public comments at meetings
- **2018 Community Engagement Process** - included 580 views of the project webpage, 15 meetings with community groups, 170 attendees of project open house, and 60 small group meetings.
- **Downtown Library SubCommittee Process** - included over 2,000 views of the project webpage, office hours with 27 stakeholder groups, 7 community meetings and presentations, and 404 survey responses.

PROJECT ATTRIBUTES

- Meets the programmatic goals of the library
 - More services for children, teens and adults
 - More space for books and print materials
 - Additional community program and study rooms
- Sustainable
 - Increased durability to lengthen the building's lifespan
 - Improved building efficiency (electrical, HVAC and lighting)
 - Structure can support solar
- Responsible & efficient use of resources
 - Increased potential for grant funding available
 - Avoids temporary relocation expenses & service disruption
 - Investment in the future of Downtown

PROJECT FUNDING

- **Library** - Measure S funds and additional fundraising from private and governmental sources
- **Parking** - Parking District Funds
- **Housing** - Will include City's Affordable Housing Trust Funds, funding from the State or Federal level, tax credits, and/or loans, etc.





LIBRARY FINANCING

LIBRARY FINANCING

Budget:

\$27M Measure S funds

Note: Council reallocated \$1.5M to other branches

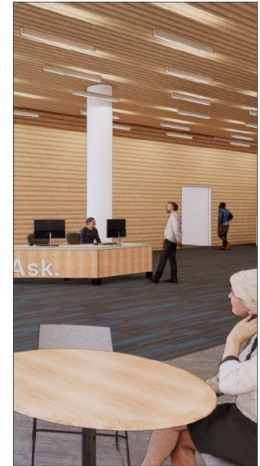
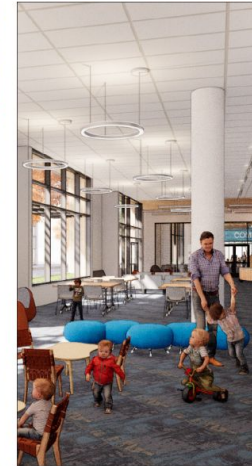
Project Costs:

29,660 Sq foot library

+5,080 square feet for additional \$3M

Closing the Funding Gap

- Fundraising by Friends of the Library
- Air Rights Fees
- Fundraising from private and governmental sources

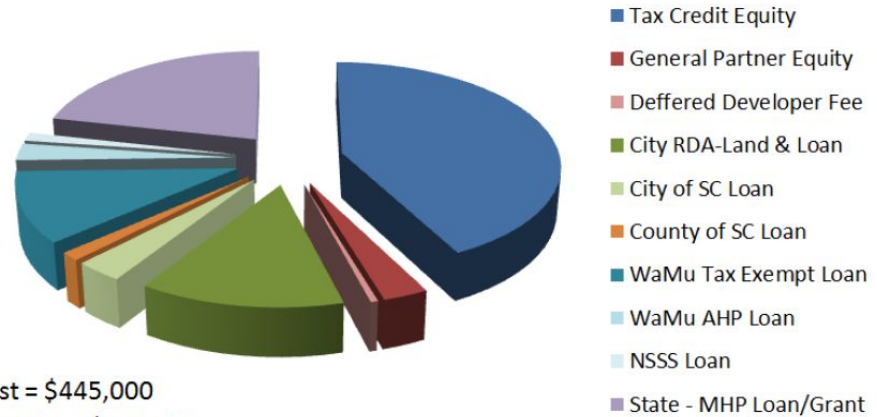




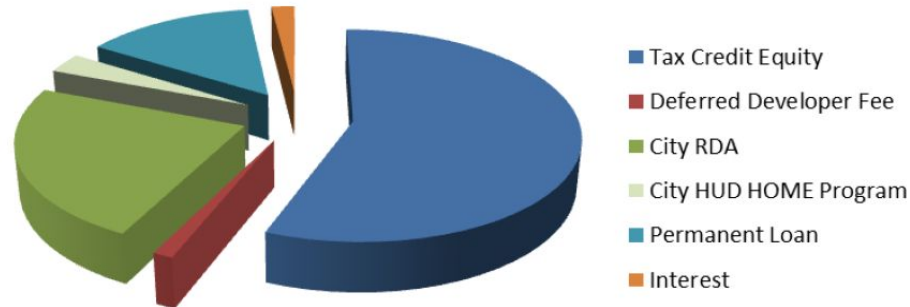
HOUSING FINANCING

AFFORDABLE HOUSING FUNDING

TANNERY ARTISTS LOFTS: Total Cost = \$38,100,000/Unit Cost = \$381,000
100 Units 100% Affordable City Funding = \$6.23 million/Per Unit = \$62,300

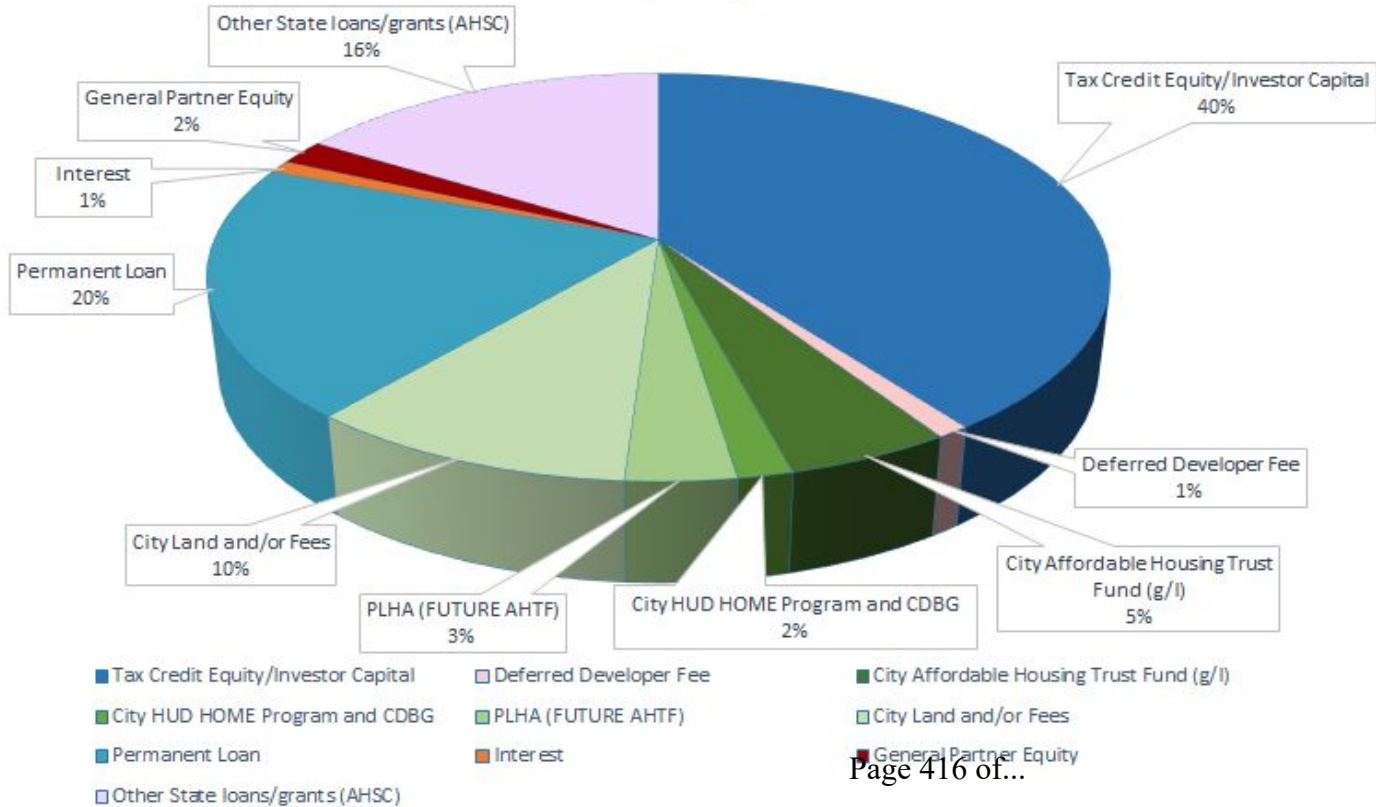


RIVERWALK APARTMENTS: Total Cost = \$9,350,000/Unit Cost = \$445,000
21 Units 100% Affordable City Funding = \$2.48 million/Per Unit = \$118,000



PRELIMINARY LIBRARY AFFORDABLE HOUSING FUNDING

50 units, total cost = \$30 M, Unit Cost = \$600k



PRELIMINARY LIBRARY AFFORDABLE HOUSING COST MODEL

Comparison to Recently Completed Projects

	LIBRARY DRAFT FUNDING MODEL		%	Tannery	%	Riverwalk	%	Water Street	%
	Cost Estimate 50 units, 600k/unit, \$30 M			100 units, 380K/unit, \$38 M		21 units, 445k/unit, \$9.3M		41 units, 428K/unit, \$17.56M	
Total Project Costs	30,000,000			38,000,000		9,350,000		19,847,769	
Tax Credit Equity/Investor Capital	12,000,000		40%	16,172,099	43%	5,240,000	56%	6,522,258	33%
Deferred Developer Fee	300,000		1.0%	183,574	0.5%	119,000	1%	766,746	4%
City Successor Agency/RDA (land/loan)			0%	5,030,374	13%	2,200,000	24%	1,300,000	7%
City Affordable Housing Trust Fund (g/l)	1,500,000		5%	1,200,000	3%			1,300,000	7%
City HUD HOME Program/CDBG	500,000		2%			290,000	3%	1,807,188	9%
Permanent Loan	6,000,000		20%			1,322,000	14%	7,450,000	38%
Interest	300,000		1%			180,000	2%	195,054	1%
City Land and/or Fees	3,000,000		10%					506,523	3%
County of Santa Cruz Loan			0%	500,000	1%				
Other Loans -(WaMu, NSSS, etc)			0%	\$5,695,000	15%				
State -MHP Loan/Grant			0%	8,181,201	22%				
General Partner Equity	600,000		2%	\$1,121,426	3%				
TOD Grant			0%						
Other State loans/grants (AHSC)	4,800,000		16%						
IIG Grant			0%						
PLHA (FUTURE AHTF)	1,000,000		3%						
TOTAL FUNDING	30,000,000		100%	38,000,000	100%	9,351,000	100%	19,847,769	100%

PROPOSED LIBRARY AFFORDABLE HOUSING **CITY GAP FUNDING**

Comparison to Completed Affordable Projects

	Prelim. Library Affordable Housing	Tannery	Riverwalk	Water Street
Total City/RDA GAP Funding	\$6,000,000	\$6,230,374	\$2,490,000	\$4,913,711
City Contribution <u>per unit</u>	\$120,000	\$62,304	\$118,571	\$119,847
City Contribution as % of overall project costs	20.00%	16.40%	26.63%	24.76%
Total Project Cost	30M	38M	9.3M	19.8M

AVAILABLE CITY FUNDING FOR AFFORDABLE HOUSING IN PROJECT

Proposed City Funding Source	Funding Amount	Status/Action Needed
City Affordable Housing Trust Fund (g/l) ¹	\$1,500,000	Available, Council Action
PLHA (FUTURE AHTF) ²	\$1,000,000	Commitment of 3 years of 5 year allocation, Council Action
City HUD HOME Program/CDBG	\$500,000	Available, Future Council Action
City Land and/or Fees	\$3,000,000	Council Action
Total	\$6,000,000	

- 1) AHTF currently has a \$3M balance, City is eligible and has applied for the maximum state matching grant of \$5M. Funding will be awarded based on availability
- 2) PLHA funds will be awarded over 5 years, non-competitive funding

CURRENT CITY AFFORDABLE HOUSING PROJECTS

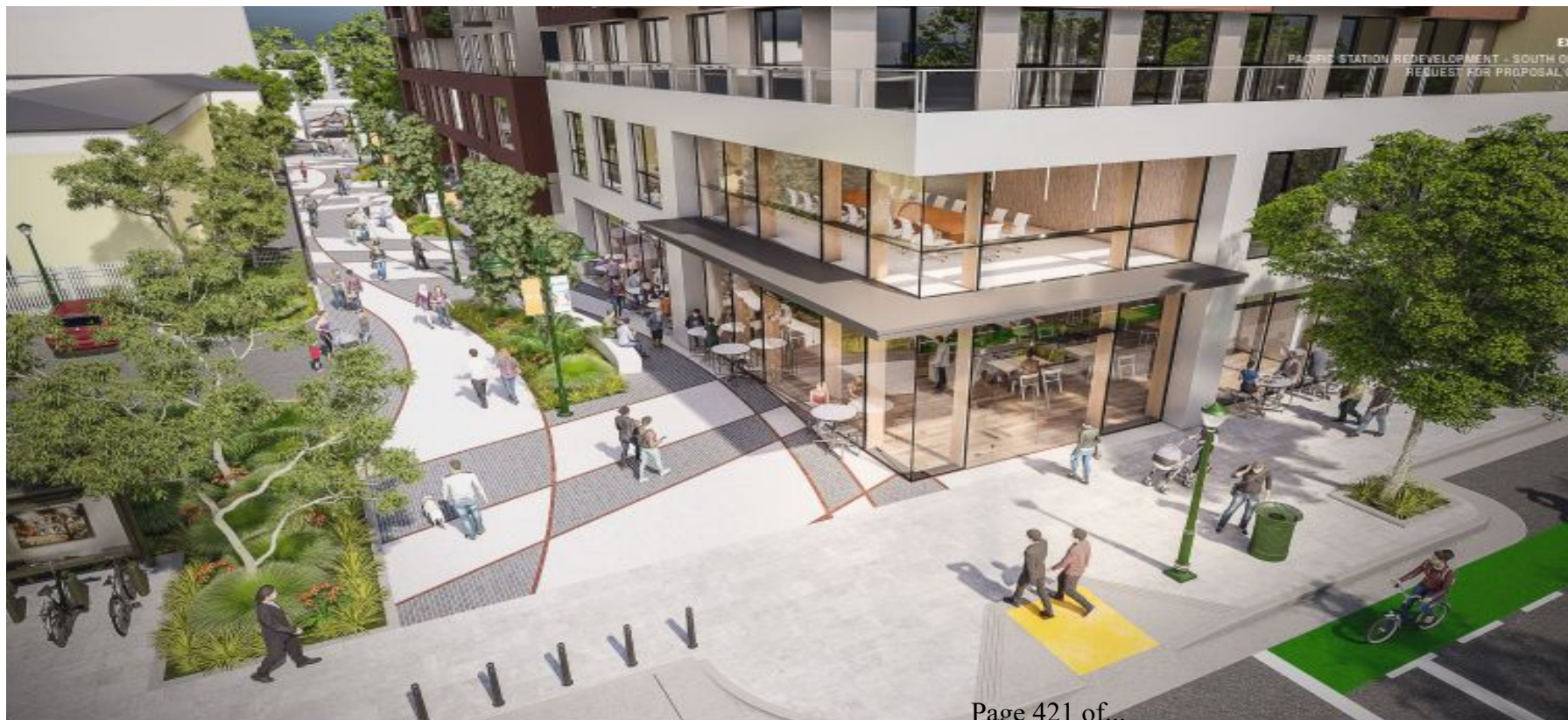
Proposed City Gap Financing

City Funding Source	METRO South		METRO North		Library
	85 units, 51M		50-100 units, 60 M		50+ units, 30M
HOME and/or CDBG	100,000		300,000		500,000
City Fees	500,000				
City Land	8,500,000		7,000,000		3,000,000
AHTF	500,000 ¹		1,000,000		1,500,000
PLHA			500,000 ³		1,000,000
Successor Agency			1,970,000		
Total City Gap \$	9,600,000		10,770,000		6,000,000
City \$/Unit	112,941		107,700		120,000
City Assisted Funding Source					
HCD TOD Program	10,000,000 ²				
HCD AHSC grant - TBD			5,000,000 ⁴		
HCD IIG grant- TBD			5,000,000 ⁵		

- 1) AHTF currently has a \$3M balance, City is eligible and has applied for the maximum state matching grant of \$5M
- 2) Award announcement anticipated this week
- 3) PLHA (SB 2 funds), by formula
- 4) AHSC may be awarded/applicable to both project phases
- 5) IIG may be available for infrastructure improvements for both projects

CURRENT CITY AFFORDABLE HOUSING PROJECTS

METRO (Pacific Station) South



INTERESTED AFFORDABLE HOUSING DEVELOPERS

(from RFQ)

1. Allied Housing
2. Anton DevCo
3. EAH
4. Eden Housing
5. First Community Housing
6. For the Future Housing
7. MidPen Housing



PARKING FINANCING

PARKING FINANCING - Recap

- **2016** December: City Council direction to develop Parking Financing for new parking structure (in mixed use project)
- **2017**: Formation of the Downtown Commission Ad hoc Subcommittee
- **2017-2018**: Development/Outreach of a Parking Rates Strategy to fund a 600-space parking garage inclusive of:
 - DTC Ad-hoc Subcommittee
 - Stakeholders - Downtown Businesses (Owners & Employees)
 - Independent Third party review (EPS Memo)
- **2018** May/June: Downtown Association Board provides letter of support
- **2018** June: Downtown Commission (voted to approve Parking Rate Strategy/new supply project)
- **2018** June: City Council (comprehensive Parking presentation)
- **2018** July/August: Library open-house
- **2018** September: City Council (voted to approve Parking Rates Strategy & Implementation Timeline)
- **2019** January: Began Implementation of 5 Year Parking Rates Strategy
- **2020** June: Council Subcommittee limits parking garage to 400-spaces
- **2020** September/October: Staff works with Parking Consultant to develop new ROM costs (without a design) & Fund Balance Projection based on new information & Covid-19 impact.

PARKING FINANCING- Construction Costs Estimates

Revised Construction Cost Estimates

- 400 Parking Spaces
- Cost per parking space \$50k - \$65k
- Cost per square foot \$145/sf - \$188/sf
- Total Cost Range \$20 million - 26 million
 - Includes 3 year escalation of costs
 - Construction Contingency
 - Soft Costs
- Final Cost Estimate will be available post design work
- Debt Service Estimate: 1.375 million - 2.1 million, per year over 30 years



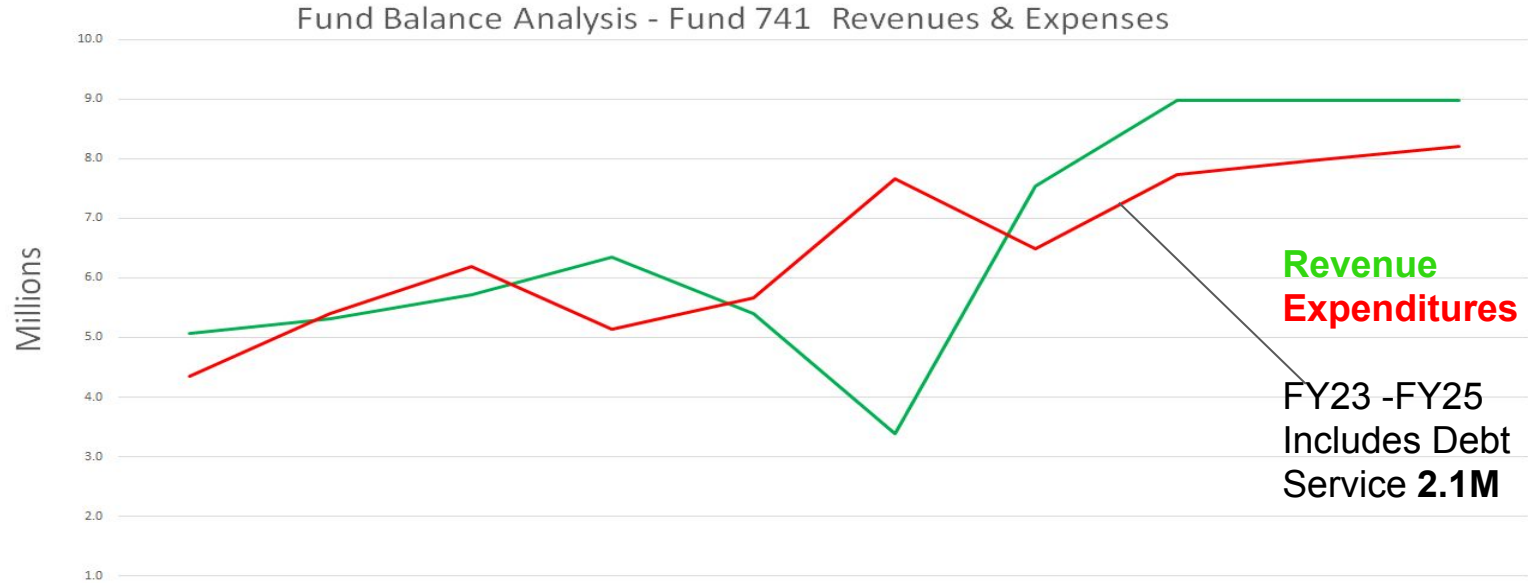
PARKING FINANCING- Worst Case Projection



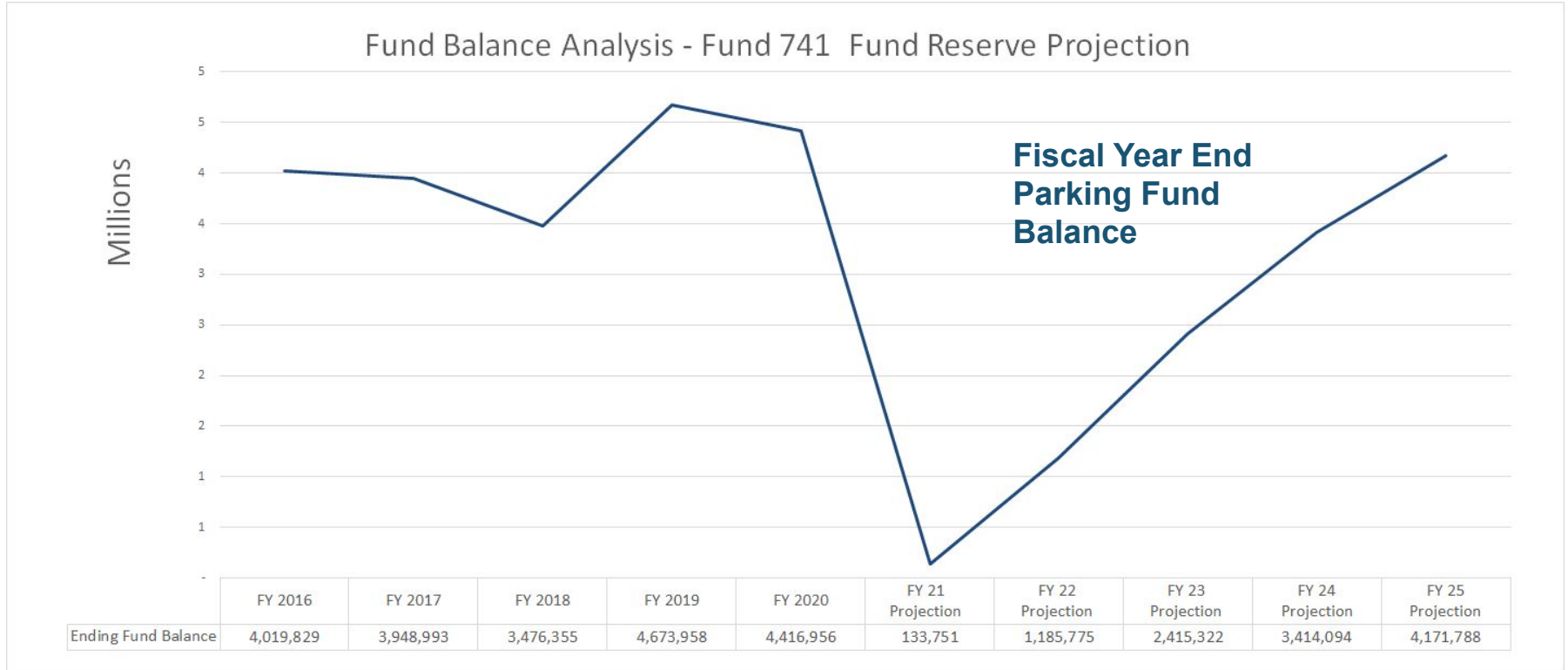
Parking District Supported with Parking Fund Revenues 5yr Budget Projection Assumptions - (Worst Case Scenario)

- Covid-19 impact FY21
- Debt Service of **\$2.1 million** payment begins FY23
- Return to FY19 Level of Revenue in FY22
- Does **not** include New Revenues i.e. Parking In- lieu fees
- Does include FY23 Rate Change as parking deficiency fees sunset (*contingent on revised rate strategy post Covid -19)
- Does not capture all Budget Expense Cuts
- Includes Expense Escalation FY22-FY25

PARKING FINANCING- Worst Case Projection



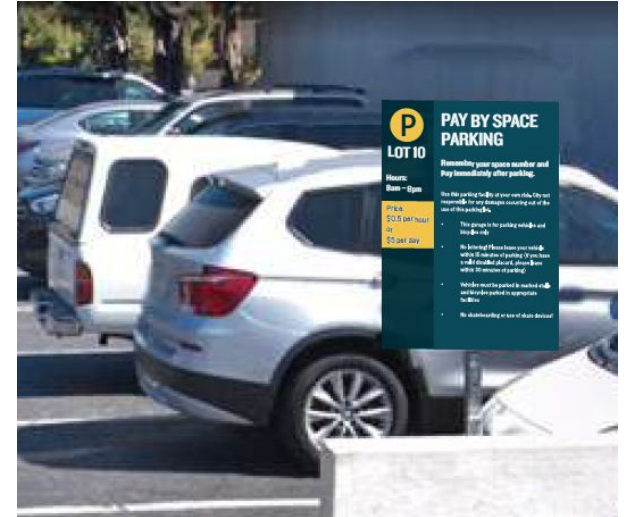
PARKING FINANCING- Worst Case Projection



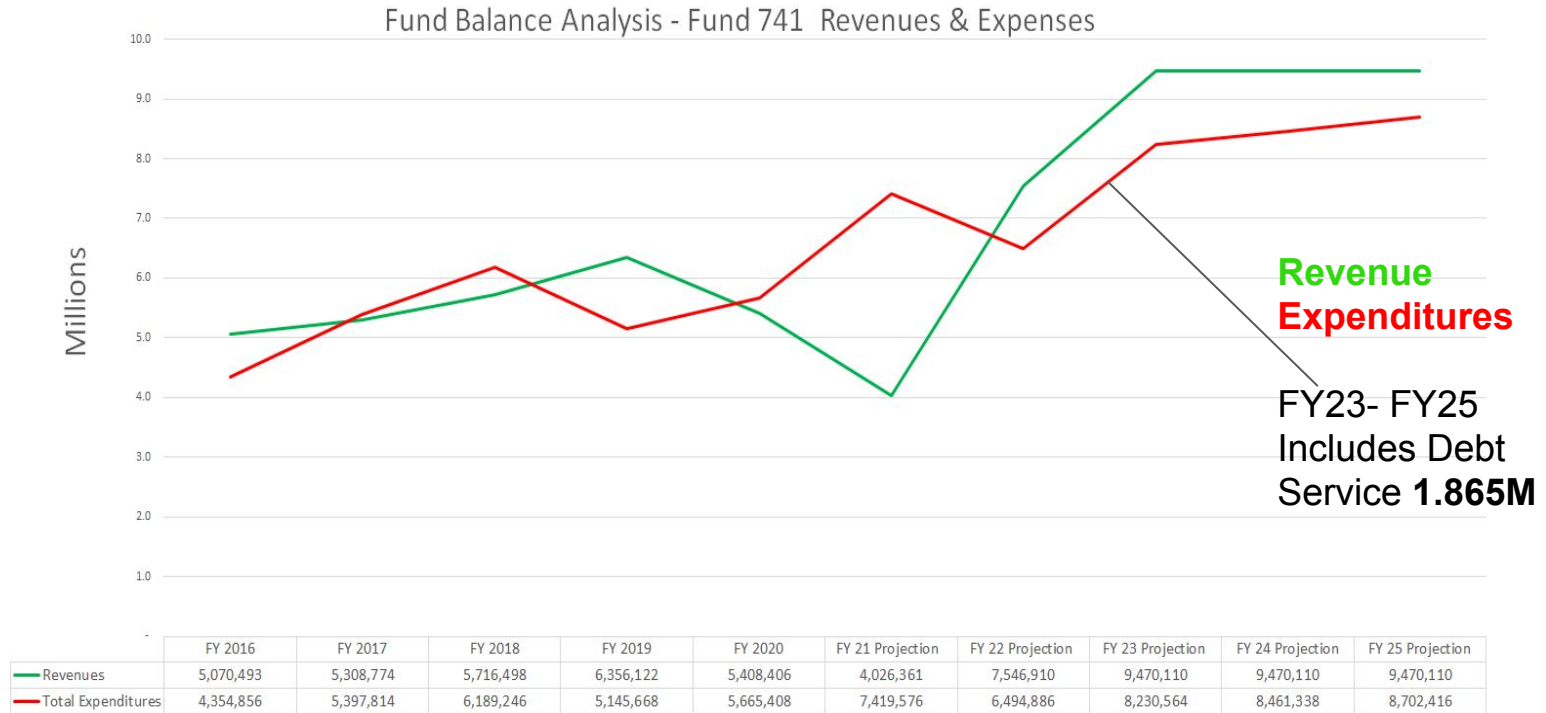
PARKING FINANCING- Mid Range Projection

Parking District Supported with Parking Fund 5yr Budget Projection Assumptions - (Mid-Range Scenario)

- Covid-19 impact FY21
- Debt Service of **1.865 million** payment begins FY23
- Return to FY19 Level of Revenue in FY22
- **Includes New Revenues** i.e. Parking In- lieu fees and New Garage Revenue FY24
- Includes FY23 Rate Change as parking deficiency fees sunset (*contingent on revised rate strategy post Covid -19)
- Includes Some Expenditure Budget Cuts FY21
- Includes Expense Escalation FY22-FY25



PARKING FINANCING-Mid Range Projection



PARKING FINANCING-Mid Range Projection

Fund Balance Analysis - Fund 741 Fund Reserve Projection



	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 21 Projection	FY 22 Projection	FY 23 Projection	FY 24 Projection	FY 25 Projection
Ending Fund Balance	4,019,829	3,948,993	3,476,355	4,673,958	4,416,956	1,023,740	2,075,764	3,315,311	4,324,083	5,091,777

PARKING FINANCING- Summary

- Parking District/ Fund Supported Project: Does not use General Fund Revenues in Best, Mid, and Worst Case Projections
- Reduced Capital Costs with 400 Space Garage
- Exploring varying types of Financing for Competitive Interest Rates
 - Direct Lending
 - Bonds
- Positive Impacts of Covid-19 on Project
 - Lower Interest Rates
 - Lower Construction Costs
 - Potential Capacity at other Facilities during construction period
- Parking District Funds have provided Direct Relief to Businesses during Covid- 19 response, impacting FY21 Revenues
 - Waived Parking Deficiency Fees for 3 Quarters
 - Waived Parking Permit Fees for 3 Months
 - Waived Daily Parking Fees for 3 Months
 - Reduced Daily Max to 3 Hour limit = \$3.75 Daily Rate



A blue parking sign for SOQUEL GARAGE. It features a yellow 'P' in a circle at the top left. The sign lists parking rates for various durations and includes a 'Last Ticket/ Daily Maximum Fee' section. Below the rates, there is fine print regarding payment methods and contact information.

PARKING RATES	
Up to 2 Hours	\$1.00
Up to 3 Hours	\$1.50
Up to 4 Hours	\$2.25
Up to 5 Hours	\$3.00
Up to 6 Hours	\$4.00
Up to 7 Hours	\$5.00
Last Ticket/ Daily Maximum Fee	\$5.00

Payment accepted by credit card, debit card, cash, and mobile payment. For more information, visit www.souquelgarage.com or call 800-888-8888. SOQUEL GARAGE is a 501(c)(3) non-profit organization. All parking fees are used to maintain and improve the facility. For more information, visit www.souquelgarage.com or call 800-888-8888.



MORE INFO & FAQs

Library Mixed Use Project

Font Size: [A](#) [A](#) [A](#) [Share & Bookmark](#) [Feedback](#) [Print](#)

We envision Downtown Santa Cruz as a housing-focused, mixed-use business district that is accessible to everyone. Best practices in urban design will create a pedestrian-centered downtown that prioritizes equity, inclusion and environment and preserves the eclectic culture that is unique to Santa Cruz.



Preliminary Renderings of the Library

On June 23rd, 2020 the City Council approved a Downtown Mixed Use Project to include:

- a modern library with resources for all;
- housing on the upper floors, with a minimum of 50 Affordable units; and
- parking consolidated into a structure with no more than 400 parking spaces.



PROJECT UPDATES



BACKGROUND



FAQS



LIBRARY

www.CityofSantaCruz.com/mixeduselibrary

Page 433 of...

FAQS

What does the project look like?

What will happen to the Farmer's Market?

Can Measure S funds be used for new construction?

FAQS

Does the library get as much in the renovation option?

Is the renovation plan “shovel ready”?

Where can the public view the Nelson/Nygaard Study?



OWNER'S REPRESENTATIVE CONTRACT

Owner's Rep = Project Manager

What they do:

- Manage budget & timeline
- Oversee Design & Construction Processes
- Bring Technical Expertise & Experience

Other City Project with Owner's Rep:

- Tannery
- Marine Sanctuary Exploration Center
- Branciforte & Garfield Park Branch Libraries

RFP & SELECTION PROCESS

- RFP Posted July 2020
- Received 7 Proposals
- Interviewed 4 Teams



LIBRARY MIXED USE PROJECT
REQUEST FOR PROPOSALS (RFP) for

OWNER'S REPRESENTATIVE

Date issued:
July 28th, 2020

Proposals Due:
August 20th, 2020 by 4:00pm PST

For additional information or assistance, contact:

Amanda Rotella
Principal Management Analyst
831-420-5316
arotella@cityofsantacruz.com

ABOUT GRIFFIN STRUCTURES, INC

- 40 years of experience
- Strong Project Team
- Experience working on complex projects
- Significant related past project experience: libraries, affordable housing, and parking
- Strong approach to community engagement & outreach

SCOPE

- Develop Budget & Timeline
- Program & Process Assessment
- Affordable Housing Financing Evaluation
- Schematic Design Process
- Design Development Process
- Development of Construction Documents
- Entitlements & Permitting Process
- Community Engagement & Public Outreach

CONTRACT PHASE 1 & 2

PHASE 1

Pre-Design

Nov. 2020

Mid 2022



Design & Permitting



PHASE 2

Construction

Mid 2022

2024



RECOMMENDATION

Motion to award the contract for the Mixed Use Library Owner's Representative for Phase 1 to Griffin Structures, Inc. in the amount of \$240,000 and authorize the City Manager to execute an agreement in a form to be approved by the City Attorney.

NEXT STEPS

- Hire an Owner's Representative
 - Return to Council with timeline and budget
- Hire a Design Team
 - Return to Council with general schematics
- Work with Farmer's Market to finalize design at new location
- Explore options for existing library site





Questions?



INFORMATION REPORT

COUNCIL MEETING

10/27, 2020

DATE: October 20, 2020

TO: City Council and City Manager
DEPARTMENT: Parks and Recreation (PR)
SUBJECT: Frederick Street Park – Dog Park

APPROVED:

DATE:

10/21/2020

BACKGROUND

Over the course of last year, parks and recreation department (Department) staff have been actively exploring best ways to address concerns raised by Frederick Street neighbors over noise and odors coming from the dog park. These concerns were brought before the parks and recreation commission (Commission) as information reports on November 4, 2019 and July 6, 2020. Additionally, the Commission discussed these issues at the January 6 and March 9, 2020 meetings.

At the July 6, 2020 Commission meeting, staff outlined several measures that could be taken to maintain use of the dog park, while mitigating impacts on neighbors, and received additional feedback from commissioners.

The purpose of this information report is to follow-up on steps taken by staff on this issue and to outline the Department's plan moving forward in response to neighbor concerns, while continuing to provide access to park users.

DISCUSSION

The underlined topics represent issues that have been raised by the neighbors near Frederick Street Park and their potential remedies.

Parking Issues

Traffic engineering (public works department) informed staff that Frederick Street Park, and the south end of Frederick Street, fall within the local coastal zone and are subject to oversight by the California Coastal Commission. The Coastal Commission has not supported parking restrictions, such as permit parking or time-limited parking, in the coastal zone in recent years. Parking restrictions do not appear to be viable options at this time.

Odor

Staff added "pooper scoopers" to the dog park to help dog owners pick up after their dogs. In addition, staff completed an aeration project at the dog park to improve drainage and changed the irrigation scheduling to better filter urine. Staff plan to continue seasonal aeration, topdressing with sand, and over seeding to promote healthy turf and improve drainage.

FYI PK-075

County Parks

At the July 6, 2020 meeting, Commissioner G. Greensite suggested public use should be spread out to regional dog parks throughout County. Nearby County dog parks can be enhanced by adding turf for example, as this could help and reduce the impact on Frederick Street Park. Staff reached out to Santa Cruz County Parks on this matter. County Parks indicated that they would consider this strategy in future projects.

Enforcement

Staff met with members of the neighborhood policing team and raised neighbor concerns about after-hours use of the park. Staff learned that the ranger assigned to Frederick Street Park typically visits the park twice daily when they are on duty. It is recommended that after-hours use be addressed by police based on response neighbor calls for service.

Acoustical consultant

Though the report prepared by Edward L. Pack Associates in October 2019 and previously submitted to the Commission by neighbors concluded that noise barriers would not be effective, the Department retained a separate acoustical consultant, Environmental Consulting Services, to explore possible noise mitigation strategies. The consultant report proposed two mitigation strategies. The “Major Change Mitigation Strategy” would be to move the dog park 20’ away from the property line, surround it on three sides with 6.5’ wood fence, and divide the park lengthwise with wood fence into large and small dog runs. The “Alternative Mitigation Strategy” would be to leave the dog park in its existing location, surround it on three sides with 7’ wood fence, and separate it again lengthwise into large and small dog runs. Both of these strategies would involve significant expenditure, would change the look and user experience of the park as a whole, and would have only modest impacts on the sound levels experienced by neighbors. Staff have determined these options not to be viable options at this time.

Vegetative Screening

Though it may have a limited impact on noise, in correspondence with affected neighbors, staff learned that the neighbors preferred the idea of being screened from the park. This fall, staff will plant trees (likely Victorian box) to continue the existing vegetative screening along the property line.

Hours of operation

The most significant change was to modify the open hours of the dog park. The park was previously open sunrise to sunset every day of the week. This summer staff conducted separate surveys of residents of Yacht Harbor Cove and dog park users to determine the most critical times for dog park use and relief from noise. We received 22 responses from Yacht Harbor Cove residents and 58 responses from dog park users. Among Yacht Harbor Cove residents, 77% reported that dog barking created the biggest issue for them on weekends and 64% preferred quiet hours in the evening. Among dog park users, 88% reported using the dog park most frequently on weekdays with most frequent use between 10:00 am and 7:00 pm both groups indicated that closure between 5:00 pm and 7:00 pm would have a major impact on their experience, positively for neighbors and negatively for dog park users.

Having taken into account these survey results, the Department implemented new hours for the Frederick Street Dog Park which began on October 1. The dog park is open 8:00 am - 7:00 pm or

sunset (if earlier) Monday – Friday and 8:00 am – 5:00 pm, Saturday and Sunday. The goal is that the new hours will provide neighbors relief from noise in the early mornings and during evenings, especially on weekends, which were preferences indicated in the survey results. These hours also continue to provide nine to eleven hours a day of dog park access, including on the weekday early evenings that survey results indicated were an important time for dog park users.

Department staff developed new hours of operation signage for the park. Dog park users were informed of the planned changes in advance. Staff also plan to host outreach events at the dog park to ensure users are aware of the changes and to reinforce messaging around dog park etiquette. The City's contracted security service physically locks the park in the evenings and staff opens it in the morning. The public can report cases of people in the dog park afterhours or of off-leash dogs in the rest of the park to the police non-emergency phone number. Ultimately, abiding by the new hours will be up to the dog park user community.

CONCLUSION

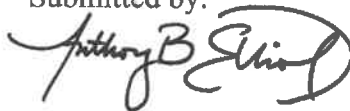
After extensive study and engagement with neighbors and dog park users, staff are taking steps to mitigate impacts to the neighborhood while maintaining use of the popular Frederick Street dog park. Odor mitigation efforts will be ongoing. Vegetative screening will be planted this fall. Reductions in open hours will provide noise relief in the early mornings and evenings, including early weekend evenings while continuing to provide dog park access during critical times. Communications and outreach activities surrounding the change in hours will further reinforce the importance of user etiquette.

It is not anticipated that these steps will completely solve the problems experienced by neighbors. However, they are a workable compromise between the interests of neighbors and dog park users.

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ATTACHMENTS:

None.