

**Gautho, Julia**

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**From:** Heidi <Heidi@cwo.com>  
**Sent:** Wednesday, February 18, 2026 6:22 PM  
**To:** City Council  
**Subject:** Special Meeting February 23, 2026

Dear Mayor and Councilmembers,

I am writing regarding the February 23 special meeting, Item 4A (Capitola Mall and Objective Standards Zoning Code Amendments). My comments are offered on procedural grounds only. As I have stated in prior matters, I consistently advocate for a clean and defensible process, which is essential to sound public policy and public trust. When governance standards are not carefully observed, decisions can be undermined and exposed to unnecessary legal risk.

With respect to the Capitola Mall item, I request Councilmember Orbach recuse due to her spouse's complaint/request for technical assistance to the California Department of Housing and Community Development regarding the City's housing element compliance.

Elected officials have a duty to uphold both the appearance and reality of fairness in policy decisions. Given the direct relationship between the HCD complaint and the broader housing compliance issues that frame this site's future development, participation by a councilmember whose spouse has initiated state action raises legitimate concerns about impartiality and potential conflict.

This request is not a judgment of intent, but rather a recognition that public confidence in the integrity of this process is paramount. If recusal does not occur, any party dissatisfied with the outcome may assert procedural bias as a basis for challenge, exposing the City to avoidable legal vulnerability.

The Capitola Mall site represents one of the most consequential planning decisions before this Council. It deserves a process that is above reproach and insulated from claims of unfairness.

Best Regards,

Heidy Kellison