

City of Capitola Agenda

Mayor: Michael Termini
Vice Mayor: Jacques Bertrand
Council Members: Ed Bottorff
Stephanie Harlan
Kristen Petersen

Treasurer: Peter Wilk



CAPITOLA CITY COUNCIL REGULAR MEETING

THURSDAY, OCTOBER 25, 2018

7:00 PM

CITY COUNCIL CHAMBERS
420 CAPITOLA AVENUE, CAPITOLA, CA 95010

CLOSED SESSION – 6:15 PM CITY MANAGER’S OFFICE

An announcement regarding the items to be discussed in Closed Session will be made in the City Hall Council Chambers prior to the Closed Session. Members of the public may, at this time, address the City Council on closed session items only. There will be a report of any final decisions in City Council Chambers during the Open Session Meeting.

CONFERENCE WITH LABOR NEGOTIATOR [Govt. Code § 54957.6]

Negotiator: Dania Torres Wong/Larry Laurent
Employee Organizations: (1) Capitola Police Officers Association

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION [Govt. Code § 54956.9 (d)(1)]

City of Capitola v. Linda Fridy & Gail Pellerin (Juan Escamilla Real Party in Interest)
Santa Cruz Superior Court Case No. 18CV02200

LIABILITY CLAIMS [Govt. Code § 54956.95]

Claimant: Patricia Dawn
Agency claimed against: City of Capitola

REGULAR MEETING OF THE CAPITOLA CITY COUNCIL – 7 PM

All correspondences received prior to 5:00 p.m. on the Wednesday preceding a Council Meeting will be distributed to Councilmembers to review prior to the meeting. Information submitted after 5 p.m. on that Wednesday may not have time to reach Councilmembers, nor be read by them prior to consideration of an item.

All matters listed on the Regular Meeting of the Capitola City Council Agenda shall be considered as Public Hearings.

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Council Members Kristen Petersen, Jacques Bertrand, Ed Bottorff, Stephanie Harlan, and Mayor Michael Termini

2. REPORT ON CLOSED SESSION

3. ADDITIONAL MATERIALS

Additional information submitted to the City after distribution of the agenda packet.

4. ADDITIONS AND DELETIONS TO AGENDA

5. PUBLIC COMMENTS

Oral Communications allows time for members of the Public to address the City Council on any item not on the Agenda. Presentations will be limited to three minutes per speaker. Individuals may not speak more than once during Oral Communications. All speakers must address the entire legislative body and will not be permitted to engage in dialogue. All speakers are requested to print their name on the sign-in sheet located at the podium so that their name may be accurately recorded in the minutes. A MAXIMUM of 30 MINUTES is set aside for Oral Communications at this time.

6. CITY COUNCIL / CITY TREASURER / STAFF COMMENTS

City Council Members/City Treasurer/Staff may comment on matters of a general nature or identify issues for staff response or future council consideration.

7. CONSENT CALENDAR

All items listed in the "Consent Calendar" will be enacted by one motion in the form listed below. There will be no separate discussion on these items prior to the time the Council votes on the action unless members of the public or the City Council request specific items to be discussed for separate review. Items pulled for separate discussion will be considered following General Government.

Note that all Ordinances which appear on the public agenda shall be determined to have been read by title and further reading waived.

A. Consider the October 11, 2018, City Council Regular Meeting Minutes
RECOMMENDED ACTION: Approve minutes.

B. Approval of City Check Registers Dated September 7, September 14, September 21 and September 28, 2018
RECOMMENDED ACTION: Approve check registers.

- C. Liability Claim of Patricia Dawn
RECOMMENDED ACTION: Reject liability claim.
- D. Consider a Budget Amendment Transferring \$136,364 from the General Fund Restricted Fund Balance to the Undesignated General Fund Balance
RECOMMENDED ACTION: Approve the budget amendment related to the Monterey Bay Community Power Shared Responsibility Agreement.
- E. Consider a Budget Amendment Transferring \$33,000 from Public Works Contracted Services to Public Works Wages Temporary
RECOMMENDED ACTION: Approve budget amendment.
- F. Consider Approval of a Memorandum of Understanding with the Capitola Police Officers Association and Adopt the Amended Salary Schedule for Fiscal Year 2018/19
RECOMMENDED ACTION:
 - 1. Authorize the City Manager to execute the successor agreement to existing Memorandum of Understanding (MOU) with negotiated changes from October 21, 2018, through June 30, 2021, for the following:
 - a. Capitola Police Officers Association
 - 2. Adopt a Resolution approving the updated salary schedule.

8. GENERAL GOVERNMENT / PUBLIC HEARINGS

All items listed in "General Government" are intended to provide an opportunity for public discussion of each item listed. The following procedure pertains to each General Government item: 1) Staff explanation; 2) Council questions; 3) Public comment; 4) Council deliberation; 5) Decision.

- A. Consider Appeal of the Planning Commission's Permit Denial for Application 17-019, 4015 Capitola Road
RECOMMENDED ACTION: Continue the application to the January 24, 2019, meeting with the understanding the applicant will continue to work with staff to complete a draft memorandum of understanding to participate in a future Capitola Mall specific plan, and make a good faith effort to submit the following items to the City no later than December 15, 2018:
 - 1. Updated plans reflecting applicant's proposed project;
 - 2. Updated stormwater plans; and
 - 3. Updated environmental site analysis for facility closure.
- B. Consider a Resolution in Support of the Citizens' Climate Lobby Carbon Fee and Dividend Policy Proposal
RECOMMENDED ACTION: Council discretion.
- C. Report on the Wharf Project Structural Options
RECOMMENDED ACTION: Accept the Capitola Wharf Project Alternative Report and direct Public Works to develop plans to implement a phased approach to Wharf improvements.
- D. Consider Sister City Options with Bahia de Banderas, Nayarit, Mexico
RECOMMENDED ACTION: Provide direction.

9. ADJOURNMENT

Note: 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 court action within ninety (90) days following the date on which the decision becomes final as provided in Code of Civil Procedure §1094.6. Please refer to code of Civil Procedure §1094.6 to determine how to calculate when a decision becomes “final.” Please be advised that in most instances the decision become “final” upon the City Council’s announcement of its decision at the completion of the public hearing. Failure to comply with this 90-day rule will preclude any person from challenging the City Council decision in court.

Notice regarding City Council: The City Council meets on the 2nd and 4th Thursday of each month at 7:00 p.m. (or in no event earlier than 6:00 p.m.), in the City Hall Council Chambers located at 420 Capitola Avenue, Capitola.

Agenda and Agenda Packet Materials: The City Council Agenda and the complete Agenda Packet are available for review on the City’s website: www.cityofcapitola.org and at Capitola City prior to the meeting. Agendas are also available at the Capitola Post Office located at 826 Bay Avenue, Capitola. Need more information? Contact the City Clerk’s office at 831-475-7300.

Agenda Materials Distributed after Distribution of the Agenda Packet: Pursuant to Government Code §54957.5, materials related to an agenda item submitted after distribution of the agenda packet are available for public inspection at the Reception Office at City Hall, 420 Capitola Avenue, Capitola, California, during normal business hours.

Americans with Disabilities Act: Disability-related aids or services are available to enable persons with a disability to participate in this meeting consistent with the Federal Americans with Disabilities Act of 1990. Assisted listening devices are available for individuals with hearing impairments at the meeting in the City Council Chambers. Should you require special accommodations to participate in the meeting due to a disability, please contact the City Clerk’s office at least 24-hours in advance of the meeting at 831-475-7300. In an effort to accommodate individuals with environmental sensitivities, attendees are requested to refrain from wearing perfumes and other scented products.

Televised Meetings: City Council meetings are cablecast “Live” on Charter Communications Cable TV Channel 8 and are recorded to be rebroadcasted at 8:00 a.m. on the Wednesday following the meetings and at 1:00 p.m. on Saturday following the first rebroadcast on Community Television of Santa Cruz County (Charter Channel 71 and Comcast Channel 25). Meetings are streamed “Live” on the City’s website at www.cityofcapitola.org by clicking on the Home Page link “**Meeting Video.**” Archived meetings can be viewed from the website at any time.



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF OCTOBER 25, 2018

FROM: City Manager Department

SUBJECT: Consider the October 11, 2018, City Council Regular Meeting Minutes

RECOMMENDED ACTION: Approve minutes.

DISCUSSION: Attached for City Council review and approval are the minutes of the regular meeting of October 11, 2018.

ATTACHMENTS:

1. 10-11 draft minutes

Report Prepared By: Linda Fridy
City Clerk

Reviewed and Forwarded by:

A handwritten signature in blue ink, appearing to be "JG", is written over a horizontal line.

Jamie Goldstein, City Manager

10/18/2018

**DRAFT
CAPITOLA CITY COUNCIL
REGULAR MEETING MINUTES
THURSDAY, OCTOBER 11, 2018**

CALL TO ORDER

Mayor Termini called the meeting to order at 6:30 p.m.

No members of the public had comments and the Council adjourned to the City Manager's Office with the following items to be discussed in Closed Session:

CONFERENCE WITH LABOR NEGOTIATOR [Govt. Code § 54957.6]

Negotiator: Dania Torres Wong/Larry Laurent

Employee Organizations: (1) Capitola Police Officers Association

REGULAR MEETING OF THE CAPITOLA CITY COUNCIL – 7 PM

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Council Member Stephanie Harlan: Present, Council Member Ed Bottorff: Present, Mayor Michael Termini: Present, Vice Mayor Jacques Bertrand: Present, Council Member Kristen Petersen: Present.

Treasurer Peter Wilk was present.

2. PRESENTATIONS

A. Junior Guards Recognition

Mayor Termini presented proclamations to Capitola Junior Guards who qualified and represented the City at national competition.

B. Proclamation Honoring St. John's Helpful Shop

Mayor Termini presented a proclamation to Rector Tracy Wells Miller, who noted the shop will be reopening in Aptos near the church.

3. REPORT ON CLOSED SESSION

Attorney John Barisone reported that for labor negotiations the Council received information and gave instructions, but took no reportable action.

4. ADDITIONAL MATERIALS

A. Item 2.A – one public comment email

B. Item 10.A – five public comment emails

C. Item 10.B – one public comment email

D. Item 10.C – two public comment emails

5. ADDITIONS AND DELETIONS TO AGENDA - None

6. PUBLIC COMMENTS

Resident Linda Smith followed up on summer letter about Sgt. Sarah Ryan praising her and the Capitola Police Department.

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES
October 11, 2018

Gene Bernari asked for more notice to attend meetings.

7. CITY COUNCIL / CITY TREASURER / STAFF COMMENTS

Treasurer Wilk announced the Finance Advisory Committee meeting is being moved to October 23 to discuss how to maximize options for library funds and increasing the committee's responsibilities should Measure K pass.

Council Member Petersen thanked the volunteers who put on the successful Capitola Foundation golf tournament.

Council Member Bertrand encouraged positive feedback regarding City efforts.

Council Member Harlan attended the annual League of Cities convention in September, with sessions on diversity, harassment claims, coastal city issues, pension costs and more.

Mayor Termini praised the success of the recent Beach Festival. He also thanked the Monte Foundation for the recent fireworks and noted this year's proceeds go to the children's wing of the new library. He also thanked the Police and Public Works departments for managing these events.

8. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS

A. Appoint Youth Member to Museum Board

RECOMMENDED ACTION: Appoint Joshua Henshaw as a youth member to the Board of Trustees of the Capitola Historical Museum, as recommended by the board.

Museum Board Member Dave Peyton introduced Joshua Henshaw and said the board is looking forward to his perspective for increasing youth interest and participation in the Museum. Joshua expressed his thanks for the opportunity.

MOTION:	APPOINT JOSHUA HENSHAW AS A YOUTH MEMBER AS RECOMMENDED
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ed Bottorff, Council Member
SECONDER:	Kristen Petersen, Council Member
AYES:	Harlan, Bottorff, Termini, Bertrand, Petersen

9. CONSENT CALENDAR

MOTION:	APPROVE AS RECOMMENDED
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stephanie Harlan, Council Member
SECONDER:	Jacques Bertrand, Vice Mayor
AYES:	Harlan, Bottorff, Termini, Bertrand, Petersen

A. Consider the September 27, 2018, City Council Regular Meeting Minutes
RECOMMENDED ACTION: Approve minutes.

B. Annual Donations Report
RECOMMENDED ACTION: Receive the donations and contributions report.

10. GENERAL GOVERNMENT / PUBLIC HEARINGS

A. Report and Direction on Jewel Box Traffic Calming Options

RECOMMENDED ACTION: Accept a report on Jewel Box traffic calming and direct Public Works to develop plans for increased neighborhood signage and the installation of speed tables on Jade Street and 42nd Avenue.

Public Works Director Steve Jesberg presented the staff report. He noted the highest polling solutions at the summer workshop were enforcement, neighborhood signage, and speed tables. He said speed bumps and tables deter as much as 20 percent of traffic and speed tables can be premade or built in place at the same cost.

The option to close Jade Street eastbound received 60 percent approval but has significant impacts to levels of service at other intersections. He advocated for traffic studies to measure effectiveness of any implemented options.

Council Member Bertrand confirmed that signage and speed tables do not require studies because they don't impact intersection levels of service.

In public comment, most speakers praised the workshops and supported the staff recommendation. Some also advocated for including signs prohibiting turns into the neighborhood at designated times.

Speakers were:

Linda Smith
Rose Filicetti
Bill Gray
Jim Hobbs
Cindy Kus
Alan Cable
Cherry McDonald
Todd Anderson
Marcos Vascovi
Karl Shubert
Ron Burke

Council Member Harlan said she hopes the Council and community can learn from the process and said she supports the short-term recommendation.

Council Member Bertrand said he supports turn restrictions and speed tables.

Council Member Petersen agrees that speed tables are needed, but she is hesitant to add options from the mid- and long-term lists.

Council Member Bottorff asked for courtesy and not divisiveness, and said he has seen progress. He supports the recommendation with the addition of no-turn sign options.

Mayor Termini said he does not favor traffic studies believing they do not give comprehensive information.

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES
October 11, 2018

MOTION:	ADOPTED THE RECOMMENDED OPTIONS AND NO-TURN SIGNS FOR CERTAIN HOURS AT 47TH AND PORTOLA AND 45TH AND TOPAZ.
RESULT:	ADOPTED AS AMENDED [4 TO 1]
MOVER:	Ed Bottorff, Council Member
SECONDER:	Jacques Bertrand, Vice Mayor
AYES:	Ed Bottorff, Michael Termini, Jacques Bertrand, Kristen Petersen
NAYS:	Stephanie Harlan

- B. Receive Report from the Ad Hoc Depot Hill Bluff Group
RECOMMENDED ACTION: Receive report.

Director Jesberg provided background on the ad hoc committee formation. Council Member Petersen, who served as the City's representative, said it has been meeting about 18 months. Efforts included hearing from geologists, and she thanked the members.

John Hart presented the group's findings. The near-term concern is complete loss of the path, and whether the city wants to and can afford to keep path open. To have a chance at preserving the path, the first step the committee identified would be to fill cave sections under the bluff with frangible concrete and rock bolt. Longer term, groins could create beaches that help protect the bluff by forming beaches and/or a shotcrete wall similar to Pleasure Point could be constructed.

Council Member Harlan fears that the Coastal Commission would not approve a groin due to sand movement. Council Member Petersen noted that an ad hoc committee could not do sand studies and opted to provide potential solutions.

A member of the public said the shape of the coast provides a groin for New Brighton State Beach.

Mayor Termini confirmed that all solutions would need Coastal Commission permits and approval.

Council Members Harlan and Bertrand expressed concerns about costs and permits, which the City does not have funds to cover.

Council Member Petersen said the committee did not feel that it is safe to simply move the path to property lines.

In response to a question, Director Jesberg estimated based on current City projects that a required sand study and plans costing about \$100,000 would be needed to submit an application for a groin.

Mayor Termini said he believes the path likely cannot be saved and he encouraged residents to activate the previously formed Geological Hazard Abatement District to save their homes in the future. He praised the committee's work.

RESULT: RECEIVED REPORT

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES
October 11, 2018

C. Consider Joining the Santa Clara/Santa Cruz Counties Airport/Community Roundtable

RECOMMENDED ACTION: Consider a Resolution to join the Santa Clara/Santa Cruz Community Roundtable for a period of one year, direct the City Manager to sign the Memorandum of Understanding with the one-year condition, and appoint a council member representative and alternate to serve on the Roundtable.

City Manager Jamie Goldstein presented the staff report and background on jet noise issues and federal response to previous recommendations. He advocated for the one-year trial recommendation to evaluate the benefits versus costs.

In public comment, John Glina said he supports membership as the only chance at influencing federal officials. Brett Graessle, Cathlin Atchison, and Susanna Glina also spoke in support of joining the roundtable.

Mayor Termini noted that within the roundtable structure, Capitola gets as much of a voice as larger jurisdictions.

Council Member Harlan supported naming Council Member Bottorff as the representative and noted counties are naming staff against the bylaw directions.

Council Member Petersen offered to serve as the alternate after working on the issue with former Congress Member Farr.

MOTION:	ADOPT THE RESOLUTION AS RECOMMENDED AND APPOINT COUNCIL MEMBER BOTTORFF AS REPRESENTATIVE AND COUNCIL MEMBER PETERSEN AS ALTERNATE.
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stephanie Harlan, Council Member
SECONDER:	Jacques Bertrand, Vice Mayor
AYES:	Harlan, Bottorff, Termini, Bertrand, Petersen

D. City Council Pension Discussion

RECOMMENDED ACTION: Receive report and provide direction.

City Manager Goldstein presented the staff report. Council clarified whether any action would take effect with the 2018 incoming council and was told it was unlikely.

Council Member Bottorff said he requested to discussion as part of an effort to address rising costs.

Council Member Harlan said she believes it is important for the Council to show it is willing to make cuts on its side.

Attachment: 10-11 draft minutes (Approval of City Council Minutes)

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES
October 11, 2018

MOTION:	DIRECT STAFF TO BEGIN THE PROCESS TO REVISE THE CALPERS CONTRACT SO FUTURE COUNCIL MEMBERS CANNOT ENROLL IN THAT PENSION PROGRAM.
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ed Bottorff, Council Member
SECONDER:	Jacques Bertrand, Vice Mayor
AYES:	Harlan, Bottorff, Termini, Bertrand, Petersen

11. ADJOURNMENT

The meeting adjourned at 9:19 p.m.

Michael Termini, Mayor

ATTEST:

Linda Fridy, City Clerk

DRAFT

Attachment: 10-11 draft minutes (Approval of City Council Minutes)



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF OCTOBER 25, 2018

FROM: Finance Department

SUBJECT: Approval of City Check Registers Dated September 7, September 14, September 21 and September 28, 2018

RECOMMENDED ACTION: Approve check registers.

Account: City Main				
Date	Starting Check #	Ending Check #	Check/EFT Count	Amount
9/07/2018	90511	90558	52	\$190,364.22
9/14/2018	90559	90602	46	\$66,397.91
9/21/2018	90603	90666	68	\$344,780.22
9/28/2018	90667	90722	57	\$197,680.54

The main account check register dated August 31, 2018, ended with check #90510.

Account: Library				
Date	Starting Check #	Ending Check #	Check/EFT Count	Amount
9/07/2018	77	77	1	\$16,335
9/14/2018	78	78	1	\$455
9/21/2018	79	79	1	\$3,000

The library account check register dated August 31, 2018, ended with check #76.

Account: Payroll				
Date	Starting Check #	Ending Check #	Check/EFT Count	Amount
9/14/2018	5434	5441	98	\$154,631.28
9/28/2018	5442	5445	90	\$152,715.03

The payroll account check register dated August 31, 2018, ended with check #5433.

Following is a list of checks/EFTs issued for more than \$10,000 and a brief description of the expenditure:

Check	Issued to	Dept	Description	Amount
EFT 659	CalPERS Member Services	FN	PERS contributions PPE 8/25/18	\$47,448.98

Approval of City Check Registers
October 25, 2018

EFT 661	IRS	FN	Federal taxes & Medicare PPE 8/25/18	\$24,233.69
EFT 663	CalPERS Health	FN	September health insurance	\$58,192.01
Library 77	Noll and Tam Architects	PW	Public art and donor recognition	\$16,335
90591	SCC Auditor Controller	PD	August citation processing	\$11,871.50
90608	Atchison Barisone Condotti & Kovacevich	CM	August legal services	\$39,890.02
90624	Folsom Ford	PD	2018 Ford Explorer	\$31,682.36
90644	Santa Cruz Regional 911	PD	Regional 911 services	\$119,848.75
90647	Soquel Creek Water District	PW	Monthly water	\$18,729.87
90658	Wells Fargo Bank	FN	August credit card purchases	\$10,214.59
EFT 666	IRS	FN	Federal taxes & Medicare PPE 9/8/18	\$24,631.37
EFT 668	CalPERS Member Services	FN	PERS contributions PPE 9/8/18	\$47,879.73
90699	Moffatt and Nichol	PW	Wharf, flume & jetty engineering, permitting	\$61,947.02
90700	Nichols Consulting Engineers	PW	Park Avenue storm damage slope repairs	\$16,295
90704	PG&E	PW	Monthly utilities	\$15,931.43
90709	SCC Animal Shelter	CM	County animal services	\$16,083.30
90710	Santa Cruz Regional 911	PD	Regional 911 debt service	\$32,561

ATTACHMENTS:

1. City Check Register 9/7/18
2. City Check Register 9/14/18
3. City Check Register 9/21/18
4. City Check Register 9/28/18

Report Prepared By: Maura Herlihy
Account Technician

Reviewed and Forwarded by:

Jamie Goldstein, City Manager

10/18/2018

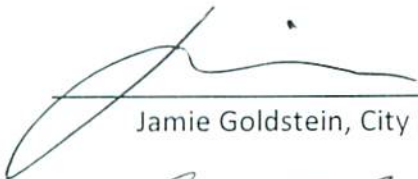
City main account checks dated September 7, 2018, numbered 90511 through 90558 and 5 EFTs, totaling \$190,364.22, plus 1 Library account check, totaling \$16,335, for a grand total of \$206,699.22, have been reviewed and authorized for distribution by the City Manager.

As of September 7, 2018, the unaudited cash balance is \$3,063,097.54.

CASH POSITION - CITY OF CAPITOLA 9/7/18

	<u>Net Balance</u>
General Fund	(\$731,819.71)
Payroll Payables	\$12,867.80
Contingency Reserve Fund	\$2,036,345.66
Facilities Reserve Fund	\$415,694.63
Capital Improvement Fund	\$1,026,685.26
Stores Fund	\$28,861.13
Information Technology Fund	\$68,561.77
Equipment Replacement	\$134,913.12
Self-Insurance Liability Fund	(\$7,940.33)
Workers' Comp. Ins. Fund	\$131,641.79
Compensated Absences Fund	(\$52,713.58)
TOTAL UNASSIGNED GENERAL FUNDS	<u>\$3,063,097.54</u>

The Emergency Reserve Fund balance is \$1,344,205.54 (not included above).
The PERS Contingency Fund balance is \$815,855.98 (not included above).
The Library Fund balance is \$2,326,279.59 (not included above).



Jamie Goldstein, City Manager

9/10/18

Date



Peter Wilk, City Treasurer

9/11/18

Date

Attachment: City Check Register 9/7/18 (Approval of City Check Registers)

City Checks Issued September 7, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
90511	09/07/2018	Open			AFLAC	\$2,585.94
	Invoice		Date	Description		Amount
	973858		08/25/2018	August employee supplemental insurance 1001 - Payroll Payables		\$2,585.94
90512	09/07/2018	Open			AMY FERRASCI	\$150.00
	Invoice		Date	Description		Amount
	2018-5		09/02/2018	BIA brochure update 1321 - BIA - Capitola Village-Wharf BIA		\$150.00
90513	09/07/2018	Open			ORCHARD SUPPLY HARDWARE	\$1,238.16
	Invoice		Date	Description		Amount
	040106		08/08/2018	Sawzall blades, punch, potting soil		\$63.11
	027935		08/08/2018	Rope, swivel hooks - band stand		\$28.95
	035921		08/09/2018	Fender washers, screws, nuts		\$8.77
	035927		08/09/2018	Screwdrivers		\$18.62
	028201		08/09/2018	Machine screws, washers		\$22.17
	036534		08/11/2018	Caution tape		\$20.59
	029894		08/14/2018	Hooks		\$4.45
	020065		08/15/2018	Graffiti supplies		\$32.72
	020090		08/15/2018	Drill bits		\$34.67
	037241		08/15/2018	Spray bottle		\$8.27
	150713		08/15/2018	Respirator, bit, sharpies		\$32.18
	037738		08/17/2018	Cable ties, duct tape, propane		\$104.51
	038668		08/21/2018	Cord protector, air freshner, containers		\$54.19
	022050		08/22/2018	Sign hardware		\$85.04
	022013		08/22/2018	Screws		\$3.31
	027480		08/07/2018	Nuts, screws, sunglasses		\$39.60
	028136		08/09/2018	Washers, hex bolt, washer rubbers		\$31.38
	028218		08/09/2018	Screws, braces		\$15.78
	038679		08/21/2018	Construction stakes and screws		\$48.56
	021854		08/21/2018	Lag screws		\$2.32
	022372		08/23/2018	Gloves, drum liner		\$51.23
	039433		08/24/2018	Caution tape		\$9.31
	043357		08/24/2018	Batteries		\$59.60
	030571		08/27/2018	Mops		\$37.23
	030959		08/28/2018	Respirator - Nathan		\$23.29
	024966		08/29/2018	Scour pads		\$14.87
	036534b		08/11/2018	Caution tape invoice balance		\$0.10
	024941		08/29/2018	Couplings, trim, spot remover, nozzles		\$96.81
	024664-2018		08/28/2018	Vest, 4 piece probe, shirt, clothing		\$95.57
	025067		08/29/2018	Lightning cable, rope, impact socket, boat snaps		\$51.31
	025262-2018		08/30/2018	Painting supplies		\$66.13
	025423		08/30/2018	Painting supplies		\$13.56

Attachment: City Check Register 9/7/18 (Approval of City Check Registers)

City Checks Issued September 7, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
90513	(continued)				ORCHARD SUPPLY HARDWARE (continued)	
	025688		08/31/2018	Stain sample		\$4.09
	027299		08/06/2018	Impact bit, pan		\$9.82
	045248		08/30/2018	Tape		\$37.26
	035908		08/09/2018	Putty knife, trowel		\$8.79
90514		Void				
90515	09/07/2018	Open			BAY PHOTO LAB	\$162.53
	Invoice		Date	Description		Amount
	13224307		09/04/2018	Art & Wine festival auction prints		\$162.53
90516	09/07/2018	Open			BEAR ELECTRICAL SOLUTIONS INC.	\$838.00
	Invoice		Date	Description		Amount
	6625		07/24/2018	July traffic signal maintenance - routine		\$616.00
	6742		07/30/2018	July traffic signal maintenance - response		\$222.00
				1310 - Gas Tax		
90517	09/07/2018	Open			BOBBY'S PIT STOP INC.	\$731.70
	Invoice		Date	Description		Amount
	0360194		08/29/2018	1997 Aerostar transmission repairs		\$731.70
90518	09/07/2018	Open			CALE AMERICA INC.	\$3,552.30
	Invoice		Date	Description		Amount
	150922		08/15/2018	Pay station service and parts		\$732.42
	150536		07/19/2018	Pay station service and parts		\$2,819.88
90519	09/07/2018	Open			CARIN HANNA	\$464.70
	Invoice		Date	Description		Amount
	CH090118		09/01/2018	BIA postage and advertising reimbursement		\$464.70
				1321 - BIA - Capitola Village-Wharf BIA		
90520	09/07/2018	Open			COMMUNITY PRINTERS	\$185.92
	Invoice		Date	Description		Amount
	22259011		08/27/2018	STOPP forms (300)		\$185.92
90521	09/07/2018	Open			DEPARTMENT OF PESTICIDE REGULATION	\$50.00
	Invoice		Date	Description		Amount
	147277		08/16/2018	Right of Way pesticide licensing re-examination		\$50.00
90522	09/07/2018	Open			DONALD W ALLEY	\$2,852.91
	Invoice		Date	Description		Amount
	818-03		08/26/2018	July - August lagoon water quality monitoring & waterfowl census		\$2,852.91

Attachment: City Check Register 9/7/18 (Approval of City Check Registers)

City Checks Issued September 7, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
90523	09/07/2018	Open			ELEVATOR SERVICE COMPANY INC.	\$180.00
	Invoice		Date	Description		Amount
	17523		09/01/2018	Quarterly elevator lube and inspection		\$180.00
90524	09/07/2018	Open			EMERGENCY VEHICLE SPECIALISTS INC.	\$520.16
	Invoice		Date	Description		Amount
	8863		08/17/2018	Antenna for 2016 Toyota Camry		\$520.16
90525	09/07/2018	Open			FIRST ALARM	\$95.00
	Invoice		Date	Description		Amount
	411420		07/31/2018	Battery replacement for 422 Capitola Ave security system		\$95.00
90526	09/07/2018	Open			FIRST SECURITY	\$315.00
	Invoice		Date	Description		Amount
	566944		08/22/2018	September patrol for Jade Street Park		\$315.00
90527	09/07/2018	Open			FIRST SECURITY	\$325.50
	Invoice		Date	Description		Amount
	566936		08/22/2018	September skate park patrol service		\$325.50
90528	09/07/2018	Open			FLYERS ENERGY LLC	\$1,874.76
	Invoice		Date	Description		Amount
	18-752518		08/23/2018	342 gallons ethanol		\$1,282.33
	18-752531		08/23/2018	152 gallons diesel		\$592.43
90529	09/07/2018	Open			GEORGE H WILSON INC.	\$1,907.50
	Invoice		Date	Description		Amount
	020180966		08/22/2018	Wharf lift station diagnostics and repair 1311 - Wharf		\$1,907.50
90530	09/07/2018	Open			GEORGE McMENAMIN	\$1,765.00
	Invoice		Date	Description		Amount
	2019-1		09/03/2018	July - Sept. riparian restoration		\$1,765.00
90531	09/07/2018	Open			GUARDIAN ALLIANCE INVESTIGATIONS LLC	\$400.00
	Invoice		Date	Description		Amount
	1029		08/31/2018	POST mandated background investigation		\$400.00

Attachment: City Check Register 9/7/18 (Approval of City Check Registers)

City Checks Issued September 7, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
90532	09/07/2018	Open			HOME DEPOT CREDIT SERVICES	\$862.23
	Invoice		Date	Description		Amount
	4582706		07/23/2018	Pipe tape, putty, gasket material		\$10.10
	3582833		07/24/2018	Caulking		\$9.48
	9585029		08/07/2018	Trim, paint opener		\$18.08
	2021348		08/14/2018	Safety glasses		\$28.12
	1010855		08/15/2018	Tools - Cooper		\$126.51
	1050601		08/15/2018	Graffiti supplies		\$12.60
	9011076		08/17/2018	Socket set - Matt		\$21.67
	2056345		07/25/2018	Batteries, lock nut, sharpie, carriage bolts		\$50.63
	5051470		08/21/2018	Chain, eye bolts		\$82.57
	3050390		08/13/2018	Locking hooks, tool holder, peg board, baskets		\$23.52
	4564541		08/02/2018	Fiber disc, drill bits, metal cutoff		\$119.36
	7010136		08/09/2018	Lumber, peg board		\$81.25
	6565730		08/10/2018	Lumber		\$26.11
	3010599		08/13/2018	Sand		\$21.57
	2571201		08/14/2018	Bits		\$7.53
	5572149		08/21/2018	Drill bit kit		\$58.52
	4041353		08/22/2018	Machine screws, anchor pack		\$16.60
	3022636		08/23/2018	Back belt and gloves - Thomas		\$33.31
	4587357		08/22/2018	AC voltage tester		\$11.94
	9052432		08/27/2018	Caution tape		\$52.01
	8573146		08/28/2018	Photocell		\$21.56
	7131627		08/29/2018	Return photocell		(\$9.73)
	2021288		08/14/2018	Gong brush		\$15.12
	7012629		08/29/2018	Door viewer		\$23.80
				1000 - General Fund	\$850.40	
				1311 - Wharf	\$11.83	
90533	09/07/2018	Open			HOPE REHABILITATION SERVICES	\$7,425.00
	Invoice		Date	Description		Amount
	S166547		07/19/2018	July litter abatement & street cleaning		\$2,025.00
	S166627		07/31/2018	July litter abatement & street cleaning		\$2,700.00
	S166863		08/31/2018	August litter abatement & street cleaning		\$2,700.00
90534	09/07/2018	Open			HOSE SHOP	\$28.60
	Invoice		Date	Description		Amount
	409642		08/28/2018	Adapters		\$28.60
90535	09/07/2018	Open			ICMA RETIREMENT TRUST 457	\$5,912.36
	Invoice		Date	Description		Amount
	41672270		08/31/2018	457 contributions PPE 8/25/18		\$5,912.36
				1001 - Payroll Payables		

Attachment: City Check Register 9/7/18 (Approval of City Check Registers)

City Checks Issued September 7, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
90536	09/07/2018	Open			LESLIE FELLOWS	\$300.00
	Invoice		Date	Description		Amount
	LF082018		08/20/2018	Art and Music at the Beach coordinator 8/19		\$300.00
90537	09/07/2018	Open			LESLIE POTENZO	\$81.75
	Invoice		Date	Description		Amount
	LP083018		08/30/2018	Boardwalk photos, photos & advertising for Forest Glen Resort		\$81.75
90538	09/07/2018	Open			LIDIA HARGENS	\$225.00
	Invoice		Date	Description		Amount
	2		08/17/2018	BIA photoshoot and edit 1321 - BIA - Capitola Village-Wharf BIA		\$225.00
90539	09/07/2018	Open			LIFE INSURANCE CO OF NORTH AMERICA-CIGNA	\$2,333.49
	Invoice		Date	Description		Amount
	CIGNA083118		08/31/2018	August employee life, LTD, STD, AD&D insurance		\$2,333.49
				1000 - General Fund	\$114.58	
				1001 - Payroll Payables	\$2,218.91	
90540	09/07/2018	Open			LIUNA PENSION FUND	\$1,468.80
	Invoice		Date	Description		Amount
	DL1057		08/23/2018	August LIUNA pension dues 1001 - Payroll Payables		\$1,468.80
90541	09/07/2018	Open			MID COUNTY AUTO SUPPLY	\$226.89
	Invoice		Date	Description		Amount
	86967		08/17/2018	Waterproof auto battery		\$57.23
	85901		08/08/2018	Tape, auto painting paper, pens		\$117.39
	88496		08/30/2018	Hose		\$52.27
90542	09/07/2018	Open			MISSION LINEN SUPPLY	\$633.56
	Invoice		Date	Description		Amount
	507949855		08/06/2018	PD mat service		\$51.57
	507966570		08/08/2018	Linen service		\$95.44
	507557736		06/11/2018	PD mat service		\$51.57
	508012547		08/15/2018	Linen service		\$121.42
	508061193		08/22/2018	Shop linen service		\$40.67
	508012545		08/15/2018	Shop linen service		\$40.67
	507966568		08/08/2018	Shop linen service		\$40.67
	508061195		08/22/2018	Crew linen service		\$99.31
	508042172		08/20/2018	PD mats		\$51.57
	508117743		08/29/2018	Shop towels & linen service		\$40.67

Attachment: City Check Register 9/7/18 (Approval of City Check Registers)

City Checks Issued September 7, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
90543	09/07/2018	Open			PALACE OFFICE SUPPLIES	\$362.95
	Invoice		Date	Description		Amount
	494968-0		08/29/2018	Address labels		\$88.42
	493848-0		08/23/2018	File jacket, paper		\$103.51
	495135-0		08/29/2018	Ink, staple remover, index cards		\$17.93
	495291-0		08/30/2018	Address labels, backrest, storage boxes		\$153.09
				1000 - General Fund	\$191.93	
				2210 - ISF - Stores Fund	\$171.02	
90544	09/07/2018	Open			SAN LORENZO LUMBER	\$331.14
	Invoice		Date	Description		Amount
	55-0385968		08/08/2018	Screw holders, pad, blades		\$37.05
	55-0382431		07/26/2018	PLay sand and Portland cement		\$134.34
	55-0386211		08/09/2018	Filled sandbags and cement		\$105.46
	55-0387195		08/13/2018	Skate park round post, strap, screws		\$54.29
90545	09/07/2018	Open			SANTA CRUZ LIVE SCAN INC	\$60.00
	Invoice		Date	Description		Amount
	21429		08/31/2018	Live scans for new hires		\$60.00
90546	09/07/2018	Open			SANTA CRUZ MUNICIPAL UTILITIES	\$85.23
	Invoice		Date	Description		Amount
	SCMU082818		08/28/2018	August water service for medians		\$85.23
90547	09/07/2018	Open			SOQUEL UNION ELEMENTARY SCHOOL DISTRICT	\$104.00
	Invoice		Date	Description		Amount
	18-0041		08/28/2018	#18-0041 620 Monterey Ave. permit refund		\$104.00
90548	09/07/2018	Open			STATE STEEL COMPANY	\$627.18
	Invoice		Date	Description		Amount
	124809		08/28/2018	Steel angle bar, flat bar, tubing		\$627.18
90549	09/07/2018	Open			STOKES SIGNS	\$196.09
	Invoice		Date	Description		Amount
	23544		08/24/2018	Reflective signs (70)		\$196.09
90550	09/07/2018	Open			TRANSPORTATION ALLIANCE BANK INC.	\$74.55
	Invoice		Date	Description		Amount
	646106		08/27/2018	Springs, clip, return springs		\$74.55
				1310 - Gas Tax		

Attachment: City Check Register 9/7/18 (Approval of City Check Registers)

City Checks Issued September 7, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
90551	09/07/2018	Open			UNITED WAY OF SANTA CRUZ COUNTY	\$15.00
	Invoice		Date	Description		Amount
	UW083118		08/31/2018	Employee United Way contributions PPE 8/25/18 1001 - Payroll Payables		\$15.00
90552	09/07/2018	Open			US BANK PARS Acct 6746022400	\$431.12
	Invoice		Date	Description		Amount
	PARS083118		08/31/2018	PARS contributions PPE 8/25/18 1001 - Payroll Payables		\$431.12
90553	09/07/2018	Open			VISIT SANTA CRUZ COUNTY	\$2,325.00
	Invoice		Date	Description		Amount
	12123b		02/22/2018	BIA marketing campaign payment 2 1321 - BIA - Capitola Village-Wharf BIA		\$2,325.00
90554	09/07/2018	Open			ZEE MEDICAL SERVICE CO.	\$104.12
	Invoice		Date	Description		Amount
	66583382		08/21/2018	PD first aid supplies		\$104.12
90555	09/07/2018	Open			Ann Sullivan	\$3,000.00
	Invoice		Date	Description		Amount
	18-0281		08/28/2018	#18-0281 1575 Prospect Ave. design permit and variance refund		\$3,000.00
90556	09/07/2018	Open			Capitola	\$233.10
	Invoice		Date	Description		Amount
	18-0293		08/28/2018	#18-0293 2178 41st Ave. pre-application review refund 1000 - General Fund \$222.00 1317 - Technology Fee \$11.10		\$233.10
90557	09/07/2018	Open			Catherin and Gabriel Vesci	\$1,500.00
	Invoice		Date	Description		Amount
	18-0168		08/28/2018	#18-0168 324 Riverview Ave. variance withdrawal refund		\$1,500.00
90558	09/07/2018	Open			Redwood Skye Inc.	\$3,133.45
	Invoice		Date	Description		Amount
	18-0243		08/28/2018	#18-0243 115 San Jose Avenue refund		\$3,133.45
Type Check Totals:						\$52,275.69

Attachment: City Check Register 9/7/18 (Approval of City Check Registers)

City Checks Issued September 7, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
<u>EFT</u>						
659	09/06/2018	Open			CalPERS Member Services Division	\$47,448.98
	Invoice		Date	Description		Amount
	1001153666-9		09/06/2018	PERS contributions PPE 8/25/18		\$47,448.98
				1000 - General Fund	(\$0.18)	
				1001 - Payroll Payables	\$47,449.16	
660	09/05/2018	Open			EMPLOYMENT DEVELOPMENT DEPT	\$6,981.09
	Invoice		Date	Description		Amount
	0-791-198-016		09/05/2018	State taxes PPE 8/25/18		\$6,981.09
				1001 - Payroll Payables		
661	09/05/2018	Open			INTERNAL REVENUE SERVICE	\$24,233.69
	Invoice		Date	Description		Amount
	44993956		09/05/2018	Federal taxes & Medicare PPE 8/25/18		\$24,233.69
				1001 - Payroll Payables		
662	09/04/2018	Open			STATE DISBURSEMENT UNIT	\$1,232.76
	Invoice		Date	Description		Amount
	4TW2DQT6657		09/04/2018	Employee garnishments PPE 8/25/18		\$1,232.76
				1001 - Payroll Payables		
663	09/06/2018	Open			CalPERS Health Insurance	\$58,192.01
	Invoice		Date	Description		Amount
	1001153662		09/06/2018	September health insurance		\$58,192.01
				1000 - General Fund	\$2,419.02	
				1001 - Payroll Payables	\$55,772.99	
Type EFT Totals:						\$138,088.53

Library - Library

Check	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
77	09/07/2018	Open			NOLL AND TAM ARCHITECTS	\$16,335.00
	Invoice		Date	Description		Amount
	0057885		07/31/2018	August public art & donor recognition		\$16,335.00
				1360 - Library Fund		
Type Check Totals:						\$16,335.00

Attachment: City Check Register 9/7/18 (Approval of City Check Registers)

City Checks Issued September 7, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
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CITY - Main City Totals					Counts:	Totals:
Checks					47	\$52,275.69
EFTs					5	\$138,088.53
All					52	\$190,364.22

Library - Library Totals						
Checks					1	\$16,335.00
EFTs					0	\$0.00
All					1	\$16,335.00

Grand Totals:						
Checks					48	\$68,610.69
EFTs					5	\$138,088.53
All					53	\$206,699.22

Attachment: City Check Register 9/7/18 (Approval of City Check Registers)


City main account checks dated September 14, 2018, numbered 90559 through 90602 and 2 EFTs, totaling \$66,397.91, plus 1 Library account check, totaling \$455.00, plus 8 Payroll account checks and 90 EFTs, totaling \$154,631.28, for a grand total of \$221,484.19, have been reviewed and authorized for distribution by the City Manager.

As of September 14, 2018, the unaudited cash balance is \$3,242,695.47.

CASH POSITION - CITY OF CAPITOLA 9/14/18

	Net Balance
General Fund	(\$674,463.92)
Payroll Payables	\$138,125.11
Contingency Reserve Fund	\$2,036,345.66
Facilities Reserve Fund	\$415,694.63
Capital Improvement Fund	\$1,026,685.26
Stores Fund	\$28,868.97
Information Technology Fund	\$65,538.76
Equipment Replacement	\$134,913.12
Self-Insurance Liability Fund	(\$7,940.33)
Workers' Comp. Ins. Fund	\$131,641.79
Compensated Absences Fund	(\$52,713.58)
TOTAL UNASSIGNED GENERAL FUNDS	\$3,242,695.47

The Emergency Reserve Fund balance is \$1,344,205.54 (not included above).
The PERS Contingency Fund balance is \$815,855.98 (not included above).
The Library Fund balance is \$2,325,824.59 (not included above).



Jamie Goldstein, City Manager

9/14/18
Date



Peter Wilk, City Treasurer

9/20/18
Date

Attachment: City Check Register 9/14/18 (Approval of City Check Registers)

City Checks Issued September 14, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
90559	09/11/2018	Open			Colin McGuire	\$252.66
	Invoice		Date	Description		Amount
	CM091018		09/10/2018	Travel reimbursement to retrieve junior guard equipment		\$252.66
90560	09/14/2018	Open			ADT SECURITY SERVICES INC.	\$197.92
	Invoice		Date	Description		Amount
	671472842		08/29/2018	September and October security services corp. yard & museum		\$197.92
90561	09/14/2018	Open			ALVAREZ TECHNOLOGY GROUP INC	\$349.00
	Invoice		Date	Description		Amount
	48242		09/06/2018	Hardware service call 2211 - ISF - Information Technology		\$349.00
90562	09/14/2018	Open			ARCHIVES & ARCHITECTURE LLC	\$1,640.00
	Invoice		Date	Description		Amount
	A&A083018		08/30/2018	Standards review #18-0264 116 Grand Ave.		\$520.00
	A&A83018		08/30/2018	Standards review #18-0189 609 Capitola Ave.		\$1,120.00
90563	09/14/2018	Open			BAY PHOTO LAB	\$37.82
	Invoice		Date	Description		Amount
	13240275		09/06/2018	Prints for museum exhibit		\$37.82
90564	09/14/2018	Open			BRYAN T. KERKO	\$4,531.25
	Invoice		Date	Description		Amount
	2-12		08/29/2018	January - August Pacific Cove parking arbitration		\$4,531.25
90565	09/14/2018	Open			CA DEPARTMENT OF JUSTICE	\$64.00
	Invoice		Date	Description		Amount
	324779		09/06/2018	Recreation fingerprinting		\$64.00
90566	09/14/2018	Open			CALE AMERICA INC.	\$3,126.05
	Invoice		Date	Description		Amount
	151263		08/30/2018	Playstation parts		\$3,126.05
90567	09/14/2018	Open			CENTRAL HOME SUPPLY	\$29.43
	Invoice		Date	Description		Amount
	116840-1		09/06/2018	Wattle for storm drains		\$29.43
90568	09/14/2018	Open			CLEAN BUILDING MAINTENANCE CO.	\$3,719.13
	Invoice		Date	Description		Amount
	20504		08/31/2018	August janitorial services		\$3,719.13
				1000 - General Fund	\$3,453.63	
				1311 - Wharf	\$265.50	

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City Checks Issued September 14, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
90569	09/14/2018	Open			COMMUNITY PRINTERS	\$1,259.89
	Invoice		Date	Description		Amount
	22239011		08/29/2018	BIA visitor guide brochures (10) 1321 - BIA - Capitola Village-Wharf BIA		\$1,259.89
90570	09/14/2018	Open			COMMUNITY TELEVISION OF SANTA CRUZ COUNTY	\$500.50
	Invoice		Date	Description		Amount
	2564		09/05/2018	August public meeting footage		\$500.50
90571	09/14/2018	Open			D & G SANITATION	\$1,506.75
	Invoice		Date	Description		Amount
	253083		08/31/2018	Skate park portable toilets		\$252.65
	253084		08/31/2018	Pac Cove parking lot portable toilets		\$427.05
	253085		08/31/2018	Wharf portable toilets		\$827.05
				1000 - General Fund	\$679.70	
				1311 - Wharf	\$827.05	
90572	09/14/2018	Open			EWING IRRIGATION	\$551.81
	Invoice		Date	Description		Amount
	6093144		08/30/2018	Weed block fabric and staples		\$551.81
90573	09/14/2018	Open			FERGUSON ENTERPRISES INC.	\$272.32
	Invoice		Date	Description		Amount
	6167404-1		08/27/2018	Aqua green		\$272.32
90574	09/14/2018	Open			FRED MENG AUDIO VISUAL SERVICES	\$800.00
	Invoice		Date	Description		Amount
	FM091418		07/10/2018	Movies at the beach audio visual services		\$800.00
90575	09/14/2018	Open			HCD	\$25.00
	Invoice		Date	Description		Amount
	HCD091218		09/12/2018	Release lien Liddell 4425 Clares St. Spc. 80 1351 - CDBG Program Income		\$25.00
90576	09/14/2018	Open			HDL COMPANIES	\$1,800.00
	Invoice		Date	Description		Amount
	0029756-IN		08/21/2018	Cannabis review of regulatory & tax ordinance		\$1,800.00
90577	09/14/2018	Open			HOPE REHABILITATION SERVICES	\$2,475.00
	Invoice		Date	Description		Amount
	S166753		08/15/2018	August litter abatement		\$2,475.00

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City Checks Issued September 14, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
90578	09/14/2018	Open			HUMBOLDT PETROLEUM LLC	\$13.00
	Invoice		Date	Description		Amount
	087731		08/31/2018	August car washes		\$13.00
90579	09/14/2018	Open			JENNY SHELTON	\$1,000.00
	Invoice		Date	Description		Amount
	JS082318		08/23/2018	Event planning and administration		\$1,000.00
90580	09/14/2018	Open			KBA Docusys Inc.	\$379.67
	Invoice		Date	Description		Amount
	INV703809		09/04/2018	Recreation and City Hall copier usage charges		\$104.87
	INV703810		09/04/2018	City Hall copier usage charges		\$274.80
				1000 - General Fund	\$14.87	
				2211 - ISF - Information	\$364.80	
90581	09/14/2018	Open			LABORMAX STAFFING	\$5,722.79
	Invoice		Date	Description		Amount
	26-96931		08/31/2018	Seasonal labor		\$3,156.71
	26-97215		09/07/2018	Seasonal labor		\$2,566.08
90582	09/14/2018	Open			MACKAY METERS INC	\$451.64
	Invoice		Date	Description		Amount
	1051334		08/31/2018	August meter & credit card transaction fees		\$451.64
90583	09/14/2018	Open			MADELINE C HORN	\$1,515.00
	Invoice		Date	Description		Amount
	23		09/01/2018	Cataloging and organizing museum artifacts		\$1,515.00
90584	09/14/2018	Open			MASTER CLEANERS	\$1,100.96
	Invoice		Date	Description		Amount
	MC083018		08/30/2018	August uniform cleaning		\$1,100.96
90585	09/14/2018	Open			MV TRANSPORTATION INC.	\$6,379.20
	Invoice		Date	Description		Amount
	95401		09/06/2018	FY 18/19 summer beach shuttle services		\$6,379.20
90586	09/14/2018	Open			PALACE OFFICE SUPPLIES	\$92.55
	Invoice		Date	Description		Amount
	9528596-0		09/05/2018	Office supplies		\$92.55
90587	09/14/2018	Open			PITNEY BOWES	\$147.15
	Invoice		Date	Description		Amount
	1009122185		08/27/2018	Recreation postage machine rental		\$147.15

Attachment: City Check Register 9/14/18 (Approval of City Check Registers)

City Checks Issued September 14, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
90588	09/14/2018	Open			RADAR SHOP	\$109.00
	Invoice		Date	Description		Amount
	RS-10440		08/24/2018	Lidar service		\$109.00
90589	09/14/2018	Open			ROSS RECREATION EQUIP CO INC.	\$401.02
	Invoice		Date	Description		Amount
	I13561		08/31/2018	Jade St. swings		\$401.02
90590	09/14/2018	Open			SANTA CRUZ CITY SIGNS	\$375.00
	Invoice		Date	Description		Amount
	9-5-18		09/05/2018	Parking meter signs		\$375.00
90591	09/14/2018	Open			SANTA CRUZ COUNTY AUDITOR-CONTROLLER	\$11,871.50
	Invoice		Date	Description		Amount
	SCCAUD082018		09/06/2018	August citation processing		\$11,871.50
90592	09/14/2018	Open			SANTA CRUZ COUNTY INFORMATION SERVICES	\$633.68
	Invoice		Date	Description		Amount
	SCC083018		08/30/2018	September open query scan charges		\$633.68
90593	09/14/2018	Open			SANTA CRUZ SENTINEL	\$224.00
	Invoice		Date	Description		Amount
	0001144684		08/31/2018	Planning commission public notice		\$224.00
90594	09/14/2018	Open			SARA CLEVINGER	\$240.00
	Invoice		Date	Description		Amount
	5		09/01/2018	August BIA administration and outreach 1321 - BIA - Capitola Village-Wharf BIA		\$240.00
90595	09/14/2018	Open			SOQUEL NURSERY GROWERS INC.	\$24.03
	Invoice		Date	Description		Amount
	346174		09/10/2018	Plants		\$24.03
90596	09/14/2018	Open			SPECTRUM BUSINESS	\$3,687.73
	Invoice		Date	Description		Amount
	0000178081918		08/19/2018	August internet service		\$3,687.73
				1000 - General Fund	\$1,378.52	
				2211 - ISF - Information	\$2,309.21	
90597	09/14/2018	Open			SUPPLYWORKS	\$3,870.63
	Invoice		Date	Description		Amount
	452419567		08/24/2018	Cleaning supplies		\$1,168.31
	453326407		08/31/2018	Cleaning supplies		\$2,702.32

Attachment: City Check Register 9/14/18 (Approval of City Check Registers)

City Checks Issued September 14, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
90598	09/14/2018	Open			THE CLEANING MACHINE INC.	\$2,680.00
	Invoice		Date	Description		Amount
	6274		08/29/2018	Sidewalk cleaning		\$2,680.00
90599	09/14/2018	Open			UNISAFE INC	\$809.10
	Invoice		Date	Description		Amount
	702527		08/14/2018	Exam gloves		\$809.10
90600	09/14/2018	Open			ZEE MEDICAL SERVICE CO.	\$71.89
	Invoice		Date	Description		Amount
	66583206		03/27/2018	City Hall first aid supplies		\$71.89
90601	09/14/2018	Open			ZUMAR INDUSTRIES INC.	\$249.21
	Invoice		Date	Description		Amount
	80001		09/07/2018	Push button signs (10) 1310 - Gas Tax		\$249.21
90602	09/14/2018	Open			Sabrina Gonzalez	\$627.80
	Invoice		Date	Description		Amount
	SG091318		09/13/2018	TOT & TMD refund (Stayed at Fairfield > 30 days)		\$627.80
Type Check Totals:						\$65,815.08
<u>EFT</u>						
664	09/12/2018	Open			INTERNAL REVENUE SERVICE	\$6.52
	Invoice		Date	Description		Amount
	10803211		09/12/2018	Medicare for manual payroll check 1001 - Payroll Payables		\$6.52
665	09/11/2018	Open			WELLS FARGO BANK	\$576.31
	Invoice		Date	Description		Amount
	WF091118		09/11/2018	Septemer client analysis charges		\$576.31
Type EFT Totals:						\$582.83
Library - Library						
<u>Check</u>						
78	09/14/2018	Open			BOGARD CONSTRUCTION INC	\$455.00
	Invoice		Date	Description		Amount
	160707-24		08/31/2018	Library project management services 1360 - Library Fund		\$455.00
Type Check Totals:						\$455.00

Attachment: City Check Register 9/14/18 (Approval of City Check Registers)

City Checks Issued September 14, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
CITY - Main City Totals					Counts:	Totals:
Checks					44	\$65,815.08
EFTs					2	\$582.83
All					46	\$66,397.91
Library - Library Totals						
Checks					1	\$455.00
EFTs					0	\$0.00
All					1	\$455.00
WELLS - Payroll Totals						
Checks					8	\$3,666.71
EFTs					90	\$150,964.57
All					98	\$154,631.28
Grand Totals:						
Checks					53	\$69,936.79
EFTs					92	\$151,547.40
All					145	\$221,484.19

Attachment: City Check Register 9/14/18 (Approval of City Check Registers)

City main account checks dated September 21, 2018, numbered 90603 through 90666 and 4 EFTs, totaling \$344,780.22, plus 1 Library account check, totaling \$3,000.00, for a grand total of \$347,780.22, have been reviewed and authorized for distribution by the City Manager.

As of September 21, 2018, the unaudited cash balance is \$3,013,519.69.


CASH POSITION - CITY OF CAPITOLA 9/21/18

	<u>Net Balance</u>
General Fund	(\$780,957.72)
Payroll Payables	\$49,527.79
Contingency Reserve Fund	\$2,036,345.66
Facilities Reserve Fund	\$415,447.47
Capital Improvement Fund	\$1,026,685.26
Stores Fund	\$27,751.43
Information Technology Fund	\$64,501.16
Equipment Replacement	\$103,230.76
Self-Insurance Liability Fund	(\$7,940.33)
Workers' Comp. Ins. Fund	\$131,641.79
Compensated Absences Fund	<u>(\$52,713.58)</u>
TOTAL UNASSIGNED GENERAL FUNDS	<u><u>\$3,013,519.69</u></u>

The Emergency Reserve Fund balance is \$1,344,205.54 (not included above).

The PERS Contingency Fund balance is \$815,855.98 (not included above).

The Library Fund balance is \$2,322,824.59 (not included above).



 Jamie Goldstein, City Manager

9/24/18

 Date



 Peter Wilk, City Treasurer

9/26/18

 Date

Attachment: City Check Register 9/21/18 (Approval of City Check Registers)

City Checks Issued September 21, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
90603	09/21/2018	Open			AKERS & ASSOCIATES INC.	\$1,425.00
	Invoice		Date	Description		Amount
	4091		09/17/2018	Plan check & stamp parcel map for 2205 Wharf Rd.		\$1,425.00
90604	09/21/2018	Open			ALVAREZ TECHNOLOGY GROUP INC	\$297.14
	Invoice		Date	Description		Amount
	48256		09/07/2018	Onsite IT services 2211 - ISF - Info Tech		\$297.14
90605	09/21/2018	Open			AT&T	\$9.12
	Invoice		Date	Description		Amount
	ATT090118		09/01/2018	September long distance charges		\$9.12
				1000 - General Fund	\$4.48	
				2211 - ISF - Info Tech	\$4.64	
90606	09/21/2018	Open			AT&T/CALNET 3	\$865.00
	Invoice		Date	Description		Amount
	000011917606		09/13/2018	September T-1 access		\$865.00
90607	09/21/2018	Open			AT&T/CALNET 3	\$1,434.74
	Invoice		Date	Description		Amount
	000011916938		09/13/2018	September telephone service		\$1,434.74
				1000 - General Fund	\$1,110.59	
				2211 - ISF - Info Tech	\$324.15	
90608	09/21/2018	Open			ATCHISON BARISONE CONDOTTI & KOVACEVICH	\$39,890.02
	Invoice		Date	Description		Amount
	ABCK091018		08/10/2018	August city attorney services		\$39,890.02
90609	09/21/2018	Open			AVENU MUNISERVICES	\$1,500.00
	Invoice		Date	Description		Amount
	INV06-003731		09/13/2018	2018 CAFR reports		\$1,500.00
90610	09/21/2018	Open			B & B SMALL ENGINE REPAIR	\$484.28
	Invoice		Date	Description		Amount
	405148		09/18/2018	Stihl pole saw repairs		\$308.65
	405149		09/18/2018	Chain saw parts		\$175.63
90611	09/21/2018	Open			BAY PHOTO LAB	\$97.65
	Invoice		Date	Description		Amount
	13240274		09/06/2018	Prints and mounting for museum collection		\$97.65

Attachment: City Check Register 9/21/18 (Approval of City Check Registers)

City Checks Issued September 21, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
90612	09/21/2018	Open			CALE AMERICA INC.	\$1,829.00
	Invoice		Date	Description		Amount
	151029		08/31/2018	August 2018 active meters		\$1,829.00
90613	09/21/2018	Open			CALIFORNIA COAST UNIFORM COMPANY	\$90.86
	Invoice		Date	Description		Amount
	6393		08/01/2018	Uniform for PD volunteer chaplain		\$90.86
90614	09/21/2018	Open			CAPITOLA PEACE OFFICERS ASSOCIATION	\$1,542.00
	Invoice		Date	Description		Amount
	POA091418		09/14/2018	POA and gym dues PPE 9/8/18 1001 - Payroll Payables		\$1,542.00
90615	09/21/2018	Open			CAPITOLA SELF STORAGE	\$300.00
	Invoice		Date	Description		Amount
	2823		09/12/2018	Museum unit 2823 storage fees		\$300.00
90616	09/21/2018	Open			CPS	\$453.20
	Invoice		Date	Description		Amount
	SOP47300		09/07/2018	PD recruitment test supplies		\$453.20
90617	09/21/2018	Open			CRYSTAL SPRINGS WATER CO.	\$228.75
	Invoice		Date	Description		Amount
	CSW083118		08/31/2018	August drinking water		\$228.75
90618	09/21/2018	Open			EDDIE RAY GARCIA	\$153.37
	Invoice		Date	Description		Amount
	ERG091418		09/14/2018	Employee barbecue supplies		\$153.37
90619	09/21/2018	Open			ESMERALDA GONZALEZ	\$1,085.17
	Invoice		Date	Description		Amount
	EG09152018		09/15/2018	CLETS training lodging and meals reimbursement		\$1,038.02
	EG91518		09/15/2018	CLETS training travel reimbursement		\$47.15
90620	09/21/2018	Open			EXTREME TOWING	\$225.00
	Invoice		Date	Description		Amount
	013146		09/04/2018	Tow Ford F150 to Bobby's Pit Stop		\$225.00
90621	09/21/2018	Open			FASTENAL COMPANY	\$163.48
	Invoice		Date	Description		Amount
	CASAT49306		08/16/2018	Specialty washers		\$108.78
	CASAT49374		08/21/2018	Fasteners		\$54.70

Attachment: City Check Register 9/21/18 (Approval of City Check Registers)

City Checks Issued September 21, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
90622	09/21/2018	Open			FERGUSON ENTERPRISES INC.	\$513.33
	Invoice		Date	Description		Amount
	6210903		09/07/2018	Bell traps and strainers		\$177.25
	6226493		09/07/2018	Wharf faucet		\$336.08
				1000 - General Fund	\$177.25	
				1311 - Wharf	\$336.08	
90623	09/21/2018	Open			FLYERS ENERGY LLC	\$4,103.04
	Invoice		Date	Description		Amount
	18-756782		08/30/2018	427 gallons ethanol		\$1,631.98
	18-756783		08/30/2018	100 gallons diesel		\$395.46
	18-760384		09/06/2018	424 gallons ethanol		\$1,594.18
	18-760387		09/06/2018	120 gallons diesel		\$481.42
90624	09/21/2018	Open			Folsom Ford	\$31,682.36
	Invoice		Date	Description		Amount
	FL8921		07/02/2018	2018 Ford Explorer VIN 37502		\$31,682.36
				2212 - ISF - Equipment Replacement		
90625	09/21/2018	Open			GARDAWORLD	\$191.97
	Invoice		Date	Description		Amount
	10425152		09/01/2018	September armored vehicle services		\$191.97
90626	09/21/2018	Open			GEORGE McMENAMIN	\$1,427.57
	Invoice		Date	Description		Amount
	2019-2		09/19/2018	September riparian restoration services		\$1,427.57
90627	09/21/2018	Open			HYDROSCIENCE ENGINEERS INC.	\$1,040.00
	Invoice		Date	Description		Amount
	331016001		09/04/2018	523 Burlingame Ave. stormwater review		\$1,040.00
90628	09/21/2018	Open			ICMA RETIREMENT TRUST 457	\$5,911.31
	Invoice		Date	Description		Amount
	41678894		09/14/2018	Employee 457 contributions PPE 9/8/18		\$5,911.31
				1001 - Payroll Payables		
90629	09/21/2018	Open			INDEPENDENT ELECTRIC SUPPLY INC.	\$4,691.62
	Invoice		Date	Description		Amount
	S103714341.001		09/04/2018	Streetlight and replacement covers		\$4,691.62
				1310 - Gas Tax		

Attachment: City Check Register 9/21/18 (Approval of City Check Registers)

City Checks Issued September 21, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
90630	09/21/2018	Open			INTERNATIONAL BRONZE PLAQUE COMPANY	\$278.00
	Invoice		Date	Description		Amount
	18-50308		09/12/2018	Bronze plaque		\$139.00
	18-50339		09/12/2018	Bronze plaque		\$139.00
90631	09/21/2018	Open			INTERSTATE BATTERY SYSTEM OF SAN JOSE INC	\$285.29
	Invoice		Date	Description		Amount
	50272041		09/11/2018	Auto batteries (2)		\$285.29
90632	09/21/2018	Open			JIM CLARK	\$308.75
	Invoice		Date	Description		Amount
	82718		08/28/2018	Backflow testing		\$308.75
90633	09/21/2018	Open			KATHY D'ANGELO	\$492.80
	Invoice		Date	Description		Amount
	000M-009162018		09/16/2018	Eight 16GB SD cards		\$72.80
	000V-008222018		09/04/2018	Shoot & edit Jan Wilson interview		\$400.00
	000V-008222018-2		09/04/2018	2 additional DVDs of Jan Wilson interview		\$20.00
90634	09/21/2018	Open			KBA Docusys Inc.	\$6.09
	Invoice		Date	Description		Amount
	INV708489		09/17/2018	Recreation copier usage charges		\$6.09
90635	09/21/2018	Open			LABORMAX STAFFING	\$2,566.12
	Invoice		Date	Description		Amount
	26-97496		09/14/2018	Seasonal labor		\$2,566.12
90636	09/21/2018	Open			MISSION PRINTERS	\$502.99
	Invoice		Date	Description		Amount
	57693		09/11/2018	City logo envelopes 2210 - ISF - Stores Fund		\$502.99
90637	09/21/2018	Open			NORTH BAY FORD	\$169.78
	Invoice		Date	Description		Amount
	268302		08/30/2018	2006 F250 rear lamp assembly and parking light		\$169.78
90638	09/21/2018	Open			O'REILLY AUTO PARTS	\$125.50
	Invoice		Date	Description		Amount
	2763-397266		09/05/2018	Wiper fluid, diesel exhaust fluid		\$80.59
	2763-398585		09/11/2018	Diesel exhaust fluid		\$27.25
	2763-398586		09/11/2018	Oil filters		\$17.66

Attachment: City Check Register 9/21/18 (Approval of City Check Registers)

City Checks Issued September 21, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
90639	09/21/2018	Open			PALACE OFFICE SUPPLIES	\$224.40
	Invoice		Date	Description		Amount
	498238-0		09/17/2018	Personnel folders and form jackets		\$87.37
	497347-0		09/12/2018	Kitchen towel		\$46.03
	497221-0		09/11/2018	Monitor riser, mouse pad		\$70.38
	9532081-0		09/18/2018	Scissors, pens		\$20.62
				1000 - General Fund	\$66.65	
				2210 - ISF - Stores Fund	\$157.75	
90640	09/21/2018	Open			PHIL ALLEGRI ELECTRIC INC.	\$840.00
	Invoice		Date	Description		Amount
	24439		09/10/2018	Wharf floats motor repairs		\$840.00
				1311 - Wharf		
90641	09/21/2018	Open			PUBLIC ENGINES INC.	\$597.00
	Invoice		Date	Description		Amount
	26140		09/01/2018	Quarterly command central analytics service renewal		\$597.00
90642	09/21/2018	Open			S&S WORLDWIDE INC.	\$3.59
	Invoice		Date	Description		Amount
	10439985		09/06/2018	Camp craft supplies		\$3.59
90643	09/21/2018	Open			SANTA CRUZ OCCUPATIONAL MEDICAL CENTER	\$318.00
	Invoice		Date	Description		Amount
	I-21590		08/31/2018	Building official medical exam		\$159.00
	I-21591		08/31/2018	Recreation supervisor medical exam		\$159.00
90644	09/21/2018	Open			SANTA CRUZ REGIONAL 911	\$119,848.75
	Invoice		Date	Description		Amount
	SCR091518		09/15/2018	FY18/19 2nd quarter regional 911 services		\$119,848.75
90645	09/21/2018	Open			SANTA CRUZ SENTINEL	\$363.98
	Invoice		Date	Description		Amount
	SCS090618		09/06/2018	Subscription renewal 9/30/18 - 9/28/19		\$363.98
90646	09/21/2018	Open			SLOAN SAKAI YEUNG AND WONG LLP	\$274.50
	Invoice		Date	Description		Amount
	38657		08/31/2018	August labor negotiations legal services		\$274.50
90647	09/21/2018	Open			SOQUEL CREEK WATER DISTRICT	\$18,729.87
	Invoice		Date	Description		Amount
	SCWD082818		08/28/2018	August water usage and irrigation fees		\$18,729.87
				1000 - General Fund	\$17,777.45	
				1311 - Wharf	\$952.42	

Attachment: City Check Register 9/21/18 (Approval of City Check Registers)

City Checks Issued September 21, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
90648	09/21/2018	Open			STAPLES ADVANTAGE	\$160.53
	Invoice		Date	Description		Amount
	8051333008		09/08/2018	Office supplies		\$160.53
90649	09/21/2018	Open			SUPPLYWORKS	\$2,641.44
	Invoice		Date	Description		Amount
	453667354		09/05/2018	Cleaning supplies		\$36.97
	453667362		09/05/2018	Cleaning supplies		\$2,604.47
90650	09/21/2018	Open			T MOBILE	\$492.24
	Invoice		Date	Description		Amount
	TM083118		08/31/2018	August cell phone usage		\$492.24
90651	09/21/2018	Open			T&T PAVEMENT MARKINGS AND PRODUCTS INC	\$367.00
	Invoice		Date	Description		Amount
	2018473		09/17/2018	Bike lane paint 10 gallons		\$367.00
				1310 - Gas Tax		
90652	09/21/2018	Open			TECHNISOIL GLOBAL INC.	\$249.56
	Invoice		Date	Description		Amount
	31541		08/30/2018	Paving supplies		\$249.56
90653	09/21/2018	Open			THIRD DEGREE COMMUNICATIONS INC.	\$525.00
	Invoice		Date	Description		Amount
	6787		09/11/2018	Interview & interrogation training		\$525.00
90654	09/21/2018	Open			US BANK EQUIPMENT FINANCE	\$103.56
	Invoice		Date	Description		Amount
	365808799		08/31/2018	Recreation copier lease		\$103.56
90655	09/21/2018	Open			US BANK EQUIPMENT FINANCE	\$481.80
	Invoice		Date	Description		Amount
	365808815		08/31/2018	City Hall & Recreation copier leases		\$481.80
				1000 - General Fund	\$25.00	
				2210 - ISF - Stores Fund	\$456.80	
90656	09/21/2018	Open			US BANK EQUIPMENT FINANCE	\$288.85
	Invoice		Date	Description		Amount
	365809219		08/31/2018	PD copier leases		\$288.85
90657	09/21/2018	Open			US BANK PARS Acct 6746022400	\$369.84
	Invoice		Date	Description		Amount
	PARS091418		09/14/2018	PARS contributions PPE 9/8/18		\$369.84
				1001 - Payroll Payables		

Attachment: City Check Register 9/21/18 (Approval of City Check Registers)

City Checks Issued September 21, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
90658	09/21/2018	Open			WELLS FARGO BANK	\$10,214.59
	Invoice		Date	Description		Amount
	WF090318		09/03/2018	August credit card purchases		\$10,214.59
				Purchases over \$500 threshold:		
				League of Cities conference	\$575.00	
				League of Cities conference	\$575.00	
				Standing desk	\$1,642.00	
				Office chairs	\$535.79	
				Standing desks	\$3,342.00	
				PD recruitment supplies	\$762.29	
				1000 - General Fund	\$9,555.76	
				1025 - Facilities Reserve Fund	\$247.16	
				2211 - ISF - Info Tech	\$411.67	
90659	09/21/2018	Open			WESTERN EXTERMINATOR COMPANY	\$121.00
	Invoice		Date	Description		Amount
	6325565		08/31/2018	City Hall - rodent control		\$60.50
	6351721		08/31/2018	Turnouts - rodent control		\$60.50
90660	09/21/2018	Open			Faye Jahnigen	\$72.00
	Invoice		Date	Description		Amount
	2003440.002		09/05/2018	Class fee refund		\$72.00
90661	09/21/2018	Open			Greenway Capitola	\$200.00
	Invoice		Date	Description		Amount
	GC091718		09/17/2018	Refund ballot initiative		\$200.00
90662	09/21/2018	Open			Hamilton Land Planning LLC	\$6.50
	Invoice		Date	Description		Amount
	17-0388		09/17/2018	Planning dept. overpayment refund		\$6.50
90663	09/21/2018	Open			Robert Desimpel	\$36.00
	Invoice		Date	Description		Amount
	211125662		09/18/2018	Citation refund		\$36.00
90664	09/21/2018	Open			Robert Landry	\$10.00
	Invoice		Date	Description		Amount
	244123673		09/18/2018	Citation refund		\$10.00
90665	09/21/2018	Open			Sandra Pardo	\$71.00
	Invoice		Date	Description		Amount
	2003445.002		09/17/2018	Class refund		\$71.00

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City Checks Issued September 21, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
90666	09/21/2018	Open			Sharp Quick	\$25.00
	Invoice		Date	Description		Amount
	SQ091818		09/18/2018	Sharpen paper cutter		\$25.00
Type Check Totals:						\$264,006.30

<u>EFT</u>						
666	09/19/2018	Open			INTERNAL REVENUE SERVICE	\$24,631.37
	Invoice		Date	Description		Amount
	82042079		09/19/2018	Federal taxes & Medicare PPE 9/8/18 1001 - Payroll Payables		\$24,631.37
667	09/19/2018	Open			EMPLOYMENT DEVELOPMENT DEPT	\$7,030.06
	Invoice		Date	Description		Amount
	0-342-926-656		09/19/2018	State taxes PPE 9/8/18 1001 - Payroll Payables		\$7,030.06
668	09/19/2018	Open			CalPERS Member Services Division	\$47,879.73
	Invoice		Date	Description		Amount
	1001165132-5		09/19/2018	PERS contributions PPE 9/8/18 1000 - General Fund (\$0.25) 1001 - Payroll Payables		\$47,879.73
669	09/17/2018	Open			STATE DISBURSEMENT UNIT	\$1,232.76
	Invoice		Date	Description		Amount
	YSC6ISY6658		09/17/2018	Employee garnishments PPE 9/8/18 1001 - Payroll Payables		\$1,232.76
Type EFT Totals:						\$80,773.92

Library - Library						
<u>Check</u>						
79	09/21/2018	Open			FOREST DESIGN LLC	\$3,000.00
	Invoice		Date	Description		Amount
	0562		09/20/2018	Library capital campaign retainer 1360 - Library Fund		\$3,000.00
Type Check Totals:						\$3,000.00

Attachment: City Check Register 9/21/18 (Approval of City Check Registers)

City Checks Issued September 21, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
CITY - Main City Totals					Counts:	Totals:
Checks						\$264,006.30
EFTs						\$80,773.92
All						\$344,780.22
Library - Library Totals						
Checks						\$3,000.00
EFTs						\$0.00
All						\$3,000.00
Grand Totals:						
Checks						\$267,006.30
EFTs						\$80,773.92
All						\$347,780.22

Attachment: City Check Register 9/21/18 (Approval of City Check Registers)

City main account checks dated September 28, 2018, numbered 90667 through 90722 and 1 EFT, totaling \$197,680.54, plus 4 Payroll account checks and 86 EFTs, totaling \$152,715.03, for a grand total of \$350,395.57, have been reviewed and authorized for distribution by the City Manager.

As of September 28, 2018, the unaudited cash balance is \$3,437,016.38.

CASH POSITION - CITY OF CAPITOLA 9/28/18

	<u>Net Balance</u>
General Fund	(\$695,443.12)
Payroll Payables	\$171,847.01
Contingency Reserve Fund	\$2,036,345.66
Facilities Reserve Fund	\$415,447.47
Capital Improvement Fund	\$948,443.24
Stores Fund	\$36,168.22
Information Technology Fund	\$130,210.76
Equipment Replacement	\$141,980.76
Self-Insurance Liability Fund	\$96,884.92
Workers' Comp. Ins. Fund	\$207,845.04
Compensated Absences Fund	<u>(\$52,713.58)</u>
TOTAL UNASSIGNED GENERAL FUNDS	<u><u>\$3,437,016.38</u></u>

The Emergency Reserve Fund balance is \$1,344,205.54 (not included above).
The PERS Contingency Fund balance is \$815,855.98 (not included above).
The Library Fund balance is \$2,322,824.59 (not included above).



Jamie Goldstein, City Manager



Date



Peter Wilk, City Treasurer



Date

Attachment: City Check Register 9/28/18 (Approval of City Check Registers)

City Checks Issued September 28, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
90667	09/28/2018	Open			2ND NATURE SOFTWARE INC.	\$495.00
	Invoice		Date	Description		Amount
	18-806-01		09/24/2018	Stormwater consulting services		\$495.00
90668	09/28/2018	Open			ALVAREZ TECHNOLOGY GROUP INC	\$7,327.50
	Invoice		Date	Description		Amount
	48063		09/04/2018	October IT services and antivirus 2211 - ISF - Information Technology		\$7,327.50
90669	09/28/2018	Open			APTOS LANDSCAPE SUPPLY INC.	\$147.56
	Invoice		Date	Description		Amount
	475657		09/20/2018	Plaster sand		\$73.78
	475637		09/20/2018	Plaster sand		\$73.78
90670	09/28/2018	Open			BAY AREA POLYGRAPH	\$900.00
	Invoice		Date	Description		Amount
	842		09/19/2018	PD pre-employment screenings		\$900.00
90671	09/28/2018	Open			BEAR ELECTRICAL SOLUTIONS INC.	\$616.00
	Invoice		Date	Description		Amount
	6822		08/31/2018	August traffic signal maintenance services - routine 1310 - Gas Tax		\$616.00
90672	09/28/2018	Open			BOBBY'S PIT STOP INC.	\$1,504.48
	Invoice		Date	Description		Amount
	0360451		09/18/2018	2000 Ford F150 repairs		\$1,504.48
90673	09/28/2018	Open			BRINKS AWARDS & SIGNS	\$20.00
	Invoice		Date	Description		Amount
	82484		09/18/2018	Plates for lockers		\$20.00
90674	09/28/2018	Open			COMMUNITY TELEVISION OF SANTA CRUZ COUNTY	\$462.00
	Invoice		Date	Description		Amount
	2556		08/08/2018	July televised meetings		\$462.00
90675	09/28/2018	Open			eFolder Inc.	\$125.00
	Invoice		Date	Description		Amount
	INV00153329		08/31/2018	August record storage fee 2211 - ISF - Information Technology		\$125.00
90676	09/28/2018	Open			FARWEST NURSERY	\$79.02
	Invoice		Date	Description		Amount
	025208		09/25/2018	Plants		\$79.02

Attachment: City Check Register 9/28/18 (Approval of City Check Registers)

City Checks Issued September 28, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
90677	09/28/2018	Open			FERGUSON ENTERPRISES INC.	\$123.34
	Invoice		Date	Description		Amount
	6233717		09/10/2018	Wharf sink and faucet		\$123.34
90678	09/28/2018	Open			FIRST ALARM	\$232.17
	Invoice		Date	Description		Amount
	423660		09/15/2018	PD quarterly monitoring services		\$232.17
90679	09/28/2018	Open			FIRST SECURITY	\$315.00
	Invoice		Date	Description		Amount
	569593		09/21/2018	October Jade St. patrol services		\$315.00
90680	09/28/2018	Open			FIRST SECURITY	\$325.50
	Invoice		Date	Description		Amount
	569585		09/21/2018	October skate park patrol service		\$325.50
90681	09/28/2018	Open			FIRST SECURITY	\$300.00
	Invoice		Date	Description		Amount
	569586		09/21/2018	October Esplanade park patrol service		\$300.00
90682	09/28/2018	Open			FLYERS ENERGY LLC	\$2,497.91
	Invoice		Date	Description		Amount
	18-765043		09/13/2018	520 gallons ethanol		\$2,003.56
	18-765049		09/13/2018	125 gallons diesel		\$494.35
90683	09/28/2018	Open			GEORGE McMENAMIN	\$6,000.00
	Invoice		Date	Description		Amount
	2019-1P		09/26/2018	Peery Park invasive species removal & disposal		\$6,000.00
90684	09/28/2018	Open			GUARDIAN ALLIANCE INVESTIGATIONS LLC	\$3,800.00
	Invoice		Date	Description		Amount
	1039		09/22/2018	POST mandated background check		\$1,200.00
	1040		09/23/2018	POST mandated background check		\$1,300.00
	1035		09/21/2018	POST mandated background check		\$1,300.00
90685	09/28/2018	Open			H. MARCHESE - PETTY CASH CUSTODIAN	\$504.05
	Invoice		Date	Description		Amount
	PC091418		09/24/2018	Replenish petty cash		\$504.05
				1000 - General Fund	\$487.06	
				2210 - ISF - Stores Fund	\$16.99	
90686	09/28/2018	Open			HOPE REHABILITATION SERVICES	\$2,025.00
	Invoice		Date	Description		Amount
	S167073		09/15/2018	September litter abatement & street cleaning		\$2,025.00

Attachment: City Check Register 9/28/18 (Approval of City Check Registers)

City Checks Issued September 28, 2018

Attachment: City Check Register 9/28/18 (Approval of City Check Registers)

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
90687	09/28/2018	Open			HOSE SHOP	\$67.09
	Invoice		Date	Description		Amount
	410218		09/18/2018	Couplings, nipples, elbows, bushings		\$67.09
90688	09/28/2018	Open			HUMBOLDT PETROLEUM LLC	\$19.50
	Invoice		Date	Description		Amount
	087766		09/15/2018	September car washes		\$19.50
90689	09/28/2018	Open			INTERSTATE ALL BATTERY CENTER	\$352.58
	Invoice		Date	Description		Amount
	572771		09/18/2018	Auto batteries		\$352.58
90690	09/28/2018	Open			KBA Docusys Inc.	\$23.15
	Invoice		Date	Description		Amount
	INV709409		09/18/2018	Copier usage charges 2211 - ISF - Information Technology		\$23.15
90691	09/28/2018	Open			KELLY MOORE PAINT COMPANY INC.	\$168.95
	Invoice		Date	Description		Amount
	803-00000785872		09/21/2018	Replacement spray gun		\$168.95
90692	09/28/2018	Open			KINGS PAINT AND PAPER INC.	\$120.66
	Invoice		Date	Description		Amount
	A0272841		09/18/2018	Rust destroyer		\$120.66
90693	09/28/2018	Open			LABORMAX STAFFING	\$2,080.40
	Invoice		Date	Description		Amount
	26-97797		09/21/2018	Seasonal labor		\$2,080.40
90694	09/28/2018	Open			LESLIE CHAVEZ	\$560.00
	Invoice		Date	Description		Amount
	13		09/21/2018	BIA website management and consulting services 1321 - BIA - Capitola Village-Wharf BIA		\$560.00
90695	09/28/2018	Open			LLOYDS TIRE SERVICE	\$540.71
	Invoice		Date	Description		Amount
	351464		09/18/2018	2011 Ford F250 tires and rotation		\$540.71
90696	09/28/2018	Open			MAR-KEN K-9 TRAINING CENTER	\$240.00
	Invoice		Date	Description		Amount
	0315-18		09/14/2018	September K-9 training		\$240.00

City Checks Issued September 28, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
90697	09/28/2018	Open			METRO MOBILE COMMUNICATIONS	\$5,920.20
	Invoice		Date	Description		Amount
	39989		09/17/2018	10 Motorola CP200D portable radios		\$5,920.20
90698	09/28/2018	Open			MILLER'S TRANSFER & STORAGE CO.	\$207.85
	Invoice		Date	Description		Amount
	90354		09/10/2018	September record storage and August warehouse handling		\$207.85
90699	09/28/2018	Open			MOFFATT AND NICHOL	\$61,947.02
	Invoice		Date	Description		Amount
	735654		08/08/2018	Wharf, flume & jetty design, permitting, engineering		\$37,225.25
	736227		09/05/2018	Wharf, flume & jetty design, permitting & meetings		\$24,721.77
				1200 - Capital Improvement Fund		
90700	09/28/2018	Open			NICHOLS CONSULTING ENGINEERS CHTD	\$16,295.00
	Invoice		Date	Description		Amount
	303085502		08/28/2018	Park Avenue storm damage slope repairs		\$16,295.00
				1200 - Capital Improvement Fund		
90701	09/28/2018	Open			NORTH BAY FORD	\$325.13
	Invoice		Date	Description		Amount
	268575		09/18/2018	Tailgate assembly		\$325.13
90702	09/28/2018	Open			NUZ Inc. dba GOOD TIMES	\$506.00
	Invoice		Date	Description		Amount
	2018-297343		09/19/2018	Open studios artist guide		\$506.00
90703	09/28/2018	Open			O'REILLY AUTO PARTS	\$159.48
	Invoice		Date	Description		Amount
	2763-398588		09/11/2018	Auto protectors		\$138.20
	2763-399929		09/17/2018	Oil filters		\$21.28
90704	09/28/2018	Open			PACIFIC GAS & ELECTRIC	\$15,931.43
	Invoice		Date	Description		Amount
	PGE091818-acct9		09/18/2018	Monthly gas & electricity		\$15,260.26
	PGE091918-acct5		09/19/2018	Pac cove parking lot utilities		\$660.45
	PGE091818-acct0		09/18/2018	Wharf Road Rispin Mansion utilities		\$10.72
				1000 - General Fund	\$5,665.74	
				1300 - SLESF - Supl Law Enfc	\$113.57	
				1310 - Gas Tax	\$7,560.99	
				1311 - Wharf	\$2,591.13	

Attachment: City Check Register 9/28/18 (Approval of City Check Registers)

City Checks Issued September 28, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
90705	09/28/2018	Open			PALACE OFFICE SUPPLIES	\$601.31
	Invoice		Date	Description		Amount
	498869-0		09/19/2018	Paper reams, clock		\$66.87
	499171-0		09/20/2018	Clock		\$32.36
	C498869-0		09/25/2018	Return damaged clock		(\$32.36)
	498733-0		09/19/2018	Correction tape, protector sheets		\$15.45
	499317-0		09/21/2018	File supplies, calendars, planners		\$262.29
	499554-1		09/25/2018	Stir sticks		\$4.08
	499794-0		09/25/2018	Envelopes, paper reams		\$52.69
	499836-0		09/25/2018	Folders, pens		\$19.46
	499401-1		09/24/2018	Notebook		\$9.37
	499554-0		09/24/2018	Tissues		\$78.87
	499401-0		09/21/2018	Staples, paper, notebook, pens		\$92.23
				1000 - General Fund	\$256.70	
				2210 - ISF - Stores Fund	\$344.61	
90706	09/28/2018	Open			PHOENIX GROUP INFORMATION SYSTEMS	\$3,406.10
	Invoice		Date	Description		Amount
	082018070		09/18/2018	August citation processing		\$3,406.10
90707	09/28/2018	Open			PITNEY BOWES	\$534.11
	Invoice		Date	Description		Amount
	PB091918		09/19/2018	Red ink, G900 meter		\$534.11
				2210 - ISF - Stores Fund		
90708	09/28/2018	Open			PRAXAIR DISTRIBUTION INC.	\$64.77
	Invoice		Date	Description		Amount
	85079819		09/15/2018	Nozzle, contact tip, clamp		\$64.77
90709	09/28/2018	Open			SANTA CRUZ COUNTY ANIMAL SHELTER	\$16,083.30
	Invoice		Date	Description		Amount
	1819-2CA		09/14/2018	County animal services 2nd payment		\$16,083.30
90710	09/28/2018	Open			SANTA CRUZ REGIONAL 911	\$32,561.00
	Invoice		Date	Description		Amount
	SCC091518		09/15/2018	Regional 911 debt service installment #1		\$32,561.00
90711	09/28/2018	Open			SERVPRO OF SANTA CRUZ	\$182.38
	Invoice		Date	Description		Amount
	6917		09/25/2018	Biohazard clean up vehicle #141		\$182.38
90712	09/28/2018	Open			SUPPLYWORKS	\$159.31
	Invoice		Date	Description		Amount
	455145458		09/17/2018	Wipers		\$159.31

Attachment: City Check Register 9/28/18 (Approval of City Check Registers)

City Checks Issued September 28, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
90713	09/28/2018	Open			TOYOTA OF SANTA CRUZ	\$335.66
	Invoice		Date	Description		Amount
	193622		09/13/2018	2017 Toyota Highlander key & remote		\$275.66
	13-020		09/24/2018	Additional deposit refund 4200 Auto Plaza Dr.		\$60.00
90714	09/28/2018	Open			TRANSPORTATION ALLIANCE BANK INC.	\$1,553.59
	Invoice		Date	Description		Amount
	646370		09/12/2018	Sweeper filaments, G.B. set 1310 - Gas Tax		\$1,553.59
90715	09/28/2018	Open			UNITED RENTALS (NORTH AMERICA) INC.	\$2,470.53
	Invoice		Date	Description		Amount
	160922111-001		09/18/2018	Vacuum trailer rental		\$2,470.53
90716	09/28/2018	Open			WATSONVILLE BLUEPRINT	\$15.30
	Invoice		Date	Description		Amount
	80436		09/20/2018	Wright map bond copy		\$15.30
90717	09/28/2018	Open			Joanne Kisling	\$58.00
	Invoice		Date	Description		Amount
	18-0287		09/24/2018	1816 Wharf Rd. planning deposit refund		\$58.00
90718	09/28/2018	Open			Mark Murphy	\$2,440.00
	Invoice		Date	Description		Amount
	13-045		09/24/2018	4980 Capitola Rd. design permit deposit refund		\$2,440.00
90719	09/28/2018	Open			Santa Cruz Seaside Co.	\$1,180.00
	Invoice		Date	Description		Amount
	13-173		09/24/2018	4200 Auto Plaza Dr. planning deposit refund		\$1,180.00
90720	09/28/2018	Open			Sharon Oster	\$500.00
	Invoice		Date	Description		Amount
	18-0413		09/25/2018	Tree deposit refund		\$500.00
90721	09/28/2018	Open			Surf and Sand Mobile Home Park	\$882.50
	Invoice		Date	Description		Amount
	8035SUR-09110SUR		09/24/2018	CD8035SUR & CD09110SUR planning deposit refund		\$882.50
90722	09/28/2018	Open			Tuan Truong - Halejoi LLC	\$1,253.00
	Invoice		Date	Description		Amount
	16-189		09/24/2018	208 Capitola Ave. commercial remodel & height variance refund		\$1,253.00
Type Check Totals:						\$197,545.54

Attachment: City Check Register 9/28/18 (Approval of City Check Registers)

City Checks Issued September 28, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
<u>EFT</u>						
670	09/25/2018	Open			DISCOVERY BENEFITS	\$135.00
	Invoice		Date	Description		Amount
	0000917193-IN		08/31/2018	August COBRA and FSA administration		\$135.00
Type EFT Totals:						\$135.00

	Counts:	Totals:
CITY - Main City Totals		
Checks	56	\$197,545.54
EFTs	1	\$135.00
All	57	\$197,680.54
WELLS - Payroll Totals		
Checks	4	\$3,688.07
EFTs	86	\$149,026.96
All	90	\$152,715.03
Grand Totals:		
Checks	60	\$201,233.61
EFTs	87	\$149,161.96
All	147	\$350,395.57

Attachment: City Check Register 9/28/18 (Approval of City Check Registers)



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF OCTOBER 25, 2018

FROM: City Manager Department
SUBJECT: Liability Claim of Patricia Dawn

RECOMMENDED ACTION: Reject liability claim.

DISCUSSION: Patricia Dawn has filed a liability claim against the City for an undetermined amount.

Report Prepared By: Liz Nichols
Executive Assistant to the City Manager

Reviewed and Forwarded by:

A handwritten signature in blue ink, appearing to be "JG", is written over a horizontal line.

Jamie Goldstein, City Manager

10/18/2018



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF OCTOBER 25, 2018

FROM: Finance Department

SUBJECT: Consider a Budget Amendment Transferring \$136,364 from the General Fund Restricted Fund Balance to the Undesignated General Fund Balance

RECOMMENDED ACTION: Approve the budget amendment related to the Monterey Bay Community Power Shared Responsibility Agreement.

BACKGROUND: On February 9, 2017, the City Council adopted Ordinance No. 1010 establishing the City as a founding member of Monterey Bay Community Power (MBCP). MBCP is a Joint Powers Authority comprised of jurisdictions within Monterey, Santa Cruz, and San Benito counties that began providing electrical service to customers during 2018.

When the City joined MBCP, staff reported Capitola would be required to guarantee its portion of the anticipated \$3 million initial start-up loan, then estimated to be approximately \$140,000.

Through a request for proposal process, MBCP selected River City Bank to provide the initial startup funding for MBCP. On July 27, 2017, the City Council approved the Shared Responsibility for Credit Support Agreement for Monterey Bay Community Power which, in part, required the establishment of a reserve account in the amount of \$136,364.

DISCUSSION: The Shared Responsibility for Credit Support Agreement states that the reserve fund shall be released after program launch and as soon as possible under the terms of the River City Bank Guaranty. The City has received the guarantee release letter from River City Bank that allows for the closing of the reserve account.

FISCAL IMPACT: The restricted cash reserve in the amount of \$136,364 will be closed and the balance will be returned to the General Fund undesignated/unreserved fund balance.

ATTACHMENTS:

1. MBCP Budget Amendment

Report Prepared By: Jim Malberg
Finance Director

Transfer of MBCP Restricted Funds
October 25, 2018

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

10/18/2018

City of Capitola Budget Adjustment Form

7.D.1



Date 10/25/2018

Requesting Department Finance

Administrative Council

Item # _____
 Council Date _____
 Council Approval _____

Revenues		
Account #	Account Description	Increase/Decrease
1000-2850.000	General Fund Undesignated	136,364
	Fund Balance	
1000-2951.001	General Fund Restricted Fund	(136,364)
	Balance - MBCP	
Total		-

Expenditures		
Account #	Account Description	Increase/Decrease
Total		-

Net Impact -

Purpose: To release restricted cash reserve for the MBCP

Department Head Approval _____

Finance Department Approval _____

City Manager Approval _____

Attachment: MBCP Budget Amendment (Transfer of MBCP Restricted Funds)



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF OCTOBER 25, 2018

FROM: Finance Department

SUBJECT: Consider a Budget Amendment Transferring \$33,000 from Public Works Contracted Services to Public Works Wages Temporary

RECOMMENDED ACTION: Approve budget amendment.

BACKGROUND: Since February 2012 the Public Works Department has contracted for project and tree inspection services. These services have been included in the annual budget each year under Contract Services--Inspections and have been performed by a City of Capitola retiree. The City and the retiree entered into a Professional Services Agreement and the retiree has obtained a business license each year.

DISCUSSION: In August of 2017, CalPERS issued Publication 33 further defining the rules and regulations surrounding employment following retirement from a CalPERS employer. The publication provides information about working for a CalPERS employer as a retired annuitant, independent contractor, consultant, and contract employee.

Publication 33 states if the work performed by the retiree is the same or similar to the work performed as an active employee, an employer-employee relationship exists, and the employment is subject to the retired annuitant restrictions (960 hours worked per fiscal year). Since the retiree previously worked for the Public Works Department performing similar duties, the City has begun reporting hours worked and earnings to CalPERS.

The Finance Department began reporting to CalPERS the payments to the retiree as a retired annuitant beginning July 1, 2018; however, those expenses were not budgeted as wages. The Fiscal Year 2018-19 budget included \$33,000 for Contract Services--Inspections, which needs to be moved to Wages Temporary (hourly and seasonal) to match how payments are now reported to CalPERS.

FISCAL IMPACT: No fiscal impact is associated with this action.

ATTACHMENTS:

1. Public Works Budget Amendment

Report Prepared By: Jim Malberg
Finance Director

Transfer Public Works Fund
October 25, 2018

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

10/18/2018

City of Capitola Budget Adjustment Form

7.E.1



Date 10/25/2018

Requesting Department Finance

Administrative Council

Item # _____
 Council Date _____
 Council Approval _____

Revenues		
Account #	Account Description	Increase/Decrease
Total		-

Expenditures		
Account #	Account Description	Increase/Decrease
1000-30-30-000-4120.100	Wages Temporary (hourly & seasonal)	33,000
1000-30-30-000-4355.350	CS-PW & Trans. Inspections	(33,000)
Total		-

Net Impact -

Purpose: Transfer budgeted amount from contracted services to wages to properly record salary for retired annuitant.

Department Head Approval _____
 Finance Department Approval Jim Malberg
 City Manager Approval _____

Attachment: Public Works Budget Amendment (Transfer Public Works Fund)



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF OCTOBER 25, 2018

FROM: City Manager Department

SUBJECT: Consider Approval of a Memorandum of Understanding with the Capitola Police Officers Association and Adopt the Amended Salary Schedule for Fiscal Year 2018/19

RECOMMENDED ACTION:

1. Authorize the City Manager to execute the successor agreement to existing Memorandum of Understanding (MOU) with negotiated changes from October 21, 2018, through June 30, 2021, for the following:
 - a. Capitola Police Officers Association
2. Adopt a Resolution approving the updated salary schedule.

BACKGROUND: The Capitola Police Officers Association (CPOA) Memorandum of Understanding (MOU) expired on June 30, 2018. As required by state law the City has negotiated with the CPOA on working conditions, salary, and benefit changes.

The City and the CPOA came to a tentative agreement on October 11, 2018.

DISCUSSION: The City of Capitola and all the employee bargaining units began meeting in February 2018. The CPOA came to tentative agreement with the City based on the following major economic criteria:

Term: Three-year agreement

Salary: All employees in the unit will receive a 2.25% cost of living adjustment (COLA) in upon ratification, a 2.25% COLA in July 2019, and a 2.25% COLA in July 2020.

Safety Recruitment and Retention Adjustment: All members of the CPOA will receive a 2.25% retention and recruitment salary adjustment in January 2021.

Pension: Employee contribution towards retirement remains at 14.974% of salary for CalPERS Classic Safety Employees and 13.392% for CalPERS Classic Miscellaneous employees.

Salary and Benefit Survey: A Total Compensation Study will be conducted prior to the end of the MOU term.

Medical: CPOA and City negotiated changes to health contribution amounts.

Approve POA MOU
October 25, 2018

The CPOA agreed to the following changes to the health contribution from the City. The City's maximum per month contribution towards medical, dental, and vision premiums inclusive of required minimum contribution are as follows:

<u>Date</u>	<u>Employee Only</u>	<u>Employee plus one dependent</u>	<u>Employee plus two</u>
Upon Ratification	\$800.00	\$1,150.00	\$1,400.00
July 2019	\$824.00	\$1,300.00	\$1,600.00
July 2021	\$850.00	\$1,400.00	\$1,800.00

The City and the CPOA bargaining unit agreed to reduce the cash-in-lieu for those who have other group health insurance during this agreement.

<u>Effective Dates</u>	<u>Current Employee</u>	<u>New Employee</u>
Upon Ratification	\$773.00	\$250.00
First full pay period in December 2018	\$700.00	\$250.00
First full pay period in December 2019	\$600.00	\$250.00
First full pay period in December 2020	\$500.00	\$250.00

FISCAL IMPACT: The estimated cost of for each year of the agreement is as follows:

Fiscal Year 2018/19	\$50,000.00
Fiscal Year 2019/20	\$90,000.00
Fiscal Year 2020/21	\$133,000.00

ATTACHMENTS:

1. POA MOU 2018-2021(PDF)

Report Prepared By: Larry Laurent
Assistant to the City Manager

Reviewed and Forwarded by:

Jamie Goldstein, City Manager

10/18/2018

Approve POA MOU
October 25, 2018

RESOLUTION NO. ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
REPEALING RESOLUTION NO. 4120 AND
AUTHORIZING AND APPROVING THE UPDATED FISCAL YEAR 2018/2019
PAY RATES AND RANGES (SALARY SCHEDULE)**

WHEREAS, the City Council establishes the legal current salary range from the salary schedule for each class of position; and

WHEREAS, the California Public Employee's Retirement Law, at Section 570.5 of the California Code of Regulations Title 2, requires the City to publish pay rates and ranges on the City's internet site and the City Council to approve the pay rates and range in its entirety each time a modification is made; and

WHEREAS, the City Council Approved Resolution No. 4120 adopting the Fiscal Year 2018/2019 Salary Schedule at the July 26, 2018, regular meeting that included include a Cost of Living Adjustment (COLA) beginning the first full pay period in July 2018 of 2.25 percent to the following employee groups: Association of Capitola Employees, Mid-management, and Confidential, and Police Captains as well as to Unrepresented Management and the City Manager; and

WHEREAS, the City and the Capitola Police Officers Association (CPOA) came to a tentative agreement on a 2.25 percent COLA on October 11, 2018; and

WHEREAS, the attached updated salary schedule for CPOA does not go into effect until the Memorandum of Understanding is ratified by both the City Council and the employee group; and

WHEREAS, a salary resolution is adopted annually by the City Council upon review and all changes need to be adopted by the City Council.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Capitola does hereby:

1. Repeal Resolution No. 4120; and
2. Authorize and approve City of Capitola pay rates and ranges (salary schedule, Exhibit A) for permanent employees from October 21, 2018, through June 30, 2019.

I HEREBY CERTIFY that the above and foregoing resolution was passed and adopted by the City Council of the City of Capitola on the 25th day of October 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Michael Termini, Mayor

ATTEST:
Linda Fridy, City Clerk

Approve POA MOU
October 25, 2018

EXHIBIT A

Updated Fiscal Year 2018/2019 Salary Schedule

POA SALARY SCHEDULE													
OCTOBER 21, 2018 - JUNE 30, 2019													
2.25% COLA	Monthly						Hourly						
	Step A	Step B	Step C	Step D	Step E	Step F	Step A	Step B	Step C	Step D	Step E	Step F	
Community Service Officer	\$4,928.16	\$5,176.67	\$5,434.32	\$5,706.58	\$5,993.46	\$6,293.14	\$28.43	\$29.87	\$31.35	\$32.92	\$34.58	\$36.31	
Police Officer Trainee	\$5,929.51						\$34.21						
Police Officer	\$6,225.53	\$6,537.99	\$6,863.25	\$7,206.78	\$7,568.58	\$7,946.82	\$35.92	\$37.72	\$39.60	\$41.58	\$43.66	\$45.85	
Records Manager	\$5,679.17	\$5,964.23	\$6,262.07	\$6,574.54	\$6,905.27	\$7,250.63	\$32.76	\$34.41	\$36.13	\$37.93	\$39.84	\$41.83	
Sergeant	\$7,625.22	\$8,007.12	\$8,409.12	\$8,827.57	\$9,271.60	\$9,733.90	\$43.99	\$46.19	\$48.51	\$50.93	\$53.49	\$56.16	

JULY 1, 2018 - JUNE 30, 2019													
2.25% COLA	Monthly						Hourly						
	Step A	Step B	Step C	Step D	Step E	Step F	Step A	Step B	Step C	Step D	Step E	Step F	
Police Captain	\$9,133.08	\$9,590.07	\$10,069.29	\$10,574.09	\$11,103.35	\$11,659.30	\$52.69	\$55.33	\$58.09	\$61.00	\$64.06	\$67.27	

Approve POA MOU
October 25, 2018

ACE SALARY SCHEDULE										
JULY 1, 2018 - JUNE 30, 2019										
2.25% COLA	Monthly					Hourly				
	Step A	Step B	Step C	Step D	Step E	Step A	Step B	Step C	Step D	Step E
ACCOUNT TECHNICIAN	\$4,442.11	\$4,663.21	\$4,895.27	\$5,140.13	\$5,397.77	\$25.63	\$26.90	\$28.24	\$29.65	\$31.14
ACCOUNTANT I	\$5,366.71	\$5,635.32	\$5,916.72	\$6,212.74	\$6,521.55	\$30.96	\$32.51	\$34.13	\$35.84	\$37.62
ACCOUNTANT II	\$5,918.55	\$6,214.56	\$6,523.37	\$6,850.46	\$7,193.98	\$34.15	\$35.85	\$37.63	\$39.52	\$41.50
ACCOUNTS CLERK	\$4,030.97	\$4,231.97	\$4,442.11	\$4,665.03	\$4,897.10	\$23.26	\$24.42	\$25.63	\$26.91	\$28.25
ADMINISTRATIVE ASSISTANT	\$4,065.69	\$4,270.34	\$4,484.13	\$4,708.89	\$4,944.61	\$23.46	\$24.64	\$25.87	\$27.17	\$28.53
ADMINISTRATIVE CLERK I	\$3,163.01	\$3,320.16	\$3,484.61	\$3,660.03	\$3,842.76	\$18.25	\$19.15	\$20.10	\$21.12	\$22.17
ADMINISTRATIVE CLERK II	\$3,660.03	\$3,842.76	\$4,034.62	\$4,237.45	\$4,449.42	\$21.12	\$22.17	\$23.28	\$24.45	\$25.67
ADMINISTRATIVE RECORDS ANALYST	\$4,800.25	\$5,039.63	\$5,289.96	\$5,556.75	\$5,832.66	\$27.69	\$29.07	\$30.52	\$32.06	\$33.65
ASSISTANT PLANNER	\$5,182.15	\$5,439.80	\$5,712.06	\$5,997.12	\$6,296.79	\$29.90	\$31.38	\$32.95	\$34.60	\$36.33
BUILDING INSPECTOR I	\$4,538.95	\$4,767.36	\$5,003.08	\$5,255.24	\$5,518.37	\$26.19	\$27.50	\$28.86	\$30.32	\$31.84
BUILDING INSPECTOR II	\$5,295.44	\$5,560.40	\$5,839.97	\$6,130.51	\$6,437.49	\$30.55	\$32.08	\$33.69	\$35.37	\$37.14
DATA ENTRY CLERK	\$3,173.98	\$3,331.12	\$3,499.23	\$3,674.65	\$3,859.21	\$18.31	\$19.22	\$20.19	\$21.20	\$22.26
DEVELOPMENT SERVICES TECHNICIAN	\$4,270.34	\$4,484.13	\$4,708.89	\$4,944.61	\$5,191.29	\$24.64	\$25.87	\$27.17	\$28.53	\$29.95
EQUIPMENT OPERATOR	\$4,253.90	\$4,465.86	\$4,686.96	\$4,922.68	\$5,169.36	\$24.54	\$25.76	\$27.04	\$28.40	\$29.82
MAINTENANCE WORKER I	\$3,025.97	\$3,177.63	\$3,336.61	\$3,504.71	\$3,678.31	\$17.46	\$18.33	\$19.25	\$20.22	\$21.22
MAINTENANCE WORKER II	\$4,051.07	\$4,253.90	\$4,465.86	\$4,690.62	\$4,924.51	\$23.37	\$24.54	\$25.76	\$27.06	\$28.41
MAINTENANCE WORKER III	\$4,253.90	\$4,465.86	\$4,690.62	\$4,924.51	\$5,171.19	\$24.54	\$25.76	\$27.06	\$28.41	\$29.83
MECHANIC	\$4,445.76	\$4,668.69	\$4,900.75	\$5,145.61	\$5,403.25	\$25.65	\$26.93	\$28.27	\$29.69	\$31.17
MUSEUM CURATOR	\$4,030.97	\$4,231.97	\$4,445.76	\$4,666.86	\$4,898.93	\$23.26	\$24.42	\$25.65	\$26.92	\$28.26
PARKING ENFORCEMENT OFFICER	\$3,669.17	\$3,850.07	\$4,043.76	\$4,246.59	\$4,458.55	\$21.17	\$22.21	\$23.33	\$24.50	\$25.72
RECEPTIONIST	\$3,480.96	\$3,654.55	\$3,837.28	\$4,030.97	\$4,231.97	\$20.08	\$21.08	\$22.14	\$23.26	\$24.42
RECORDS COORDINATOR	\$4,065.69	\$4,270.34	\$4,484.13	\$4,708.89	\$4,944.61	\$23.46	\$24.64	\$25.87	\$27.17	\$28.53
RECORDS MNGNT CLERK	\$3,976.15	\$4,175.32	\$4,385.46	\$4,604.73	\$4,834.97	\$22.94	\$24.09	\$25.30	\$26.57	\$27.89
RECORDS TECHNICIAN	\$3,919.51	\$4,115.02	\$4,321.51	\$4,537.13	\$4,763.71	\$22.61	\$23.74	\$24.93	\$26.18	\$27.48
RECREATION ASSISTANT	\$2,976.63	\$3,124.64	\$3,283.61	\$3,446.24	\$3,618.01	\$17.17	\$18.03	\$18.94	\$19.88	\$20.87
RECREATION COORDINATOR	\$3,850.07	\$4,041.93	\$4,244.76	\$4,458.55	\$4,679.65	\$22.21	\$23.32	\$24.49	\$25.72	\$27.00
RECREATION FACILITY CUSTODIAN	\$2,876.13	\$3,020.49	\$3,172.15	\$3,331.12	\$3,499.23	\$16.59	\$17.43	\$18.30	\$19.22	\$20.19
RECREATION RECEPTIONIST	\$3,226.97	\$3,387.77	\$3,557.71	\$3,734.95	\$3,923.16	\$18.62	\$19.54	\$20.53	\$21.55	\$22.63

CONFIDENTIAL SALARY SCHEDULE										
JULY 1, 2018 - JUNE 30, 2019										
2.25% COLA	Monthly					Hourly				
	A	B	C	D	E	A	B	C	D	E
ASSIST TO CITY MGR	\$7,145.02	\$7,501.93	\$7,876.64	\$8,271.36	\$8,684.99	\$41.22	\$43.28	\$45.44	\$47.72	\$50.11
CITY CLERK	\$6,597.96	\$6,928.20	\$7,273.99	\$7,637.58	\$8,020.07	\$38.07	\$39.97	\$41.97	\$44.06	\$46.27
EXEC ASSIST TO CITY MGR	\$5,163.62	\$5,421.58	\$5,694.00	\$5,978.64	\$6,277.74	\$29.79	\$31.28	\$32.85	\$34.49	\$36.22
INFORMATION SYSTEMS SPECIALIST	\$5,096.91	\$5,351.53	\$5,618.39	\$5,899.70	\$6,194.35	\$29.41	\$30.87	\$32.41	\$34.04	\$35.74

Approve POA MOU
October 25, 2018

MID-MANAGEMENT SALARY SCHEDULE											
JULY 1 2018 - JUNE 30, 2019											
2.25% COLA	Monthly					Hourly					
	A	B	C	D	E	A	B	C	D	E	
ASSOCIATE PLANNER	\$6,042.02	\$6,344.45	\$6,661.34	\$6,994.91	\$7,345.16	\$34.86	\$36.60	\$38.43	\$40.36	\$42.38	
BUILDING OFFICIAL	\$7,989.16	\$8,389.39	\$8,808.79	\$9,248.66	\$9,711.54	\$46.09	\$48.40	\$50.82	\$53.36	\$56.03	
CIVIL ENGINEER/PROJECT MANAGER	\$6,947.10	\$7,295.12	\$7,659.82	\$8,042.31	\$8,444.82	\$40.08	\$42.09	\$44.19	\$46.40	\$48.72	
ENVIRONMENTAL PROJECTS MANAGER	\$6,042.02	\$6,344.45	\$6,661.34	\$6,994.91	\$7,345.16	\$34.86	\$36.60	\$38.43	\$40.36	\$42.38	
MAINTENANCE SUPERINTENDENT	\$5,944.13	\$6,243.80	\$6,554.44	\$6,881.52	\$7,225.05	\$34.29	\$36.02	\$37.81	\$39.70	\$41.68	
FIELD SUPERVISOR	\$5,538.47	\$5,814.39	\$6,106.76	\$6,411.91	\$6,729.86	\$31.95	\$33.54	\$35.23	\$36.99	\$38.83	
RECREATION SUPERVISOR	\$5,355.74	\$5,624.35	\$5,907.58	\$6,203.60	\$6,512.41	\$30.90	\$32.45	\$34.08	\$35.79	\$37.57	
SENIOR PLANNER	\$6,947.10	\$7,295.12	\$7,659.82	\$8,042.31	\$8,444.82	\$40.08	\$42.09	\$44.19	\$46.40	\$48.72	
SENIOR ACCOUNTANT	\$6,947.10	\$7,295.12	\$7,659.82	\$8,042.31	\$8,444.82	\$40.08	\$42.09	\$44.19	\$46.40	\$48.72	
SENIOR MECHANIC	\$5,145.61	\$5,403.25	\$5,673.69	\$5,956.92	\$6,254.76	\$29.69	\$31.17	\$32.73	\$34.37	\$36.09	

MANAGEMENT SALARY SCHEDULE			
JULY 1, 2018 - JUNE 30, 2019			
2.25% COLA	Annually	Monthly	Hourly
Admin. Services Director	\$101,484.58	\$8,457.05	\$48.79
City Manager	\$197,712.63	\$16,476.05	\$95.05
Chief of Police	\$163,341.58	\$13,611.80	\$78.53
Director of Public Works	\$149,931.92	\$12,494.33	\$72.08
Director of Finance	\$148,270.96	\$12,355.91	\$71.28
Community Development Director	\$131,902.50	\$10,991.88	\$63.41

**MEMORANDUM OF UNDERSTANDING
BETWEEN
CAPITOLA POLICE OFFICERS’ ASSOCIATION
AND CITY OF CAPITOLA
PERIOD 10/21/2018 – 6/30/2021**

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A: Wage Schedule

MEMORANDUM OF UNDERSTANDING
BETWEEN
CAPITOLA POLICE OFFICERS' ASSOCIATION
AND CITY OF CAPITOLA

This MEMORANDUM OF UNDERSTANDING is made and entered into by and between CAPITOLA POLICE OFFICERS' ASSOCIATION and the CITY OF CAPITOLA for and on behalf of its members hereinafter identified. This MOU embodies all items agreed upon by and between the City of Capitola and the Capitola Police Officers' Association.

ARTICLE 1.00 TERM

The term of this Memorandum of Understanding shall ~~commence July 1, 2013 and shall expire on June 30, 2018.~~ cover the period from ratification through June 30, 2021 and shall be effective upon ratification by the bargaining unit and approval by the Capitola City Council.

ARTICLE 2.00 DEFINITIONS

2.01 EMPLOYER

The term "Employer" as used herein refers to the City of Capitola. The words "Management", "Department Head", "Police Chief", may also be used to refer to "Employer" in appropriate contexts.

2.02 ASSOCIATION

The term "Association" as used herein shall refer to the Capitola Police Officers' Association.

2.03 EMPLOYEE/REPRESENTATION UNIT

The term "Employee" or "Covered Employee", as used herein, means all persons employed by the Employer in the Police Department who are classified as Community Services Officer, Community Services Officer, ~~Lifeguard~~ ~~Captain~~, Police Officer, Police Officer Trainee, Records Manager and Sergeant. Those positions constitute the unit represented by Capitola Police Officers' Association.

2.04 PATROL VEHICLE

The term "patrol vehicle" as used herein shall refer to any motor vehicle as defined under the provisions of Sections 415 and 165 of the California Vehicle Code.

2.05 PEACE OFFICER/SWORN PERSONNEL

The terms "peace officers" or "sworn personnel" means "police officers" as defined in Penal Code Sections 830 and 830.1.

ARTICLE 3.00 MANAGEMENT RIGHTS CLAUSE

Except as otherwise specifically set forth in this MOU, the CITY retains all management prerogatives. These include but are not limited to: determining the mission of its constituent departments; setting standards of service; determining the procedures and standards of selection for employment and promotion; directing its employees; taking disciplinary action; relieving its employees from duty because of lack of work or for other legitimate reasons; maintaining the efficiency of governmental operations; determining the methods, means, and personnel by which government operations are to be conducted; taking all necessary actions to carry out its mission in emergencies; and exercising control and discretion over its organization and the technology of performing its work.

Nothing in this article shall be construed to limit, amend, decrease, revoke, or otherwise modify the rights vested in the CITY by state law, city ordinances, or resolutions or other laws regulating, authorizing, or empowering the CITY to act or refrain from acting.

ARTICLE 4.00 ASSOCIATION RECOGNITION, RIGHTS AND SECURITY

4.01 ASSOCIATION RECOGNITION

Except as limited by Government Code Section 3502, the Employer hereby recognizes the Capitola Police Officers Association (P.O.A), as the exclusive collective bargaining agent of all covered Employees in this unit.

4.02 NOTICE OF RECOGNIZED ASSOCIATION

The Employer/Association shall post within the employee work or rest area a written notice which sets forth the classifications included and referred to in Section 2.03 hereof and the name and address of Association as the recognized employee organization for such units. The P.O.A. shall also give a written notice to persons newly employed in representation unit classifications, which notice shall contain the name and address of the employee organization recognized for such unit.

4.03 PAYROLL DEDUCTIONS AND PAYOVER

The unit defined in Section 2.03 shall be an “agency shop” as defined in Government Code Section 3512.5 (Chapter 901 of Stats. 2000). Consequently, Employer shall deduct Association dues from employee’s pay in conformity with State and local regulations. The Employer shall promptly pay over to the designated payee all sums so deducted on a monthly basis.

4.04 HOLD HARMLESS

Association shall indemnify and hold Employer harmless from any and all claims, demands, suits, or any other action arising from an employee claim relating to legality, or implementation, of Section 4.03.

4.05 BULLETIN BOARDS

Reasonable space shall be allowed on bulletin boards as specified by the Police Chief for use by the Association to communicate on relevant subjects with departmental employees. Material shall be posted upon the bulletin board space as designated, and not upon the walls, doors, filing cabinets or any other place. Posted material shall not be obscene, defamatory, or of a partisan political nature, nor shall it pertain to public issues which do not involve the Employer or its relations with City employees. All posted material shall bear the identity of the sponsor, shall be neatly displayed, and shall be removed when no longer timely.

4.06 USE OF EMPLOYER FACILITIES

Employer facilities such as the City Hall Community Room may be made available upon timely application for use by employees and the Association. Such use shall not occur during regular duty hours, other than the lunch period. Application for such use shall be made to the management person under whose control the facility is placed.

4.07 BARGAINING

Employee members of the Association's bargaining committee shall be allowed time to absent themselves from duties for a reasonable period without loss of pay, for the purpose of participating in contract negotiations. Employee members of Association's bargaining committee shall be extended the same privilege to participate in any meetings mutually called by the parties during the term of this agreement for review of grievances and contract compliance questions.

ARTICLE 5.00 HIRING PROVISIONS

5.01 NON-DISCRIMINATION

No Employee covered by this Agreement shall be discriminated against by the Employer, or by the Association by reason of race, color, religion, sex, age, national origin, or sexual orientation or any other factors consistent with State and Federal Law.

5.02 EMPLOYMENT

The Employer shall not discharge or otherwise discriminate against any Employee by reason of any Association activity not interfering with the proper performance of his/her work.

5.03 SIGNING BONUS

Sworn employees hired as a Lateral Officer after August 5, 2012 may receive a one-time signing bonus of up to \$2,000 upon the successful completion of probation and obtaining regular full-time employment status. A Lateral Officer is defined as an applicant who is currently working for a recognized law enforcement agency, has successfully completed the probation period for that agency, and possesses a State of California Basic POST

Certificate. The City Manager shall make the determination as to the amount. The amount of the signing bonus shall be specified in the hire-letter.

ARTICLE 6.00 JOB CLASSIFICATION

6.01 NEW JOB CLASSIFICATIONS

If an Employee covered by this Agreement is assigned work of a substantially new or different nature so as to constitute a new job classification, the Employer and the Association will negotiate regarding the wage rate applicable to such new job classification

ARTICLE 7.00 HOURS OF WORK, SHIFT, SCHEDULES, AND REST PERIODS

7.01 WORK SCHEDULE AND CHANGE OF SHIFT

Prior to the applicable pay period, the Police Chief or his/her designated representative shall prepare a schedule showing the hours each employee of the department is, at the time of posting, to work. The Police Chief shall make every effort to assure that no employee shall have more than one change of shift in any calendar month. This paragraph does not limit the Police Chiefs authority to revise schedules as need permits.

7.02 SHIFT

For sworn personnel and Community Service Officers, hours of work in the normal workday shall be ten (10) hours for police officers and police sergeants, except for detective bureau personnel, which is (8) hours. While they are assigned to the detective bureau, the sick leave accrual provisions of this MOU that are applicable to 5/8 employees will be applicable to such employees.

7.03 ASSIGNING WORK SHIFTS

In assigning work shifts, the department shall give due regard to assigning shifts which will not disrupt or interrupt any employee's education or training programs and schedules. Undesirable work shifts shall not be used as punishment, intimidation, or harassment. Shift assignments shall be carried out in accordance with department policy.

7.03.1 SUCCESSIVE SHIFTS

It is understood that the assignment of shifts is a prerogative of management that has been delegated to the Chief of Police. It has been the practice to assign at an officer's request, on the basis of seniority, the same shift for two successive shift changes. It is understood that this practice will be continued for the duration of this MOU. Although the assignment of successive shifts remains with the Chief of Police, should an officer allege that such assignment has been made in an arbitrary or discriminatory manner, the matter may be reviewed through the City Manager level of the Grievance Procedure.

7.03.2 SPECIAL EVENT ASSIGNMENTS

The parties agree that except as required in Departmental Order No. 2, "Manpower Deployment" dated December 15, 1987, Item III A, Holiday Staffing and III B Overtime Shifts, any special event outside of a member's work schedule shall receive 30 days notice which will include the following: location, time and hours to be worked. If this condition is not met, the officer or sergeant will not be required to work the event (a special event is not an emergency).

7.04 MEAL AND REST PERIODS

A meal period of 30 minutes shall be provided to all other employees during each assigned shift no sooner than 3 hours after commencement of the shift and not later than 3 hours prior to the end of the shift. Such meal period for sworn officers (including those on detective assignment) and community service officers shall be considered time worked.

ARTICLE 8.00 OVERTIME

8.01 REGULAR/OVERTIME HOURS

The normal workweek for all bargaining unit employees shall consist of forty (40) hours. Except as provided in section 18.02 (regarding canine care), all work in excess of forty hours in a workweek shall be considered overtime and shall be compensated pursuant to the provisions of Sections 8.00-8.06 of this agreement.

8.02 COMPENSATION/OVERTIME AUTHORIZATION

No employee shall receive compensation for overtime, whether in cash, or in time off, or a combination, unless such overtime work has been approved by the Police Chief or his designated representative.

8.03 COMPENSATION/OVERTIME

All overtime work shall be compensated at the rate of one and one-half times the hourly rate in cash. Overtime compensation shall be paid in the paycheck covering the pay period in which the overtime was worked. Except as otherwise provided in Labor Code Section 204.3, at the option of the employee, compensatory time off may be earned in lieu of cash. Up to 120 hours may be accumulated. Any time over that maximum shall be in cash at time and one-half. Compensatory time off will be scheduled by means of management responding to the requests of the employees. Such requests will not be arbitrarily or unreasonably denied.

8.04 OVERTIME NOT CUMULATIVE

Any hours worked which qualify as overtime under one measurement may not be used under another measurement.

8.05 FRACTIONS OF LESS THAN FIFTEEN MINUTES

No overtime payment shall be allowed for any period of less than fifteen minutes, and fractions of less than fifteen minutes of overtime worked may not be accumulated in order to total fifteen minutes or more, except where such fractions are part of a regularly scheduled shift.

8.06 OTHER

Court appearances and callbacks may also, at times, result in overtime. See Articles 17.00 and 15.00 respectively. Overtime may occur as a result of the last paragraph of section 11.00.

ARTICLE 9.00 HEALTH AND SAFETY

9.01 APPLICABLE LAWS

Employer shall comply with all applicable state, federal, and local safety regulations and shall furnish to all employee's safety equipment required by law or deemed necessary by the Police Chief.

9.02 LABOR MANAGEMENT COMMITTEE

The City and the Association agree during the term of this agreement to establish a labor management committee that will seek to reduce the incidents and cost of industrial injury and provide opportunities to improve employee fitness.

ARTICLE 10.00 UNIFORMS

10.01 UNIFORMS

The employer will purchase initial uniforms for newly hired uniformed employees and will repair or replace uniforms including uniform boots, on an as-needed basis.

The City will designate a police captain to whom the officer will submit the uniform request for authorization for repair or replacement. If the officer disagrees with the captain's decision with regard to the necessity for repair or replacement, he or she may have the dispute reviewed by the Chief of Police through the grievance procedure included in this MOU.

In addition, the employer will cover the cost of reasonable cleaning of departmentally authorized uniforms. Employees will be responsible for delivering uniforms to, and retrieving uniforms from, the employer-designated cleaning establishment.

Police Officers and Sergeants assigned to the Detective unit shall be eligible to choose EITHER the repair, cleaning and replacement policy for their official uniforms as provided in Section 10.01 above OR a uniform allowance of \$50.00 per month for the duration of their assignment to the Detective Division. (The latter choice will be shown as

taxable income on an Employee's W-2 form.)

Compensation paid or the monetary value for the purchase, rental and/or maintenance of required uniforms will be reported to CalPERS, to the extent allowable by CalPERS.

10.02 MOTOR DUTY UNIFORM

Employer agrees to provide the following items for Police Officers and Sergeants assigned to motorcycle duty: two pairs of motorcycle pants; one pair motorcycle boots and one pair of gloves. Police Officers shall also be entitled to an allowance for safety glasses not to exceed \$20.00.

ARTICLE 11.00 HOLIDAYS

Holidays will be expressed as an annual (calendar year) bank of hours and taken as scheduling permits. Employees working 4/10 schedules shall receive 150 hours per calendar year and employees working 5/8 schedules shall receive 120 hours per calendar year. Upon termination, if an employee has not actually taken as much holiday time as a pro-rated amount, he/she will be entitled to compensation for the unused portion. For instance, if a 4/10 employee whose last day was June 30 had taken only 55 hours of holiday time, (s)he would be entitled to 20 hours of compensation. Personal Holidays are included in the foregoing 150/120 hourly figures, and not in addition to them. Employees working 4/10 schedules will be debited for 10 holiday hours when they take time off as a holiday; those working 5/8 schedules will be debited for 8 hours.

For Sergeants and Records Manager, December 25th will be a paid holiday if not worked (and 10 hours and 8 hours, respectively, of holiday time will be consumed). If worked, employee will be paid time and one half.

ARTICLE 12.00 FLEXIBLE SPENDING ARRANGEMENT CONTRIBUTIONS

~~A The City makes a flexible spending arrangement (Flex Plan) contribution on behalf of each employee. For those employees who have selected health coverage through PERS, from the monthly contribution set forth herein, \$115 effective January 1, 2013 will be paid to PERS for what is sometimes referred to as "employer contribution". This amount is the minimum amount required by PERS, recognizing that state law may increase this minimum from time to time requiring compliance by City. For all employees who receive a Flex Plan contribution, a \$1.50 per paycheck plan fee is paid from the monthly contribution set forth herein. Effective 8/18/13, the contribution for full time regular employees in this unit is~~

The City makes a flexible spending arrangement ("Flex Plan") contribution on behalf of each qualified employee for medical, dental & vision coverage. For those employees who have selected health coverage through PERS, from the monthly contribution set forth herein, effective January 1, 2018 a \$133.00 per month contribution will be paid to PERS for what is sometimes referred to as "employer contribution". This amount is the

minimum amount required by PERS, recognizing that state law may increase this minimum from time to time requiring compliance by City. The City's maximum contribution below is inclusive of the required PEMCHA minimum.

Employee Only: \$700 per month
 Employee + 1: \$899 per month
 Employee + 2 or more: \$1,099 per month

Effective July 1, 2014 the City will increase its contribution by 2.5% to:

Employee Only	\$718
Employee +1	\$921
Employee+2 or more	\$1,126

Effective July 1, 2015 the City will increase its contribution by 2.5% to:

Employee Only	\$735
Employee +1	\$945
Employee+2 or more	\$1,155

Effective July 1, 2016 the City will increase its contribution by 2.5% to:

Employee Only	\$754
Employee +1	\$968
Employee+2 or more	\$1,184

Effective July 1, 2017 the City will increase its contribution by 2.5% to:

Employee Only	\$773
Employee +1	\$992
Employee+2 or more	\$1,213

<u>Effective Dates</u>	<u>Employee Only</u>	<u>Employee +1</u>	<u>Employee +2</u>
<u>First full pay period after ratification</u>	<u>\$800.00</u>	<u>\$1,150.00</u>	<u>\$1,400.00</u>
<u>First full pay period in July 2019</u>	<u>\$825.00</u>	<u>\$1,300.00</u>	<u>\$1,600.00</u>
<u>First Full pay period in July 2020</u>	<u>\$850.00</u>	<u>\$1,400.00</u>	<u>\$1,800.00</u>

~~Employees who can verify to the City's satisfaction that: they have equivalent health coverage for medical (including dental & vision) provided through their spouse, which will remain in effect until the next enrollment date; or who purchase a Cal PERS Health Plan and dental and vision coverage, but do not use their entire monthly contribution, may use the remaining funds to purchase benefits other than medical (including dental & vision) coverage or take this amount in cash for the employee only contribution amount. (If a cash payment is taken, it is not included in the employee's compensation for the Cal PERS retirement plan)~~

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~~B. Employees who can verify to the City’s satisfaction that: they have equivalent group health coverage for medical (including dental & vision), which will remain in effect until the next enrollment date will be eligible for a cash payment of \$250.00 per month.~~

B. Employees who can verify to the City’s satisfaction that: they have equivalent group health coverage for medical (including dental & vision), which will remain in effect until the next enrollment date will be eligible for a cash payment based on the following schedule. A “Current Grandfathered Employee” is defined as an employee hired prior to the ratification of the successor MOU and receiving cash-in lieu of health coverage. Current Grandfathered Employees who choose health coverage after the ratification of the successor MOU will no longer be eligible for the Current Grandfathered Employee cash payment amount after making such choice of health coverage.

<u>Effective Dates</u>	<u>Current Grandfathered Employees (as of effective date of the successor MOU)</u>	<u>Non- Current Grandfathered Employees and New Employees</u>
<u>First full pay period after ratification</u>	<u>\$773.00</u>	<u>\$250.00</u>
<u>First full pay period in December 2018</u>	<u>\$700.00</u>	<u>\$250.00</u>
<u>First full pay period in December 2019</u>	<u>\$600.00</u>	<u>\$250.00</u>
<u>First full pay period in December 2020</u>	<u>\$500.00</u>	<u>\$250.00</u>

C. The City reserves the option of adding additional programs to the cafeteria plan, as they may become available. The City will enable interested employees to participate in union sponsored medical plans.

ARTICLE 13.00 INSURANCE

The City provides full time members of the Association term life insurance in the amount of \$50,000 and long-term disability insurance.

ARTICLE 14.00 EDUCATIONAL INCENTIVE PROGRAM

14.01 EDUCATIONAL INCENTIVE PAY

After successful completion of the probationary period, sworn police personnel and the Records Manager shall be eligible to have base pay increased by an additional two and one-half (2.5%) for completion of thirty (30) college units, five (5%) percent for completion of sixty (60) college units, and seven and a half (7.5%) percent for completion of a bachelor’s degree from an accredited institution. College units may

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include graduate level work. Courses and degrees must be work related as approved by the Department Head and City Manager.

To receive Educational Incentive, Pay, the Employee shall write a memo to his/her supervisor and include a copy of transcripts as evidence of the number of units required for the appropriate incentive pay. The supervisor will review the memo and send it to the Police Chief, who, in turn, will review it and send it to the City Manager for approval.

14.02 SWORN EDUCATIONAL REIMBURSEMENT

Beginning July 1, 2008, the education incentive is limited to a maximum of \$500 per year per employee; beginning July 1, 2009 the limited maximum amount will increase to \$1,000 per year per employee, with 100% textbook reimbursement. It is agreed by the City and the Association to negotiate in good faith on this provision upon the termination of the Memorandum of Understanding.

14.03 COMMUNITY SERVICE OFFICE EDUCATIONAL REIMBURSEMENT

Community Service Officer Education Reimbursement: Beginning July 1, 2008, the City -will reimburse employees for tuition upon the completion of courses with a grade C or better, approved in advance by the City Manager, up to a maximum of \$500 per calendar year for classes completed in that same calendar year. Beginning July 1, 2009, the limited maximum amount will increase to \$1,000 per year per employee, with 100% textbook reimbursement.

14.04 P.O.S.T. CERTIFICATE PAY - POLICE OFFICERS

P.O.S.T. Certificate Pay was eliminated effective 7/1/90, however, all police officers receiving P.O.S.T. Certificate Pay at that time will continue to receive it. This Certificate Pay may not be collected in addition to education incentive pay or career officer program pay.

14.05 P.O.S.T. CERTIFICATE PAY - POLICE SERGEANTS

Sergeants shall be eligible to receive 2.5% increase in base pay for completion of the intermediate P.O.S.T. Certificate; 5% for completion of the Advanced P.O.S.T. Certificate; and 7.5% for completion of the P.O.S.T. Supervisory Certificate provided the employee has an A.A., A.S. or equivalent Degree. This Certificate Pay may not be collected in addition to education incentive pay. This program became effective 7-1-85.

To receive P.O.S.T. pay, the Sergeant shall write a memo to his/her supervisor including a copy of the appropriate P.O.S.T. Certificate. The Supervisor shall review the memo and send it to the Police Chief, who, in turn, shall review it and send it to the City Manager for review, and, if approved, it will be effective the first of the month after approval.

14.06 CAREER OFFICER PROGRAM - POLICE OFFICERS ONLY

In accordance with standards set by Personnel Directive #4 dated November 15, 1988 the City agrees to compensate police officers qualifying under the career officer program by increasing base pay rates in the following percentages:

- Senior Officer I 2.5%
- Senior Officer II Additional 2.5% more than Senior Officer I
- Master Officer Additional 2.5% more than Senior Officer II

An officer is eligible for either the Educational Incentive Program or for the Career Officer Program but may not receive payment under both programs.

ARTICLE 15.00 CALLBACK PAY - POLICE OFFICERS, POLICE SERGEANTS AND RECORDS MANAGER

Any Police Officer, Police Sergeant or Records Manager who has departed from his/her work location and is called back to work shall be guaranteed a minimum of four hours compensation at the overtime rate for each call-back. If the employee is no longer needed and at the employee's request, he/she can leave the work location and be paid at overtime rates for time actually worked. When called back, the canine officer and Detectives will receive a minimum of two hours pay at the overtime rate regardless of the number of hours actually worked. All hours worked in excess of the minimum call back shall be paid at overtime rates.

ARTICLE 16.00 NIGHT DIFFERENTIAL - POLICE OFFICERS, POLICE SERGEANTS & RECORDS MANAGER

The Employer shall compensate Police Officers, Police Sergeants and Records Manager who on a regularly scheduled basis work fifty percent (50%) or more per month of their time on swing or graveyard shift, a night differential pay of \$.50 per hour for hours worked on swing shift, and \$.75 per hour for hours worked on graveyard shift. Temporary assignments or emergency assignments for a short period of time and not on a regularly scheduled basis shall not be eligible for night differential pay.

ARTICLE 17.00 COURT APPEARANCES

Any employee who is required to testify in court in connection with an employee's usual, official duties, or in connection with a case in which the City is a party, during his normal working hours shall be allowed to do so without any loss of pay. For hours in court outside of normal assigned duty hours, employees shall be compensated for a minimum of four (4) hours pay at time and a half pay. If notice of cancellation is made to employee either through the recorded telephone message from the court or from the officer's personal voice mailbox by 6:00 p.m. the day prior to scheduled appearance, no payment will be made.

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ARTICLE 18.00 TRAINING OFFICER COMPENSATION

Those positions designated by the Police Chief as Field Training Officer or Patrol Training Officer shall receive an additional five percent (5%) of salary, or pro-rated portion thereof, per month for the period actually engaged in training.

ARTICLE 19.00 SPECIALTY PAY**19.01 DETECTIVE PAY**

Individuals assigned to the Detective Bureau shall be additionally compensated at the rate of five (5%) percent of base pay for performing detective duties. It is understood that this assignment is a rotational one and movement from the Detective Bureau shall not be considered a disciplinary action unless done for disciplinary reasons.

19.02 CANINE PAY

Police Officers assigned as Canine Officers will receive additional compensation at the rate of five (5%) percent of base pay for the care and maintenance of their dog, whether the actual time is slightly more or less than that. The parties mutually agree that this is adequate for care and maintenance.

19.03 LONGEVITY PAY

Upon completion of ten (10) continuous years of service with the City, all employees covered by this MOU will receive additional compensation of five (5) percent of base pay. Effective the first full pay period after Union ratification and Council adoption of this MOU, upon completion of twenty (20) continuous years of service with the City of Capitola, all employees covered by this MOU will receive additional compensation of and additional five (5%) percent of base pay.

19.04 MOTORCYCLE PATROL PAY

Effective the first full pay period after Union ratification and Council adoption of this MOU, Police Officers assigned by the Department to Motor Cycle Patrol will receive additional compensation at the rate of two and one half (2.5%) percent of base pay while in that assignment in full time status.

ARTICLE 20.00 ADDITIONAL COMPENSATION**20.01 FOR TEMPORARY ASSIGNMENT TO A HIGHER LEVEL VACANCY**

An employee specifically assigned on a temporary basis to a higher level position shall be compensated at the pay rate for the higher level position if the service in such position exceeds a total of twenty days at any one time in any twelve-month period, which payment shall be retroactive to the first day of such services; provided, however, that the employee meets the minimum qualifications for the higher level position and the full range of duties of the higher level position is assigned. The out-of-title pay level shall be the lowest step of the salary schedule of the temporarily assigned position that will provide a salary increase of at least 5%.

20.02 POSITIONS DESIGNATED BILINGUAL

Upon the recommendation of the Police Chief or his designated representative and the approval of the City Manager, no more than two persons occupying a position designated as requiring fluency in a language other than English shall receive an additional five percent (5%) of salary.

ARTICLE 21.00 LEAVES OF ABSENCE

21.01 LEAVE MAY NOT EXCEED ONE YEAR

A leave of absence without pay may be granted by the City Manager upon the request of the employee seeking such leave. Each request will be evaluated on a case-by-case basis.

21.02 NO LEAVE TO ACCEPT OUTSIDE EMPLOYMENT

A leave of absence without pay may not be granted to a person accepting either private or public employment outside the service of the City of Capitola.

21.03 MILITARY LEAVE

The Employer agrees to provide employees all military leave benefits guaranteed under federal, state and case law.

21.04 LEAVE FOR JURY DUTY

Leave of absence with pay shall be granted to a person while serving on jury duty, including time spent going to and from court and serving on jury duty. Any jury fee awarded to such person shall be deposited with the City Treasurer. Any person assigned to an afternoon or evening shift shall be entitled to equal time off leave with pay from his or her next regularly scheduled shift for all time spent while going to and from court and serving jury duty.

ARTICLE 22.00 VACATION

22.01 ACCRUAL

Effective 12/1/00, all employees in this unit shall accrue vacation as set forth in the following chart. The rates shown are for full time employees. On the effective date of this plan, all employees in the unit are full time. If a position hereafter is occupied on less than a full time basis, the rates of accrual will be adjusted as set forth in Section 4 (b) of the attached standard provisions. The rate at which vacation accrues is not affected by whether or not overtime is worked in a pay period. Vacation accrues while on sick leave, except that it does not accrue after the date of separation. Employees working 4/10 schedules and those

working 5/8 schedules will both be debited for 40 hours of vacation for each complete week (Sunday through Saturday) of vacation taken. For partial weeks, a 4/10 employee will be debited 10 hours for each day of vacation taken that the employee would have been scheduled to work if vacation had not been taken; 8 hours for 5/8 employees.

Year of Service	Number of Hours/Years
1	80
2	80
3	100
4	100
5	120
6	130
7	140
8-9	150
10-14	160
15-17	170
18-19	180
20+	200

An employee is in the first ‘year of service’ from the first through the 365th day of employment and (except leap years) on the 366th day is in the second year of service.

~~22.02 MAXIMUM VACATION ACCUMULATION~~

- ~~(1) — An employee may generally not accumulate more than, but instead each year must cash out pursuant to Section 22.04, below, all accumulated vacation in excess of 504 hours; except that~~
- ~~(2) — An employee who had accumulated more than 504 hours as of 6/30/94 may maintain that level; provided, however, that if accumulated vacation falls below 504 hours, the provisions of (1), above, shall thereafter apply.~~

22.02 VACATION CASH OUT ON TERMINATION

Upon termination, an employee shall be paid for all accumulated vacation to the separation date, at a rate equal to 100% of his/her current hourly pay rate.

22.03 VACATION – MANDATORY CASH OUT BEFORE TERMINATION

An employee who has accumulated more than 504 hours as of the last pay period in April of any year shall be paid in cash at a rate equal to 100% of his/her current hourly pay rate for all hours in excess of 504 except that such payment shall not exceed the employees annual vacation accrual amount These cash out payments will be included with the paycheck for the first full pay period in May.

22.04 VACATION ACCRUAL AND USAGE BEGINNING DATES

Attachment: POA MOU 2018-2021 (Approve POA MOU)

Vacation will begin to accrue as of the date of employment. An employee may take vacation upon the completion of one year of service.

22.05 MAXIMUM/MINIMUM ANNUAL VACATION LEAVE

In all instances, the Employee shall have the right to take the earned equivalent of one year's vacation accumulation at one time. In the event the Employee wishes to take more than one year's accumulation, approval of the supervisor is required.

22.06 EFFECT ON LEAVE WITHOUT PAY ON VACATION CREDIT

No vacation credit shall be earned during the period when an employee is absent on leave without pay.

22.07.01 WHEN VACATION MAY BE TAKEN - ALL EMPLOYEES BUT SERGEANTS AND RECORDS SUPERVISOR

On December 1st of each year, the Patrol Captain and POA President will post a vacation schedule calendar. All such employees will pick one "major" block of vacation in order of seniority. All vacation picks will be made with regard to Section 21.07.03 of this Memorandum and current Department policy. The calendar will be submitted to the Patrol Captain no later than January 15th.

Other vacation requests will be submitted in accordance with current practice and seniority will prevail in the event of conflicts between employees. The POA President and the Association will handle all conflicts.

22.07.02 WHEN VACATION MAY BE TAKEN - SERGEANTS AND RECORDS SUPERVISOR

The Police Chief or his designated representative shall in each case determine when vacation leave may be taken. Sergeants and records supervisors shall be allowed to divide their vacation leave in any calendar year into segments.

22.07.03 VACATION CONFLICTS

Seniority in the City service among employees in a classification and working unit, consistent with department operating requirements, shall be the basis on which vacation schedule conflicts are resolved. In any calendar year, the first such conflict shall be resolved in favor of the most senior employee. Subsequent vacation schedule conflicts shall be resolved in favor of the most senior employee who has not, by virtue of his senior position, previously had such a conflict resolved in his favor during the calendar year. In the event of vacation schedule conflicts among such employees, all of whom have, by virtue of their senior positions, had such conflicts resolved in their favor during the calendar year, the senior employee who has had the least number of such conflicts resolved in his favor shall prevail. Vacation leave can be started on any

day of the week.

22.08 RATE OF VACATION PAY

Compensation during vacation shall be at the rate of compensation that such person would have been entitled to receive if working at the time vacation occurs.

ARTICLE 23.00 SICK LEAVE

23.01 ACCRUAL

Sick leave accrues at rate of 120 hours per year for sworn officers and Community Service Officers, and all unit employees working a 5/8 shift including Detectives and the Records Manager shall accrue ninety-six (96) hours of sick leave per year. The rate at which 'sick leave accrues is not affected by whether or not overtime is worked in a pay period. Sick leave accrues on a prorated basis, based upon a 30-day month. Accrued but unused sick leave has no cash value and shall not be cashed out.

23.02 LABOR CODE SECTION 4850

Nothing in this article will be deemed to supersede Labor Code Section 4850.

23.03 SICK LEAVE USAGE

A 4/10 employee will be debited 10 hours for each day of sick leave taken that the employee would have been scheduled to work if sick leave had not been taken; 8 hours for a 5/8 employee.

23.04 MEDICAL REPORT

To the maximum extent allowable under the Family and Medical leave Act and the Family Rights Act, the Police Chief, as a condition, of granting sick leave with pay, may require medical evidence of sickness or injury acceptable to the Police Chief, which may include a statement of diagnosis and treatment from a licensed physician or a medical clearance to return to work. Absent exceptional circumstances, no medical evidence will be requested for absences of three or less consecutive days.

23.05 EMERGENCY LEAVE: SICKNESS IN IMMEDIATE FAMILY

Leave of absence with pay because of sickness or injury or disability in the immediate family of an employee may be granted by the Police Chief during the time reasonably necessary to care for the sick person or arrange for care of the sick person by others, but not to exceed the amount of accrued sick leave of such person. Time taken for leave of absence under the provisions of this subsection shall be deducted from the accrued sick leave of such person. For the purposes of this subsection "immediate family" means mother, step-mother, father, step-father, husband, wife, son, step-son, daughter, step-daughter, foster parent, foster child, or any person sharing the relationship of in loco parentis; and when living in the household of the employee, a brother, sister, brother-in-

law, sister-in-law, mother-in-law, father-in-law and grandparents. The chief's discretionary authority under this section does not lessen any employee rights under the FMLA or CFRA.

23.06 BEREAVEMENT LEAVE

Leave of absence with pay because of death in the immediate family of an employee shall be granted for a period not to exceed three days. Entitlement to leave of absence under this section shall be in addition to any other entitlement for sick leave, or any other leave. For purposes of this section, "immediate family" means mother, step-mother, father, step father, husband, wife, son, step-son, daughter, step-daughter, brother, sister, foster parent, foster child, brother-in-law, sister-in-law, mother-in-law, father-in-law and grandparents.

ARTICLE 24.00 WAGES & EMPLOYMENT STATUS (SEE ATTACHMENT A)

All wages for employees covered by this Agreement shall be paid in accordance with the provisions of the attached wage schedule and progression through the steps will be in accordance with Article 24.05.

24.01. WAGES SCHEDULES/HOURLY RATES

The wage schedules contained in, or attached to, this Memorandum of Understanding set forth the base pay, subject to such adjustments (such as longevity pay) as are specifically set forth in this MOU. Letters, such as "A" to "F", designate the respective pay steps for each position. The rates contained in the wage schedule do not include overtime or benefits.

Whenever it is necessary to compute an hourly pay rate in order to apply any provision of this MOU, that will be done by multiplying any monthly rate by 12 in order to derive an annual rate, and dividing the annual rate by 2080 (or proportionate number of hours for part time positions, e.g., 1040 for a half-time position).

24.02. SERVICE

The word "service" as used in this Memorandum of Understanding means continuous full-time service in the position in which the employee is being considered for salary advancement, service in a higher position, or service in a position allocated to the same salary schedule and having generally similar duties and requirements. A lapse of service of any employee for a period of time longer than thirty days by reason of resignation or discharge shall serve to eliminate the accumulated length of service time of such employee, and any such employee re-entering the service of the City shall be considered as a new employee.

24.03. TYPES OF APPOINTMENT

a. Probationary Appointment

A probationary appointment is for a specified period of time, during which job performance is evaluated as a basis for subsequent regular appointment

b. Regular Appointments

A regular appointment ordinarily follows successful completion of a probationary period. “Regular” means a position that is, regardless of the number of hours worked per week, intended to be continuous and uninterrupted (except for authorized paid or unpaid leave). Positions intended to be seasonal, of a limited term, on call only, emergency, intermittent, substitute, or on any other irregular basis are not “regular.” The positions set forth in the wage schedule are all regular positions, and unless specifically stated, the pay rate is applicable to a full-time position. All positions covered by this section are half time or more.

c. Acting appointments

An acting appointment occurs when an employee is temporarily assigned to, and performs all the duties of, a position other than the position he/she normally occupies, or when an employee is assigned an acting appointment pending evaluation of the employee’s ability to perform the duties of the position.

d. Accruals for part time positions

When a position is less than full time it will be classified by a fraction. For example, “half-time” regular employment is expected to average 20 hours per week, “three-quarters” employment is expected to average 30 hours per week. Vacation accrual, sick leave accrual, Flex Plan contributions, holidays, personal holidays are paid or accrued according to these classifications. Thus, compared to a full-time employee, a half-time employee, even if actual time occasionally exceeds or falls below 20 hours in a week, when compared to a full time employee: receives one-half the Flex Plan contribution; accrues one-half the number of hours of vacation or sick leave; and is paid for four hours on a holiday or personal holiday.

24.04. BEGINNING SALARY RATES

A new employee’s base pay shall be computed by using the rate shown as step “A” in the schedule allocated to the class of employment for which the employee has been hired, except that upon recommendation of the department head under whom the employee will serve and with the approval of the City Manager, such new employee may be employed at a higher step, depending upon the employee’s qualifications.

24.05. ADVANCEMENT WITHIN THE SCHEDULE

The following provisions govern salary advancement within the schedule:

a. Probationary advancement

Upon successful completion of probation, an employee (except an employee that was

hired at the top step) will advance one step.

b. Regular Merit advancement

An employee may be considered for advancement upon completion of the minimum length of service specified for step increases. Unless specifically otherwise stated, this will be 12 months for full-time appointments and proportionately adjusted for other appointments. For instance, half-time appointments will be evaluated for regular merit adjustments every 24 months. Advancement to higher steps shall be granted only for continued meritorious and efficient service and continued improvement by the employee in the effective performance of the duties of the position held.

c. Special Merit advancement

When an employee consistently demonstrates exceptional ability and proficiency in the performance of assigned duties, the supervising department head may recommend to the City Manager that said employee be advanced to a higher pay step without regard to the minimum length of service provisions contained in this MOU. The City Manager may approve and effect such advancement.

d. Denial of advancement

When an employee has not been approved for advancement to the next higher wage step, such employee may be reconsidered for such advancement after the completion of three months of additional service.

24.06. PROMOTION TO A NEW POSITION

When an employee is promoted to a position in a higher classification, such employee shall be assigned to step "A" in the appropriate schedule for the higher classification. However, if such employee is already being paid at a rate equal to or higher than step "A", he/she shall be placed in the step in the appropriate salary schedule which will grant such employee a salary increases of not less than 5%.

24.07. EFFECTIVE DATE OF A PAY INCREASE

A merit pay advancement for an employee shall become effective on the first day of the pay period in which the minimum length of service has been satisfactorily completed. All other pay rate changes, except those given a specific calendar date herein, shall become effective at the beginning of a two week pay period as approved by the City Manager.

24.08 PAY INCREASE SCHEDULE

- ~~There shall be no salary increases during the 2013–2014 fiscal year~~
- ~~Effective the first full pay period in July 2014, the salary range for each classification in this Unit shall be adjusted based on the U.S. Department of Labor, Bureau of Labor Statistics, San Francisco-Oakland-San Jose Consumer Price Index, All Items 1982-84 = 100 for All Urban Consumers, Annual~~

~~Average January—December changes for calendar year 2013 up to a maximum of 3%.~~

- ~~Effective the first full pay period in July 2015, the salary range for each classification in this Unit shall be adjusted based on the U.S. Department of Labor, Bureau of Labor Statistics, San Francisco-Oakland-San Jose Consumer Price Index, All Items 1982-84 = 100 for All Urban Consumers, Annual Average January—December changes for calendar year 2014) up to a maximum of 3.5%.~~
- ~~Effective the first full pay period in July 2016, the salary range for each classification in this Unit shall be adjusted based on the U.S. Department of Labor, Bureau of Labor Statistics, San Francisco-Oakland-San Jose Consumer Price Index, All Items 1982-84 = 100 for All Urban Consumers, Annual Average January—December changes for calendar year 2015) up to a maximum of 3.5%.~~
- ~~Effective the first full pay period in July 2017, the salary range for each classification in this Unit shall be adjusted based on the U.S. Department of Labor, Bureau of Labor Statistics, San Francisco-Oakland-San Jose Consumer Price Index, All Items 1982-84 = 100 for All Urban Consumers, Annual Average January—December changes for calendar year 2016) up to a maximum of 3.5%.~~
- Effective the first pay period after union ratification of the MOU and Council approval of the successor MOU in accordance with the Brown Act, the salary ranges for all classifications in this Unit shall be readjusted by 2.25%.
- Effective the first full pay period of July 2019, the salary ranges for all classifications in this Unit shall be readjusted by 2.25%.
- Effective the first full pay period of July 2020, the salary ranges for all classifications in this Unit shall be readjusted by 2.25%.
- Effective the first full pay period of January 2021, the salary ranges for all classifications in this Unit shall receive a recruitment and retention salary adjustment of 2.25%.

ARTICLE 25.00 GRIEVANCES

25.01 DEFINITION

A grievance is defined as an allegation by an employee or group of employees that the Employer has failed to provide a condition of employment, which is established by law, Memorandum of Understanding, by written City or departmental rules, provided that the enjoyment of such right is not made subject to the discretion of the Police Chief or the

Employer by the terms of this Memorandum of Understanding and, provided further, that the conditions of employment which is the subject matter within the scope of representation as defined in California Government Code Section 3504.

25.02 DEPARTMENT REVIEW AND ADJUSTMENT OF GRIEVANCES

The following is the procedure to be followed in the resolution of grievances.

25.02.01 An employee 'having a grievance shall have the right to consult with and be assisted by a representative of his own choice in this and all succeeding steps of this subparagraph 23.02 and may thereafter file a grievance in writing with his immediate supervisor. Within five actual working days after receipt of any written grievance, the immediate supervisor shall return a copy of the written grievance to the employee with his answer thereto, in writing.

If the grievance is not resolved at the first level, the employee shall have five actual working days after receipt of the answer within which to file an appeal with the Captain. The Captain shall have five actual working days in which to review and answer the grievance in writing. If the grievance is not resolved at this second level, the employee shall have five actual working days after receipt of the answer within which to file an appeal with the Police Chief. The Police Chief shall have five actual working days in which to review and answer the grievance in writing. If the grievance is not resolved at this third level, the employee shall have five actual working days from receipt of the answer within which to file an appeal with the City Manager.

25.02.02 The City Manager shall have five actual working days in which to review, and if necessary, hold hearings, and answer the grievance in writing. Unless waived by the mutual agreement of the employee or his representative and the City Manager, a hearing is required at this step, and the employee, and his representative, shall have the right to be present at, and participate in such hearing. The time limit at this step may be extended by mutual agreement between the City Manager and the employee or his representative. The Union may, in its own name, file a grievance alleging that the Employer has failed to provide it some organizational right which is established by law, provided that such right is not made subject to the discretion of the Police Chief or Employer. Such Union grievances shall be filed with the City Manager and heard and determined pursuant to the provisions of this step of the grievance procedure.

25.02.03 In the event that the grievance is not resolved at the City Manager's level, the Employee may, within ten (10) working days, request that the grievance be heard by the City Council.

25.03 EFFECT OF FAILURE OF TIMELY ACTION

Failure of the employee to file an appeal within the required time limit at any step shall constitute an abandonment of the grievance. Failure of the Employer to respond within the time limit at any step shall result in an automatic advancement of the grievance to the next step.

25.04 LIMITATION ON STALE GRIEVANCES

A grievance shall be void unless presented within twenty-one (21) calendar days from the day upon which the Employer has allegedly failed to provide a condition of employment, or within twenty-one (21) calendar days from the time at which an employee might reasonably have been expected to have learned of such alleged failure to provide. In no event shall any grievance include a claim for money relief for more than the twenty-one-day period plus such reasonable discovery period.

25.05 EXCLUSION OF NON-RECOGNIZED ORGANIZATIONS

For the purpose of this section, the provisions of Article 4.00 of this agreement shall not be construed to limit the employee's right of selection of a representative to the extent that the agents of any other employee organization which is not party to this agreement, are specifically excluded from so acting. In those cases in which an employee elects to represent himself or arranges for other representation, Association shall have the right to participate in the resolution procedure for the purpose of protecting the interest of its members in negotiated conditions of employment.

ARTICLE 26.00 DEPARTMENTAL VEHICLES AND EQUIPMENT

- 26.01 Patrol Vehicles (Defined). Any motor vehicle as defined under the provisions of Sections 415 and 165 of the California Vehicle Code.
- 26.02 All necessary repairs and maintenance of vehicles (as defined 'in Section 25.01) shall be performed as necessary to insure the safety of the operator of the vehicle.
- 26.03 Under no circumstances will a Supervisor or the Department require an employee to operate an unsafe patrol vehicle or other equipment.
- 26.04 An employee may refuse to operate a vehicle that is unsafe. The watch commander shall determine the vehicle's condition upon an employee complaining of safety hazards. The patrol vehicle shall not be used until repaired if a determination is made of safety problems.
- 26.05 Routine maintenance of a patrol vehicle shall be no less than required by the manufacturer. Only high-quality parts and tires will be used on the vehicles.
- 26.06 Capitola Police Officers' Association may review and make recommendations on any new patrol or emergency vehicle purchased or leased by the City for use by its members prior to putting out bids for purchase purposes.
- 26.07 Any equipment necessary for the safety of any operator shall be provided for the departmental vehicles.
- 26.08 All patrol vehicles will be fitted as nearly as practical with identical controls for activating emergency lighting, siren and communication equipment. As new equipment is purchased, every effort will be made to locate the controls in the same general area in the patrol vehicle.

ARTICLE 27.00 RETIREMENT - PUBLIC EMPLOYEES RETIREMENT SYSTEM

27.01 CLASSIC MISCELLANEOUS

The City participates in the California Public Employees Retirement System (CalPERS) operated by the State of California. Benefits provided are detailed in separate publications, depending upon the plan. City agrees to provide 2.5% at 55 Retirement Plan for Classic Miscellaneous employees in the Unit and the single-highest-year option. Each member of the bargaining unit agrees to a cap on the amount that the City will pay to PERS. The cap for existing employees is 16.488%. For all eligible employees hired on or after August 5, 2012 the City's PERS contribution rate shall be capped at no more than 11.488% of reportable salary. Once an employee hired on or after August 5, 2012 accrues five (5) years of total service, s/he shall be entitled to the same terms that apply to all other current employees. Employer Paid Member Contribution (EPMC), if any and the Value of EPMC, if any will be the same for employees hired after August 5, 2012 as employees hired prior to that date unless otherwise determined by CalPERS.

Upon ratification, all Classic Miscellaneous employees shall contribute 13.392% of their reportable salary to CalPERS. This contribution shall not be reduced or increased unless negotiated by the parties in future negotiations.

All employees hired prior to August 5, 2012 the City's contribution cap shall remain as stated above at 16.488%.

27.02 CLASSIC SWORN

The City participates in the California Public Employees Retirement System (CalPERS) operated by the State of California. Benefits provided are detailed in separate publications, depending upon the plan. City agrees to provide 3% at 50 Retirement Plan for Classic Safety employees in the Unit, and the single highest-year option. The parties understand that when the City's PERS Excess Assets have significantly decreased, the City's Total Employer Rate will increase: Each member of the bargaining unit agrees to a cap on the amount that the City will pay to PERS. The cap for existing employees is 28.291%. For all eligible employees hired on or after August 5, 2012 the City's PERS contribution rate shall be capped at no more than 23.291% of reportable salary. Once an employee hired on or after August 5, 2012 accrues five (5) years of total service, s/he shall be entitled to the same terms that apply to all other current employees. Employer Paid Members Contribution (EPMC), if any and the Value of EPMC, if any will be the same for employees hired after August 5, 2012 as employees hired prior to that date unless otherwise determined by CalPERS.

Upon ratification, all Classic Sworn employees shall contribute 14.974% of their reportable salary to CalPERS. This contribution shall not be reduced or increased unless negotiated by the parties in future negotiations.

All employees hired prior to August 5, 2012 the City's contribution cap shall remain as stated above at 28.291%.

- 27.03—Should at any time the PERS costs to the City exceed the percentages defined above, the employees agree that the portion of the employer paid employee costs or employer paid contributions will be reduced and assumed by the employee in an equal percent or any part of a percent that actual PERS costs exceed the above caps. If at any time the employer paid employee costs or employer paid member contributions are wholly paid by the employee and PERS costs continue to increase the employee will also assume those increases. It is agreed by the City and the Association that this provision expires with the termination of this Memorandum of Understanding and is open for negotiation for renewal of the next Memorandum of Understanding.
- 27.04 With regard to the “Amortization of Side Fund” portion of the employer rate, i.e. the portion of the employer rate attributable to the City's unfunded liability, if PERS should in the future decrease that rate as a direct result of a City payment to reduce the Side Fund, the City's cap would reduce by the percentage decrease that PERS identifies as resulting from the City payment. This also applies to the 2007 Capitola Pension Obligation Bond.

27.05 PERS CREDIT

The City shall expeditiously implement the PERS Credit for Unused Sick Leave and employee paid Military Service Credit options.

27.06 PEPRA EMPLOYEES

Public Employees' Pension Reform Act for Safety Employees hired by the City on or after January 1, 2013 and who do not qualify as Classic members as determined by CalPERS, are considered PEPRA Employees. CalPERS has by statute implement a 2.7% @ 55 pension formula, based on a three-year average compensation. Employees in this category shall pay minimum of 50% of the normal cost rate as determined by CalPERS.

Public Employees' Pension Reform Act (PEPRA) for Miscellaneous Employees hired by the City on or after January 1, 2013 and who do not qualify as Classic members as determined by CalPERS, are considered PEPRA Employees. CalPERS has by statute implemented a 2.0% @ 62 pension formula, based on a three-year average compensation. Employees in this category shall pay 50% of the normal cost rate as determined by CalPERS.

ARTICLE 28.00 PHYSICAL EXAMINATIONS

City agrees to pay up to \$100 over the amount covered by the health insurance for an

annual physical exam.

ARTICLE 29.00 FAMILY & MEDICAL LEAVE ACT OF 1993

The City shall follow the provisions provided for family leave as specified in the federal Family & Medical Leave Act of 1993 (FMLA), and the California Family Rights Act (CFRA) as they apply to public employers.

ARTICLE 30.00 MISCELLANEOUS

- 30.01 POA agrees to waive the Police Department's past practice of giving a 30-day notice for the current shift change.
- 30.02 During the term of this agreement, each sworn employee that, in response to the Chief's directive, purchased a tape recorder before 2/15/01 will be reimbursed up to forty (\$40) of the recorder's cost. After that date the City will choose between either supplying such recorders, or reimbursing the employee up to \$40 for such recorders.

ARTICLE 31.00 DRUG POLICY

The City has adopted Administrative Policy Number II-6 "USE OF ALCOHOL/DRUGS DURING HOURS OF EMPLOYMENT; POSSESSION OF ALCOHOL/DRUGS IN/ON PROPERTY; ADVERSE EFFECTS OF USE OF ALCOHOL/DRUGS OUTSIDE HOURS OF EMPLOYMENT ON JOB PERFORMANCE".

ARTICLE 32.00 FAIR LABOR STANDARDS ACT (FLSA)

All positions included in this Memorandum of Understanding are covered by appropriate sections of the Fair Labor Standards Act of 1935, as amended.

32.01 SECTION 207(K) AGREEMENT

- A. The City shall exercise its rights under 29 USC section 207(k) to use a 14-day work period and 86-hour threshold for FLSA overtime purposes. Accordingly, FLSA overtime shall only be paid when an employee actually works more than 86 hours in 14 days.
- B. Investigators will not receive overtime simply for working their regular schedule (4x9-hr, 1x8-hr + 4x9hr) each 14 days.
- C. Contractual overtime shall be paid for all hours worked beyond any employee's regularly scheduled hours on a daily or bi-weekly basis. So any additional hours worked in excess of 80 hours biweekly for investigators and 40 hours per week for other employees shall be paid as contractual overtime until the requirement to pay FLSA overtime applies. For example, if an employee works 80 hours of regularly-scheduled work in 14 days and 20 hours of overtime, the first 6 hours of overtime would be contractual overtime with the remaining 14 being FLSA overtime.
- D. Approved leave hours shall be treated as "hours worked" for purposes of contractual overtime as stated in memo dated September 25, 2002 and referenced by memo date May 3, 2017.
- E. For eligible employees, FLSA overtime shall include the cash-in-lieu and other required premiums in the "regular rate of pay". Contractual overtime will include all premiums used in the regular rate of pay except cash-in-lieu of medical contribution.

ARTICLE 33.00 CLASSIFICATION AND COMPENSATION STUDY

The parties agree to hold up to five meetings within the period of 180 to 270 calendar days prior to the expiration of the contract to reach agreement on the comparable agencies, bench mark classes and survey elements of a total compensation study in preparation for successor contract negotiation post June 30, 2021. If the parties are unable to reach agreement on the comparable agencies, benchmark classes and survey elements of a total compensation study by 180 calendar days of the expiration of the contract, the parties are free to conduct their own respective total compensation studies. Implementation of any results of any total compensation studies is subject to the bargaining process for successor contract negotiations post June 30, 2021.

ARTICLE 34.00 PERSONNEL RULES

The City retains the right to amend and create personnel rules, provided they are not in conflict with specific provisions of this MOU. Where appropriate, City will meet and confer with applicable employee group or groups consistent with the MMBA requirement (Government Code Section 3500 and following), before amending or creating new personnel rules.

ARTICLE 35.00 LAYOFF PROCEDURES

Layoffs shall be governed by Personnel Rule 12, in addition, all sworn members of this unit, if being reinstated after a layoff, must be certified by a physician as able to fully perform the duties of the sworn position. The member may choose their own physician, or at the member's request the City will pay for its choice of physician. The sworn member must have a current basic POST certificate prior to reinstatement.

ARTICLE 36.00 MILEAGE REIMBURSEMENT

Employees required to use their personal vehicles while on City business will be reimbursed at the rate set by the Internal Revenue Service.

ARTICLE 37.00 SAVINGS CLAUSE

If any provision of this Agreement shall be held invalid by operation of law or by any court of competent jurisdiction, or if compliance with enforcement of any provision shall be restrained by any tribunal the remainder of this Agreement shall not be affected thereby, and the parties shall enter into negotiations for the sole purpose of arriving at a mutually satisfactory replacement for such provision.

ARTICLE 38.00 ENACTMENT

This Memorandum will be effective on upon ratification.

CITY OF CAPITOLA

CAPITOLA POLICE OFFICERS' ASSOC.

 Jamie Goldstein
 City Manager

 Date

 Date

ATTACHMENT A

SALARY SCHEDULE AS OF OCTOBER 21, 2018

POA SALARY SCHEDULE												
OCTOBER 21, 2018 - JUNE 30, 2019												
2.25% COLA												
	Monthly						Hourly					
	Step A	Step B	Step C	Step D	Step E	Step F	Step A	Step B	Step C	Step D	Step E	Step F
Community Service Officer	\$4,928.16	\$5,176.67	\$5,434.32	\$5,706.58	\$5,993.46	\$6,293.14	\$28.43	\$29.87	\$31.35	\$32.92	\$34.58	\$36.31
Police Officer Trainee	\$5,929.51						\$34.21					
Police Officer	\$6,225.53	\$6,537.99	\$6,863.25	\$7,206.78	\$7,568.58	\$7,946.82	\$35.92	\$37.72	\$39.60	\$41.58	\$43.66	\$45.85
Records Manager	\$5,679.17	\$5,964.23	\$6,262.07	\$6,574.54	\$6,905.27	\$7,250.63	\$32.76	\$34.41	\$36.13	\$37.93	\$39.84	\$41.83
Sergeant	\$7,625.22	\$8,007.12	\$8,409.12	\$8,827.57	\$9,271.60	\$9,733.90	\$43.99	\$46.19	\$48.51	\$50.93	\$53.49	\$56.16

Attachment: POA MOU 2018-2021 (Approve POA MOU)



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF OCTOBER 25, 2018

FROM: Community Development

SUBJECT: Consider Appeal of the Planning Commission's Permit Denial for Application 17-019, 4015 Capitola Road

RECOMMENDED ACTION: Continue application to the January 24, 2019, City Council meeting with the understanding the applicant will continue to work with staff to complete a draft memorandum of understanding to participate in a future Capitola Mall specific plan, and make a good faith effort to submit the following items to the City no later than December 15, 2018:

1. Updated plans reflecting applicant's proposed project;
2. Updated stormwater plans; and
3. Updated environmental site analysis for facility closure.

Project Overview and Request for Continuance: On February 10, 2017, the applicant submitted an application for a design permit to remodel the Sears building and convert the space into three separate tenant spaces with updated exterior facades. The west side of the existing Sears space would be converted into three tenant spaces to accommodate TJ Maxx/Homegoods (40,772 square feet), Petco (11,478 square feet), and Sears (58,741 square feet). The proposal included two new 4,000-square-foot building pads, one on 41st Avenue frontage and one on Capitola Road frontage, and a Master Sign Program for the three tenants. (Attachment 6: plans; Attachment 7: Master Sign Program).

On January 9, 2018, the applicant provided an updated application submittal. Staff determined that application was incomplete on February 28, 2018. However, on May 9, 2018, the applicant asserted the application was "deemed complete" under the Permit Streamlining Act. On June 7, 2018, the Planning Commission reviewed the application and denied the application with prejudice making findings that the project does not comply with Capitola Municipal Code 13.16 Stormwater Pollution Prevention and Protection, Resolution No. R3-2013-0032 of the California Regional Water Quality Control Board for the Central Coast Region, the Capitola Zoning Code, the Capitola General Plan, and Santa Cruz County Code 7.100.060 (Attachment 4).

At that same hearing, the Planning Commission also instructed staff to develop a strategy to initiate a specific plan for the Capitola Mall site to guide future development that aligns with the General Plan. A denial with prejudice prohibits the City from accepting an application for the same or substantially similar permit for the same site within 12 months following the denial.

On June 15, 2018, the City Clerk received an appeal of the Planning Commission's decision from the applicants' attorney (Attachment 1). At the applicant's request, the City Council set the appeal date for October 25, 2018.

Appeal of Application 17-019, 4015 Capitola Road
October 25, 2018

On August 22, 2018, Sears announced the Capitola retail store would close in November. In early October, the applicant contacted staff and requested a continuance of the appeal due to the change in circumstance for Sears. Staff explained that with four months preparation time for the appeal, incomplete environmental analysis and stormwater plans, and no new submittals to show the applicant has been working to resolve the outstanding issues identified by the Planning Commission, staff would not be able to recommend a continuance.

On October 16, 2018, the applicant submitted a draft outline of a potential memorandum of understanding (MOU) to partner with the City to prepare a future specific plan for the Capitola Mall. The draft outline includes:

1. Financial contribution by Seritage to a future specific plan for the Capitola Mall;
2. Seritage participation as a stakeholder in the development of the specific plan, phasing, and environmental review;
3. Updated project description; and
4. Discretion/intent to implement the specific plan including site improvements, fair share obligations, development called for in the specific plan, and a phase-out strategy for any existing non-conforming uses.

On October 10, 2018, the County of Santa Cruz verified the applicant has applied for a facility closure permit for the automotive repair portion of the site and is in the process of testing soils (Attachment 2). California Environmental Quality Act (CEQA) analysis of the project cannot be determined prior to understanding the existing site conditions, including levels of contamination and if further clean-up is required.

On October 18, 2018, the City received a letter from the applicant committing to continued work on the MOU toward a specific plan and confirmation that they will make a good faith effort to provide the City with the updated plans, stormwater plans, and environmental site analysis no later than December 15, 2018 (Attachment 19). With the latest updates to the project, staff recommends the City Council continue the application to January 24, 2019, with the requirements listed in the recommendation above.

The remainder of this report outlines the background on the project, the basis of the appeal, and staff's response to the appeal.

BACKGROUND: On December 1, 2016, the Planning Commission provided direction on a Conceptual Review application for the Sears building. The Planning Commission advised the applicant to improve the Sears façade, provide phased buildout information, and coordinate with the mall owner to show how the project fits within the mall redevelopment and future circulation plans.

On February 10, 2017, the City received an application for a Design Permit and Master Sign Permit for the property at 4015 Capitola Road.

On March 9, 2017, the City provided the applicant with an incomplete letter that outlined outstanding items (Attachment 7). On April 19, 2018, the City provided an updated incomplete letter that separated required incomplete items from advisory items, as a follow-up from a discussion with the applicant (Attachment 8).

Appeal of Application 17-019, 4015 Capitola Road
October 25, 2018

On December 14, 2017, the City received copies of a Phase 1 and 2 environmental site analysis (ESA) from the project architect for the partial removal of joists. The ESA with attachments is voluminous. In an effort to save paper, the ESA Phase 1 and 2 are available at City Hall for the public to review and on the City's website on the Community Development webpage at <http://www.cityofcapitola.org/communitydevelopment>.

On January 9, 2018, the applicant provided an updated application submittal (Attachment 5).

On February 7, 2018, city staff emailed the applicant explaining that comments were not ready. Also, staff informed the applicant that a new zoning code and zoning map had been adopted on January 25, 2018. The property zoning changed from Community Commercial to Regional Commercial. Staff explained that the new zoning and development standards would apply to the project on February 25, 2018 (Attachment 9).

On February 15, 2018, City staff informed the applicant's architect that the Phase 1 and 2 ESA had been reviewed by a third party who found that facility closure work was incomplete (Attachment 10).

On February 28, 2018, City staff provided the applicant with a second incomplete letter relative to the project under the new zoning district and new development standards (Attachment 11).

On May 9, 2018, the applicant's attorney submitted a letter suggesting the application was "deemed complete" under the Permit Streamlining Act (PSA) and requested the application be set for public hearing at the earliest opportunity, and within 30 days at the latest (Attachment 12).

The PSA sets forth a time limit of 30 days after an application is submitted in which to inform the applicant of whether the application is complete. If the agency does not inform the applicant within the 30-day period, the application will be "deemed complete" even when the application is deficient. Upon deeming the application complete, the application must be noticed for public hearing and placed on the Planning Commission agenda. The first attachment to the letter is included in Attachment 13, a letter from Merlone Geier providing approval of the plans including one 2,656-square-foot pad along Capitola Road. The entire May 9 letter, with attachments, is voluminous at over 600 pages. In an effort to save paper, the full letter with attachments is available at City Hall for the public to review and on the City's Website on the Community Development webpage.

On May 17, 2018, Santa Cruz County Environmental Health Division (SCCEHD) provided the applicant with a Notice of Violation (NOV) for the unpermitted removal of 10 underground hydraulic lifts. The NOV noted that the lifts removed in 2017 were in violation of Santa Cruz County Code 7.100.060. SCCEHD directed the property owner to apply for and obtain a permit retroactively for the closure of the underground storage lifts that were removed and to do so by June 29, 2018 (Attachment 14).

On May 18, 2018, the City Attorney confirmed the "deemed complete" determination (Attachment 15).

On May 23, 2018, the City informed the applicant the application would be reviewed by the Planning Commission on June 7, 2018 (Attachment 16).

Appeal of Application 17-019, 4015 Capitola Road
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On June 7, 2018, the Planning Commission reviewed the application for a Design Permit and Master Sign Program and denied the application with prejudice (Attachment 4). The Planning Commission findings for denial are in the Final Local Action Notice (Attachment 3).

On June 15, 2018, the City Clerk received an appeal of the Planning Commission's decision. Despite being offered hearing dates in July, August, and September the applicant requested, and the City Council set, an appeal hearing for October 25, 2018.

On August 22, 2018, Sears announced the Capitola retail store would close in November.

In early October, the applicant contacted staff and requested a continuance of the appeal due to the change in circumstance for Sears.

On October 16, 2018, the applicant submitted a draft outline of a potential memorandum of understanding (MOU) to participate in a future specific plan for the Capitola Mall. The document is still in draft form under review by the City Attorney.

On October 10, 2018, the County of Santa Cruz verified that the applicant has applied for a facility closure permit and is in the process of testing soils (Attachment 2).

DISCUSSION: The appeal (Attachment 1) presents the project as a simple re-tenanting of the Sears building. However, the project is not a straightforward re-tenanting because a portion of the space was used for decades as an automotive repair facility. This change of use triggers review by County Environmental Health, which is still in process. Also, the modifications in the site plan to permeable and impermeable surface areas require stormwater review and compliance prior to review and approval of a project. With the information provided by the applicant, the Planning Commission could not make the required findings to approve the application. In addition, the Planning Commission had concerns with the design and consistency with the Capitola General Plan.

The appeal lists the six findings made by the Planning Commission to deny to the project, followed by the appellant's argument against each finding. This section of the staff report is set up in a similar style, with each Planning Commission finding listed and underlined and the Planning Commission's bullet points supporting the finding, followed by staff's analysis.

Finding A: The proposed project is inconsistent with the General Plan, and any applicable specific plan, area plan, or other design policies and regulations adopted by the City Council.

The Planning Commission found that the project is inconsistent with the General Plan and the 41st Avenue/Capitola Mall re-visioning plan. Specifically:

- The project does not support the long-term transformation of the Capitola Mall into a more pedestrian-friendly commercial district with high quality architecture and outdoor amenities attractive to shoppers and families (Land Use Goal 8);
- The project is in conflict with the ultimate vision for the property, as represented in the 41st Avenue/Capitola Mall Re-visioning Plan (Land Use Goal 8.1);
- The project does not encourage the establishment of gathering places on the Mall property such as outdoor dining and courtyards that provide space for people to informally meet and gather (Policy LU 8.4);
- The project does not support the long-term vision for the Capitola Mall of a new interior street within the Mall property lined with sidewalk-oriented retail, outdoor dining, and

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pedestrian amenities in which the new street is connected with the existing street network surrounding the mall property to enhance mall access for all modes of transportation (Policy LU 8.5);

- The project does not encourage high quality development within the 41st Avenue corridor that creates an active and inviting public realm (Goal LU-9);
- The project does not provide amenities that enhance the vitality of the corridor, such as outdoor dining and courtyards, public art, publicly accessible or semi-public gathering places, and bicycle and pedestrian facilities (LU 9.1);
- The project does not contribute toward establishing 41st Avenue as an attractive destination with activities for families and people of all ages that occur throughout the day and night and does not incorporate public art into public spaces (Policy LU 9.3);
- The project does not provide adequate bicycle and pedestrian facilities (Policy LU 9.9);
- The project does not minimize, avoid, or eliminate non-point source pollution by controlling stormwater runoff, polluted dry weather runoff, and other pollution, in compliance with Capitola's National Pollutant Discharge Elimination System (NPDES) Permit and Stormwater Management Plan (Policy OSC 8.2);
- The project does not meet or exceed State stormwater requirements and incorporate best management practices to treat, infiltrate, or filter stormwater runoff and reduce pollutants discharged into the storm drain system and surrounding coastal waters during construction and post-construction, to the maximum extent practicable (Policy OSC 8.3); and
- The project does not provide "complete streets" that serve all modes of transportation, including vehicles, public transit, bicyclists, and pedestrians (Goal M0-2).

The Capitola General Plan outlines the vision for future development in Capitola through establishing guiding principles, goals, policies and actions. As the mall evolves it is important to ensure the incremental changes within each parcel incorporate site improvements that fit within the greater vision for mall redevelopment, otherwise the General Plan goals may be missed entirely. As proposed, the project has been designed to function independently from the mall, with no pedestrian connectivity between the two new tenant spaces and the mall. It is unclear how the proposed project would fit into a larger mall redevelopment effort.

The current proposal disregards the relationship of the property to the regional mall with a lack of internal connectivity. Furthermore, the only suggestion of cooperation with the mall owner, Merlone-Geier, was within a letter of support. The applicant did not submit a schematic build out or circulation plans for the mall site to understand how the proposal fits within the larger vision, as suggested by the Planning Commission during the conceptual review.

Finding B: The proposed project does not comply with all applicable provisions of the Zoning Code and Municipal Code.

The Planning Commission found:

- The project does not comply with environmental health regulations (CMC Chapter 2.20 and Santa Cruz County Code Chapter 7.1 00);
- The project does not comply with stormwater regulations (CMC 13.16); and
- The project does not comply with the zoning code chapters 17.24 Regional Commercial Zoning District, 17.76 Parking and Loading, 17.80 Signs, and 17.120 Design Permits. C.

Environmental Health: Per Capitola Municipal Code Chapter 2.20, the Santa Cruz County Health Services Agency (SCCHSA) serves as the City's Health Department and its Department Head is the designated County Health Officer. To this end, the Health Officer enforces County Health Department ordinances within the City including Santa Cruz County Code Chapter 7.100

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governing hazardous materials and underground storage tanks. See Finding D regarding impacts to environmental health.

Per Santa Cruz County Code Section 7.100.060, no person or business may close a hazardous material storage facility or underground storage tank without first obtaining a permit from the County Health Services Agency. A portion of the Sears facility was utilized as automotive center from 1971 to 2016. To close the automotive facility, the owner is required to obtain a facility closure permit through Santa Cruz County Environmental Health Division (SCCEHD).

On December 14, 2017, the City received copies of a Phase 1 Environmental Site Assessment (ESA) and Phase 2 ESA, for partial removal of joists, dated December 19, 2014 and April 6, 2016 respectively. The City contracted Weber-Hayes and Associates to review the submitted ESA documents. Weber-Hayes found that the environmental work was for the partial removal of onsite joists, not a full facility closure as required with the proposed change of use. On February 15, 2018, City staff informed the applicant of Weber-Hayes' finding that the facility closure work had not been completed.

As noted above, on May 17, 2018, Santa Cruz County Environmental Health Division (SCCEHD) provided the applicant with a Notice of Violation (NOV) for the unpermitted removal of 10 underground hydraulic lifts. (Attachment 14). The letter states SCCEHD has found underground lifts can leak oil and pose potential long term environmental and possible human health problems. There is evidence that some of the oil in the lift systems contain Polychlorinated Biphenyls (PCBs), which are probable human carcinogens.

On July 31, 2018, SCCEHD reported receipt of permit documents and in August, SCCEHD reported it reviewed the permit packet for all required elements.

On September 5, 2018, SCCEHD reported all appropriate fees for the Underground Storage Tank Closure Permit were received and SCCEHD approved the closure permit, including the soil sampling work plan. Work began later that month.

At the time of writing this staff report, the SCCEHD had not received any soil analytical data or a report detailing the subsurface investigation work conducted on September 27, 2018. SCCEHD estimated the results would be received in December.

Stormwater Regulations: A third-party technical review of the stormwater plans was completed by HydroScience (Attachment 18). HydroScience made findings that based on the documents submitted, the project is not in compliance with the Capitola Municipal Code Section 13.16 Stormwater Pollution Prevention and Protection and the Post Construction Requirements (PCRs) as specified in Resolution No. R3-2013-0032 issued by the California Regional Water Quality Control Board for the Central Coast Region in July 2013. The PCRs emphasize protecting and restoring key watershed processes on-site to create and sustain linkages between hydrology, channel geomorphology, and biological health necessary for healthy watersheds. The performance requirements for this project require the project to minimize impervious surfaces, minimize stormwater runoff, treat all on-site generated runoff by constructing biofiltration systems or other similar devices, retain runoff on-site, and manage peak stormwater discharges.

At the time of writing this report, no additional information regarding stormwater was received by the City since the June 7, 2018, denial by Planning Commission.

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Finding C: The proposed project qualifies for a CEQA exemption 15270.

- Section 15270 of the CEQA guidelines exempts projects which a public agency disapproves.

In response to the appellants claim that the project could be approved under a CEQA exemption, the City disagrees. At this time, the City does not have enough information to make a CEQA determination other than denial. The project site was previously an auto repair center with known soil contamination issues. The applicant has failed to provide the City with the necessary documentation of existing conditions. Documentation is necessary for the lead agency (the City) under CEQA to identify the correct CEQA review path (exemption, negative declaration, mitigated negative declaration, or EIR). The City would have to make a finding that there is no potential significant effect on the environment to utilize an exemption for approval. That finding cannot be made due to the history of the site and lack of conclusive evidence supporting proper facility closure.

Finding D: The proposed development would be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

As mentioned under Finding B, the project continues to have outstanding issues regarding potential environmental effects associated with the previous automotive center and stormwater plans have not been found in compliance with Municipal Code Chapter 13.16.

E. The proposed project does not comply with all applicable design review criteria in Section 17.120.070 (Design Review Criteria).

- The proposed project does not comply with all applicable design review criteria in Section 17.120.070 including D (Sustainability), N (Drainage), E (Pedestrian Environment), I (Architectural Style), J (Articulation and Visual Interest), K (Materials), P (Signs), L (Parking and Access); and O (Open Space and Public Space) as outlined within the staff report and incorporated within.

Design Permit: When considering Design Permit applications under appeal, the City Council is required to evaluate applications to ensure they comply with the development standards of the zoning district, conform to policies of the General Plan and other design policies and regulations adopted by the City Council. To obtain Design Permit approval, projects must satisfy the criteria of §17.120.070(A-S). The following list includes the *italicized criteria* with which the project is not in compliance:

D. Sustainability. The project supports natural resource protection and environmental sustainability through features such as on-site renewable energy generation, passive solar design, enhanced energy efficiency, water conservation measures, and other green building techniques.

N. Drainage. The site plan is designed to maximize efficiency of on-site drainage with runoff directed towards permeable surface areas and engineered retention.

Staff Analysis: See aforementioned analysis in finding B and finding D.

E. Pedestrian Environment. The primary entrances are oriented towards and visible from the street to support an active public realm and an inviting pedestrian environment.

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Staff Analysis: The two proposed tenant spaces do not include an internal connection to the mall. The proposed lack of internal connectivity is counter to the established circulation pattern of a mall. The proposed lack of connectivity will negatively impact the synergistic pedestrian relationship between the property and the established regional mall.

I. Architectural Style. Buildings feature an architectural style that is compatible with the surrounding built and natural environment, is an authentic implementation of appropriate established architectural styles, and reflects Capitola's unique coastal village character.

J. Articulation and Visual Interest. Building facades are well articulated to add visual interest, distinctiveness, and human scale. Building elements such as roofs, doors, windows, and porches are part of an integrated design and relate to the human scale. Architectural details such as trim, eaves, window boxes, and brackets contribute to the visual interest of the building.

K. Materials. Building facades include a mix of natural, high-quality, and durable materials that are appropriate to the architectural style, enhance building articulation, and are compatible with surrounding development.

P. Signs. The number, location, size, and design of signs complement the project design and are compatible with the surrounding context.

Staff Analysis: The proposed façade improvements of Sears create a modern look for the tenant that has an authentic design as a stand-alone retail establishment. The architectural style has a California modern look with a mix of high quality finishes including metal panels, metal louvers, brick veneer in a charcoal color, horizontal wood siding, stone veneer, and a mix of walkway finishes.

The proposed design for Petco and TJ Maxx/Homegoods is generic in style with large billboard like entryway design features added to the existing exterior finishes of the building. Other than the new entryways, the wall plane between Petco and TJ Maxx will remain straight, with minor articulation through repeated exterior finishes and landscaping. There is no defined architectural style and limited differentiation for the proposed new tenant facades. The architectural improvements for Petco and TJ Maxx/Homegoods appear to have been designed for the signs, rather than sign fitting within the context of the architecture.

L. Parking and Access. Parking areas are located and designed to minimize visual impacts and maintain Capitola's distinctive neighborhoods and pedestrian-friendly environment. Safe and convenient connections are provided for pedestrians and bicyclists.

Staff Analysis: There is a lack of pedestrian and bicycle connectivity through the property. The Public Works Director recommends that bike lanes should be added in both directions on 38th Avenue, 40th Avenue, the entrance off of 41st Avenue, and along the internal drive around the structure from Target to northern connecting to 40th Avenue. The 2040 Regional Transportation Plan project list includes separated bicycle facility through Capitola Mall parking lot to connect 38th Avenue bike lanes and 40th Avenue.

In terms of pedestrian safety, many pedestrians walk between Target and the Sears building. Staff recommended requiring a new sidewalk between Target and Sears.

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Also, the project does not comply with the bicycle rack regulations of zoning code §17.76.080(A-H), for short and long-term bicycle parking. Bicycle parking standards are included in the zoning code to promote sustainable transportation alternative.

The new building pads along 41st Avenue and Capitola Road will create additional trips and new circulation patterns. Traffic and circulation impacts associated with the future phases have not been evaluated and therefore the impacts are unknown.

O. Open Space and Public Places. Non-residential development provides semi-public outdoor spaces, such as plazas and courtyards, which help support pedestrian activity within an active and engaging public realm.

Staff Analysis: Minimal improvements are incorporated into the semi-public outdoor space around the exterior of the building. Two typical wooden benches with black iron railing are proposed along the south elevation between Petco and TJ Maxx. The design incorporates reutilizing existing planters, as well as introducing trellises on the building wall for plant growth. The plan lacks efforts toward an engaging public realm. Opportunities exist to create an active/engaging public realm in the corner where the building steps back along the south elevation. The Planning Commission had identified this area as an area of opportunity to engage the public.

F. The proposed Master Sign Program unreasonably exceeds the sign regulations of the zoning code.

- The proposed Master Sign Program includes allowances of up to 251 square feet of sign area for an individual tenant sign on one façade, more than four times the maximum permissible by code.

The proposed project includes a master sign program (MSP) application (Attachment 7). A MSP establishes unified and coordinated approach to materials, size, type, placement, and general design for signs within a multi-tenant project. The Planning Commission may approve a MSP that deviates from the standards of the sign regulations relating to height, number of signs, sign area, and type of signs.

The proposed MSP includes:

- Maximum letter height - 5 feet.
- Maximum sign area - 1 square foot per linear foot of building frontage
 - Petco 75.6 square feet,
 - TJ Maxx/Homegoods 200 square feet, and
 - Sears 180 square feet east elevation and 251 square feet south elevation.
- “The signage location and configuration are conceptual in nature, subject to change based on the final signage permit submission.”

When a MSP is approved by the Planning Commission, all subsequent signs proposed for a development must comply with the standards and specification included in the MSP. Signs consistent with an approved MSP are allowed with an administrative sign permit approved by staff. The proposed MSP would administratively allow signs between 75 and 251 square feet.

The new zoning code establishes a maximum cumulative sign area in the Regional Commercial zone of one square foot of sign area per one square foot of linear building frontage, up to a maximum of 50 square feet. An additional 25 percent increase in sign area can be approved by

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Planning Commission. This would allow up to 62.5 square feet of sign area per commercial establishment. The proposed MSP includes allowances of up to 251 square feet, more than four times the amount allowed by code.

CEQA: Section 15270 of the CEQA guidelines exempts projects which a public agency disapproves. More specifically, (a) CEQA does not apply to projects which a public agency rejects or disapproves; (b) This section is intended to allow an initial screening of projects on the merits for quick disapprovals prior to the initiation of the CEQA process where the agency can determine that the project cannot be approved; and (c) This section shall not relieve an applicant from paying the costs for an environmental impact report or negative declaration prepared for his project prior to the lead agency's disapproval of the project after normal evaluation and processing.

FISCAL IMPACT: The 4015 Capitola Road property is located within a regional mall and historically has been a major contributor towards the City's sales tax. Continuing the application to allow updated required submittals and a draft MOU for participation in a future specific plan will allow the retail spaces to be occupied in the near term while providing assurance that future redevelopment at the mall will be coordinated to implement the vision of the General Plan. Cooperative planning of the regional mall will ultimately lead to a positive fiscal impact for mall property owners and the City.

ATTACHMENTS:

1. Appeal (06.15.2018)
2. Santa Cruz County Env. Health Division Email (10.10.2018)
3. Final Local Action Notice of Denial (06.15.2018)
4. 4015 Capitola Road Planning Commission Staff Report (06.07.2018)
5. 4015 Capitola Road Plan Set (01.09.2018)
6. 4015 Capitola Road Master Sign Program
7. First completeness letter (03.09.2017)
8. Revised completeness letter incomplete and advisory (04.19.2017)
9. 2018.02.07 KH email to Craig Chinn
10. KH email to Craig Chinn regarding ESA inadequacies (02.15.2018)
11. Second Completeness Letter 2.28.2018
12. CC&N Letter to City (05.09.2018)
13. Merlone Geier Letter 02.10.2017
14. County of Santa Cruz Notice of Violation 05.17.2018
15. City Attorney Letter to Applicant (05.18.2018)
16. City Attorney letter to CC&N (05.23.2018)
17. Design Permit Criteria of 17.120.010(A-S)
18. HydroScience Memo re Stormwater 05.24.2018
19. Request for Continuance 10.18.2018

Report Prepared By: Katie Herlihy
Community Development Director

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October 25, 2018

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

10/19/2018



Cox, Castle & Nicholson LLP
 2029 Century Park East, Suite 2100
 Los Angeles, California 90067-3284
 P: 310.284.2200 F: 310.284.2100
 David P. Waite
 310.284.2218
 dwaite@coxcastle.com

June 15, 2018

BY FEDEX

Capitola City Council
 c/o Linda Fridy, Capitola City Clerk
 420 Capitola Avenue
 Capitola, CA 95010

Re: Appeal of June 7, 2018 Planning Commission Final Action on Application #17-019

Dear Ms. Fridy:

On behalf of Seritage SRC Finance LLC ("Seritage"), enclosed with this correspondence please find Seritage's appeal of the June 7, 2018 Planning Commission Final Action on Application #17-019.

The enclosed appeal consists of the appeal application, Seritage's statement of reasons for the appeal of the Planning Commission's action, a check in the amount of \$500 for the appeal fee, and a check in the amount of \$7,000.21 for the requested outstanding balance on Seritage's developer's deposit account with the City. The payment of \$7,000.21 is being submitted by Seritage under protest. Seritage is requesting an accounting from the Planning Department of the fees billed to date, and reserves all rights to challenge this fee and/or its amount at a later date.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'D. P. Waite', is written over a printed name.

David P. Waite

DPW
 Enclosures

Attachment: Appeal (06.15.2018) (Appeal of Application 17-019, 4015 Capitola Road)



CITY OF CAPITOLA APPEAL APPLICATION FORM

TYPE OF APPEAL (check one)	APPEAL FEE
<input type="checkbox"/> Administrative - Staff Determination	\$500
<input checked="" type="checkbox"/> Planning Commission Decision	\$500
<input type="checkbox"/> Code Enforcement Action	\$500
<input type="checkbox"/> Building Code Interpretation	\$500
<input type="checkbox"/> Coastal Appeal	\$0

APPELLANT INFORMATION

Name: Seritage SRC Finance LLC

Address: 500 Fifth Avenue, Suite 1530 City New York, NY Zip 10110

Phone: (424) 901-7656

Email: bwalsh@seritage.com

APPEAL INFORMATION

Project Address: 4015 Capitola Road, Capitola, CA 95062-2049

Property Owner: Seritage SRC Finance LLC

Application Number: 17-019

REASONS FOR APPEAL

Please note the reasons and grounds for your appeal. Attach additional pages as necessary.
See attached document.

SIGNATURE *Brian Walsh* DATE 6/15/2018

Attachment: Appeal (06.15.2018) (Appeal of Application 17-019, 4015 Capitola Road)

**STATEMENT OF REASONS FOR APPEAL OF PLANNING COMMISSION DECISION
ON APPLICATION#17-019**

Appellant: Seritage SRC Finance LLC
 Property Address: 4015 Capitola Road, Capitola, CA 95062-2049
 APN: 034-261-40

Seritage SRC Finance LLC (“Seritage”) hereby appeals to the Capitola City Council the findings and decision regarding Application #17-019 (the “Application”) for a Design Permit and Master Sign Permit to split the existing Sears building at 4015 Capitola Road (the “Property”) into three renovated tenant spaces and approve a Master Sign Program for associated signage (the “Project”). The proposed tenant uses are permitted by right at the Property.

This appeal is timely submitted within 10 business days of the Planning Commission’s decision on the Application. The City has notified Seritage that, in addition to the required \$500 filing fee for this appeal, Seritage must pay an alleged \$7,000.21 balance on its developer’s deposit account with the City prior to proceeding with the appeal. Payment of these funds is not a condition to proceeding with the appeal under either the pre-February Zoning Code or the updated Zoning Code. *See* CMC 17.63.160; Updated CMC 17.152.030.C. Under the Zoning Code, to process an appeal, the appellant must only submit the official City application along with the \$500 fee as established by Capitola City Council Resolution No. 4077. Seritage has not received an accounting of the fees for staff time, which Seritage respectfully requests to verify the amount of the fee. At this time, as no accounting has yet been received, Seritage is paying the \$7,000.21 balance under protest, along with the \$500 appeal fee, and both payments are being submitted concurrently with this appeal application.

A summary of background and description of the basis for appeal of each of the findings follows.

I. BACKGROUND

The Application represents a straightforward, uncomplicated project plan to renovate the interior of an existing retail building and improve the building façade to accommodate uses that are permitted by right at the Property, all in accordance with the Capitola Municipal Code, General Plan, and other applicable laws and regulations. The Project was first submitted for conceptual review by the City in September 2016. In its initial conceptual review application to the City, Seritage sought Design Review and Sign Permit approvals related to limited façade and exterior improvements, to accommodate leases it had entered into with TJ Maxx and Petco for portions of the Property, which is located in the Capitola Mall.

From the very beginning, City staff expressed reluctance to process Seritage’s basic permit request because of “uncertainties regarding redevelopment of the mall” and instructed Seritage to coordinate with the majority owner of the Capitola Mall, Merlone Geier, “to ensure the redevelopment of Sears will fit within the vision of mall redevelopment.” City Planning Commission Staff Report (Dec. 1, 2016). This instruction was given even though the plans for future redevelopment of the mall are nebulous and wholly uncertain at best, it is unclear how a minor façade improvement would in any way impact a redevelopment concept that is likely years

away from being realized, and the City had not at the time—and still has not—approved any Master Plan for the mall redevelopment.

Nonetheless, Seritage made a good faith effort to cooperatively engage with Merlone Geier and to incorporate City staff's other notes regarding the proposed façade modifications. On February 8, 2017, Seritage submitted a formal Design Review and Master Sign Permit application, including updated drawings that reflected City staff's suggestions. Two days later, on February 10, 2017, Seritage executed an agreement with Merlone Geier in which Merlone Geier agreed to "all reasonable and necessary changes to the Common Area" at the Seritage property, as well as all of the modifications described in the February 8, 2017 application and even the design plans themselves. While waiting for the City's response on the application, on March 2, 2017, Seritage was informed that it could not even receive permits from the City for interior demising walls at the Property until the Design Review and Master Sign Permit application had been processed and approved, completely stalling work to accommodate new tenants at the Property, even though leases were already signed.

Despite Seritage's good faith efforts to present a project consistent with the City's requests, on March 9, 2017, the City issued an "incomplete" letter for the application, reiterating the City's demand that Seritage "closely coordinate with Merlone Geier" and requiring Seritage to "submit additional information demonstrating that the proposal has been coordinated with other mall property owners and explain how the redeveloped Sears would complement and enhance a comprehensive mall redevelopment project." City Letter to Charles Fisher (Mar. 9, 2017). This instruction was illegal. *See Munns v. Stenman* (1957) 152 Cal.App.2d 543, 552-553; *Washington ex rel. Seattle Title trust Co. v. Roberge* (1928) 278 U.S. 116, 123 (requiring the consent of neighbors be obtained to move forward with an otherwise allowable land use was "arbitrary and repugnant to the due process clause"). It also completely disregarded the fact that Seritage had already entered into a letter agreement with Merlone Geier on February 10, 2017. Staff Report re Application #17-019, Attachment 8.a (June 7, 2018). Nonetheless, Seritage continued to engage with both the City and Merlone Geier in an attempt to move the permit process forward.

Despite Seritage's good faith efforts to cooperate with the City, on April 6, 2017, the City Planning Commission heard a staff proposal to declare a moratorium over all or part of the Capitola Mall. The moratorium was not ultimately approved by the Planning Commission, but the City's intentional delay in addressing the permit application continued to stall the Project. In the hopes of moving the process along, after a May 2017 meeting with City staff in which the requirement to work with Merlone Geier was again reiterated and an agreement between Seritage and Merlone Geier to that end was requested by the City Manager, a Cooperation Agreement with Merlone Geier was drafted to promote communication and facilitate the permit approval. The recitals of that agreement, which were reviewed and acknowledged by the City Attorney in correspondence of June 2, 2017, expressly memorialize cooperation between Seritage and Merlone Geier on future redevelopment plans for the Mall, despite the fact that no such redevelopment was implicated by Seritage's permit application.

In meetings during the summer of 2017, City staff once again improperly conditioned processing of Project approvals on uncertain redevelopment plans for the Capitola Mall, mandating that any future resubmission of the Design Review and Master Sign Permit application must include

potential plans for any redevelopment on the Property. Seritage was told that the City would be unable to process its permit application without the inclusion of such plans, and was assured that including the plans would expedite the permit's processing and would not lead to delays due to California Environmental Quality Act ("CEQA") review or otherwise. Accordingly, on January 8, 2018, Seritage submitted the Application, which responded not only to the comments in the City's "incomplete" letter, but also included, at the City's behest, a Phase 2 unrelated to the Project, showing two potential future buildings and a parking reconfiguration.

Reneging on its word, the City used submission of the Application as an opportunity for still further foot-dragging. Only one day after the Application was submitted, the City considered amendments to a proposed zoning code update that were specifically intended to stall the Application and the Project further. The amended language was subsequently approved by the City Council in late January. And, after missing its 30-day deadline to issue a completeness determination to Seritage on February 7, 2018, the City nonetheless sent correspondence on February 15, 2018 raising additional issues with the Application, including questions about an environmental site assessment and remediation process that has been complete for over a year. In that same correspondence, the City improperly asserted that the Application would have to be considered in light of the newly amended zoning code update language.

On May 9, 2018, Seritage sent correspondence to the City Attorney and Planning Department staff asserting that the Application had been deemed complete by operation of law on February 7, 2018, and demanding that the Application be set for hearing. By correspondence of May 23, 2018, the City Attorney informed counsel for Seritage that the Application would be heard by the Planning Commission on June 7, 2018. In advance of the Planning Commission hearing, on June 1, 2018, Planning Department staff released the agenda for the hearing, including a staff report recommending denial of the Application and adoption of a number of findings asserting various deficiencies of the Application. On June 7, 2018, Seritage sent correspondence to the Planning Commissioners, City Attorney, and Community Development Director explaining the adequacy of the Application and the ability of the Planning Commissioners to make all requisite findings for approval, and urging the Planning Commissioners to approve the Application. At the hearing on June 7, 2018, the Planning Commission voted 3-2 to deny the Application and adopted the findings as set forth in the staff report.

II. BASIS FOR APPEAL OF FINDINGS

Decisions of the Planning Commission are reviewed *de novo* by the City Council. CMC 2.5.050; Updated CMC 17.152.030.F.1. Accordingly, the City Council has the discretion to review the proposed Project and Application with fresh eyes, and is not bound to defer to the findings adopted by the Planning Commission below. That being said, as elaborated below, the Planning Commission's findings were not based upon substantial evidence in the record—indeed, the Commission's findings are generally conclusory and unsupported by any record evidence—and their determination to deny the Application on the basis of those findings was arbitrary and capricious. *See, e.g., Stewart Enterprises, Inc. v. City of Oakland*, 248 Cal.App.4th 410, 424 (affirming judgment overturning planning commission's determination as unsupported by substantial evidence).

A. **Finding A: The proposed project is inconsistent with the General Plan, and any applicable specific plan, area plan, or other design policies and regulations adopted by the City Council.**

The Planning Commission erred in finding that the Project is inconsistent with the General Plan and other design policies and regulations. Approval of the Application is consistent with the City’s planning goals for the Capitola Mall. The City’s own planning documents specifically support and encourage the phased redevelopment of the Mall: the City’s General Plan includes Policy LU-8.1 to encourage “a phased approach to redevelopment of the Mall,” and specifically notes that “[e]arly phases may include improvements to the Mall façade”; the City’s 41st Avenue/Capitola Mall Vision Plan states that it is “necessary to envision and permit short-term improvements that do not fully achieve the ultimate vision” for the Mall, and accordingly includes Policy 1.9 to “[a]llow property owners to make modest improvements that will not conflict with the long-term vision for the property” and Policy 2.3 supporting “a phased approach to redevelopment of the Mall” with early phases to include “improvements to the Mall façade”; and even the City’s updated Zoning Code recognizes that “major redevelopment of the mall property may require a Rezone, Planned Development, Specific Plan, Development Agreement, or similar process,” which could take years to finalize. The proposed Project, which requests a phased update to make beneficial use of the Property without impacting future as yet undefined redevelopment plans for the Mall, is wholly consistent with these goals.

The Planning Commission’s findings improperly conclude that the Project is not consistent with the following goals and policies: General Plan Goal LU-8, General Plan Goal LU-8.1, General Plan Policy LU-8.4, General Plan Policy LU-8.5, General Plan Goal LU-9, General Plan Policy LU-9.1, General Plan Policy LU-9.3, General Plan Policy LU-9.9, General Plan Policy OSC-8.2, General Plan Policy OSC-8.3, and General Plan Goal MO-2. The findings, and the Planning Department staff report, contain mere conclusory statements that the Project fails to comport with these goals and policies, but are both completely devoid of any explanation with respect to the alleged inconsistency. In fact, the Project comports with each of these goals and policies:

- **Goal LU-8:** Goal LU-8 is to “[s]upport the long-term transformation of Capitola Mall into a more pedestrian-friendly commercial district with high quality architecture and outdoor amenities attractive to shoppers and families.” The Project is consistent with this goal; indeed, the Planning Commission findings offer no explanation as to why the Project purportedly fails to meet this goal. The Project design builds upon existing connectivity to other Mall properties—even though such connectivity is not a required element for approval of the Project plans—by adding an additional entrance that will facilitate access to the Mall from the Property. Furthermore, by promoting phased redevelopment and proposing a plan that would result in significant improvements to the Property, including the addition of bicycle parking, outdoor spaces friendly to pedestrians, pedestrian and bicycle pathways, and attractive architectural features, the proposed Project is a stepping stone to effectuating just the sort of incremental transformation of the Mall contemplated by both the General Plan and the Vision Plan.
- **Policy LU-8.1:** As discussed above, Policy 8.1 is to “[e]ncourage a phased approach to redevelopment of the Mall property. Early phases may include improvements to the Mall

façade and front entrance, and new retail pads fronting 41st Avenue. These early improvements shall not conflict with the ultimate vision for the property, as represented in the 41st Avenue/Capitola Mall Vision Plan.” Far from conflicting with this policy, the proposed Project is exactly the type of phased redevelopment that the policy, and the General Plan and Vision Plan more generally, contemplate. As discussed in the background section above, Seritage diligently coordinated with Merlone Geier, which approved of the proposed improvements to the Property, and those proposed improvements in no way interfere with later redevelopment of the Mall. Further, Merlone Geier’s (or any other property owner’s) potential plans cannot serve as a basis for denying the Project. *See Munns*, 152 Cal.App.2d at 552-553; *Roberge*, 278 U.S. at 123. Despite protestations that the Project does not comport with Policy LU-8.1, neither Planning Department staff nor the Planning Commission findings ever explain why the proposed Project would not be consistent with the “ultimate vision” for the Capitola Mall—a vision that remains nebulous as there are no concrete plans for redevelopment of the rest of the Mall. Simply put, the proposed Project is self-contained, modest, represents a significant improvement to the existing Property, and would in no way interfere with future redevelopment plans for the Mall, whatever shape those plans eventually take.

- **Policy LU-8.4:** Policy LU-8.4 is to “[e]ncourage the establishment of public gathering places on the Mall property—such as outdoor dining and courtyards—that provide space for people to informally meet and gather.” Within the context of the proposed uses at the Property (for example, no restaurant uses are proposed), the Project provides just such spaces. The Project design includes numerous pedestrian areas and zones along the entire public-facing building frontages, with new seating areas, planting, pavers, and bike racks, all of which are designed to engage the public and create small gathering spaces. The Planning Commission’s findings and the staff report both completely fail to explain why these added public spaces, designed to be pedestrian-friendly, are inconsistent with Policy LU-8.4; indeed, they are consistent with the policy.
- **Policy LU-8.5:** Policy LU-8.5 is to “support the addition of a new interior street within the Mall property” as part of the “long-term vision” for the Mall. As an initial matter, this policy is unrelated to the proposed Project, which implicates only the Property and does not involve any of the other parcels that comprise the Mall development, which involvement would be needed to add a new street. The Planning Commission findings offer no explanation for why a simple façade improvement and renovation to an existing building would implicate this policy at all. Furthermore, nothing in the proposed Project plan would in any way interfere with this “long-term” plan. The Project would not preclude addition of a new interior street at a later date, and would only represent an “early phase” of redevelopment as encouraged by both the General Plan and the Vision Plan.
- **Goal LU-9:** Goal LU-9 is to “[e]ncourage high quality development within the 41st Avenue corridor that creates an active and inviting public realm.” The Project would do just that. The proposed plans represent a vast improvement over the vacant building on the Property, adding new tenant spaces that will draw community members to the Mall

and renovating the building with high quality materials and design features. As discussed above, the Project design also incorporates features to make the improved storefronts inviting to pedestrians and bicyclists.

- Policy LU-9.1:** Policy LU-9.1 is to “[e]ncourage new development to provide amenities that enhance the vitality of the corridor, such as outdoor dining and courtyards, public art, publically accessible or semi-public gathering places, and bicycle and pedestrian facilities.” As discussed above, consistent with this policy, the Project design has incorporated several pedestrian- and bicycle-friendly outdoor areas, including the addition of new seating, planting, bicycle racks, and pavers to make the Property more accessible and enjoyable for pedestrian and bicyclist use. Nowhere do the Planning Commission or the staff report explain why these features are inadequate or inconsistent with the policy.
- Policy LU-9.3:** Policy LU-9.3 is to “[e]stablish 41st Avenue as an attractive destination with activities for families and people of all ages that occur throughout the day and night. Where feasible, incorporate public art into public spaces.” This policy is largely inapplicable to the Project, which simply proposes façade improvements and renovation to an existing building. However, the Project certainly does serve the object of establishing 41st Avenue as an attractive destination by replacing a now-vacant and languishing building with significantly improved, attractively-designed tenant spaces that will draw in the community and become a regional destination as well.
- Policy LU-9.9:** Policy 9.9 is to “[i]mprove the physical appearance of 41st Avenue through the installation of additional landscaping in the public right-of-way, enhanced Highway 1 interchange features, and improved bicycle and pedestrian facilities.” As discussed above, the Project satisfies this policy by incorporating a design that will not only improve the physical appearance of the building, but which also includes new landscaping and improved bicycle and pedestrian facilities such as seating, bicycle racks, and access paths.
- Policy OSC-8.2:** Policy OSC-8.2 is to “[m]inimize, avoid, or eliminate non-point source pollution by controlling stormwater runoff, polluted dry weather runoff, and other pollution, in compliance with Capitola’s National Pollutant Discharge Elimination System (NPDES) Permit and Stormwater Management Plan.” Both the Planning Commission findings and the staff report offer no evidence supporting a determination that the Project does not comply with this finding, and instead only contain mere conclusory allegations about the Project’s stormwater management plans. There has not been any explanation of why the Project’s existing stormwater management plan is inadequate. The current plan is designed to adhere to all NPDES and other Municipal Code requirements for the Property. The proposed improvements will not result in any change to the impervious surface footprint at the Property and do not necessitate any changes to the existing stormwater management plan, which already contains adequate best management practices to effectively manage any stormwater discharges from the Project. Simply put, the existing stormwater management plans for the Property meet all

requirements—including Policy OSC-8.2—and a finding to the contrary was unwarranted, arbitrary, and capricious.

- **Policy OSC-8.3:** Policy OSC-8.3 is to “[r]equire all new development, public and private to meet or exceed State stormwater requirements and incorporate best management practices to treat, infiltrate, or filter stormwater runoff and reduce pollutants discharged into the storm drain system and surrounding coastal waters during construction and post-construction, to the maximum extent practicable.” As discussed above, the Project is already subject to the stormwater management plan for the Property, which incorporates compliant best management practices for managing stormwater runoff. There is no evidence in the record explaining why this plan is insufficient, and indeed, the plan is compliant with all State and local requirements and was designed for the existing building at the Property, the footprint of which will remain unchanged. The stormwater management practices, including best management practices, in effect for the Property and the Project are consistent with this policy.
- **Goal MO-2:** Goal MO-2 is to “[p]rovide for ‘Complete Streets’ that serve all modes of transportation, including vehicles, public transit, bicyclists, and pedestrians.” This goal is wholly inapplicable to the Project because the Project involves only modest façade improvements and renovation of tenant spaces within an existing building, not construction of any streets or alteration to parking or right-of-ways. Beyond that, as discussed above and below, the Project does incorporate bicycle- and pedestrian-friendly features designed to make the improved building more accessible both on foot and by bicycle.

The Project comports with each of the above-referenced policies and goals, and there is no evidence in the record to support the Planning Commission’s finding that the Project is inconsistent with them. The Planning Commission erred in arbitrarily and capriciously adopting this finding.

B. Finding B: The proposed project does not comply with all applicable provisions of the Zoning Code and Municipal Code.

First, as a general matter, the Application was improperly reviewed by the Planning Department staff and Planning Commission pursuant to the updated Zoning Code¹, as opposed to the pre-February 25 Zoning Code in effect at the time that the Application was deemed complete by operation of law on February 7, 2018.² The Application is subject to the law in effect at the time

¹ The amended Zoning Code was not adopted until the City Council meeting on January 25, 2018, nearly three weeks after the Application was submitted, and took effect over two weeks after the Application was deemed complete by operation of law.

² Under the Permit Streamlining Act, Cal. Gov. Code § 65920 et seq., a public agency has 30 calendar days after it receives an application for a development project to determine in writing whether the application is complete. Cal. Gov. Code § 65943(a). If the public agency does not make a completeness determination within 30 days, the application is deemed complete by operation of law. Cal. Gov. Code § 65943(b).

of the completeness determination, and must be reviewed for consistency with the pre-February 25 Zoning Code. *San Francisco Planning and Urban Renewal Association v. Central Permit Bureau* (1973) 30 Cal.App.3d 920.

Furthermore, the City is equitably estopped from applying the post-February 25 Zoning Code to the permit application. *See Anderson v. City of La Mesa*, 118 Cal.App.3d 657, 661. Seritage’s initial application for Design Review and a Master Sign Permit was submitted nearly year and a half ago, on February 8, 2017. After the City issued an incompleteness determination on March 9, 2017, in which it instructed Seritage to engage in “[c]ollaborative efforts with owners throughout the mall property,” the City further directed Seritage to assess how the proposed site improvements would interact with Merlone Geier’s future plans for redevelopment in the Capitola Mall, and to engage with Merlone Geier to that end. Following this direction, Seritage worked with Merlone Geier and the City, and ultimately submitted the revised Application. Without this delay, the Application would have been processed months before the Zoning Code update was approved. Accordingly, the City cannot apply the new Zoning Code to the Application. *See Madain v. City of Stanton* (2010) 185 Cal.App.4th 1277.

Finally, as discussed in greater detail below in sections D, E, and F, there is no evidence to suggest that the Project does not comply with environmental health regulation, stormwater regulations, or is at all inconsistent with either the pre-February 25 Zoning Code that properly applies to it or the updated Zoning Code that the Planning Commission improperly relied upon to review the Application. Inconsistency with the Municipal Code and Zoning Code therefore was not a proper basis for the Planning Commission’s denial of the Application.

C. Finding C: The proposed project qualifies for a CEQA exemption 15270.

While Seritage disagrees that the Project is exempt from CEQA pursuant to 14 Cal. Code Regs. § 15270 on the basis of the Planning Commission’s denial, the Project is otherwise exempt from CEQA. The minor improvements to the building’s façade and adjustments to signage simply do not warrant CEQA review and are categorically exempt from CEQA.

The Application requests Design Review for its proposal to “split the existing Sears building into 3 separate tenant spaces and provide exterior improvements to the building...” The proposed partitioning of the existing building is covered by the “Existing Facilities” categorical exemption, which exempts from CEQA the negligible modification of an existing use such as “interior or exterior alteration involving such things as interior partitions” and additions to existing structures of less than 10,000 square feet. 14 Cal. Code Regs., § 15301. Also applicable is the “Replacement or Reconstruction” categorical exemption, which covers activities including the “replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity.” 14 Cal. Code Regs., § 15302.

Although the Planning Commission’s finding of exemption was incorrectly based on section 15270 of the CEQA Guidelines, the Project should be exempt from CEQA pursuant to CEQA Guidelines sections 15301 and 15302.

D. Finding D: The proposed development would be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

The Planning Commission’s finding that the proposed development would be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity has no basis in fact. The Planning Department staff report and Planning Commission pointed to three improper rationales for this finding: (1) an alleged County permitting issue associated with the proper removal of several hydraulic lifts at the Property over a year ago and (2) a purported need for updates to stormwater management plans for the Property. Neither justifies the Planning Commission’s finding.

First, the hydraulic lifts at issue were all properly removed according to standard removal procedures, and testing of the area in question did not identify any leaks associated with the lifts that were removed in 2017. Nor is there any indication that there was a spill, leak, or other release of polychlorinated biphenyls (“PCBs”) associated with any of these lifts or appurtenant systems. Indeed, the County issued a closure letter on June 29, 2016 for the removal work associated with the only documented leak from the hydraulic lift system, certifying that appropriate remediation had occurred. The evidence in the administrative record, which includes both a Phase I and Phase II report that do not identify any impacts associated with the lifts removed in 2017, clearly shows that the removal of the remaining hydraulic lifts posed no threat to public health or to other properties. What remains is an outstanding permitting issue that Seritage has committed to promptly resolving with the County of Santa Cruz, the appropriate lead agency for such environmental compliance issues. The outstanding permit documentation cannot properly serve as a basis for outright denial of the Application, particularly when Seritage suggested that the Planning Commission condition approval of the Application on receipt of the County’s rubber stamp on the properly-completed removal activities.

Second, the stormwater plans for the Property are in compliance with the Municipal Code and the Application does not create any circumstances that would require an update to the plans. The Application does not request any alteration to the building’s footprint, the existing site configuration, or to drainage infrastructure or improvements. Adjustments to the building’s façade do not implicate any increased stormwater concerns. The Planning Department staff report and Planning Commission took the position that updates to the Property’s stormwater plans are required because of modifications to the hardscape area outside of the building. In deference to Planning Department staff’s own request, Seritage agreed to replace an aging paved area outside of the building with new, more attractive pavers. The proposed change—only incorporated at the City’s behest—will not result in any significant changes to drainage patterns or hardscape footprint, and will result in only minimal disturbance during construction, all of which can be easily and appropriately be managed pursuant to the Property’s existing stormwater plan.

E. Finding E: The proposed project does not comply with all applicable design review criteria in Section 17.120.070 (Design Review Criteria).

Contrary to the Planning Commission and staff report findings, the proposed Project is compliant with all applicable design review criteria, and the Planning Commission erred in denying the Application on this basis.

Once again, the Planning Commission improperly applied the post-February 25 Zoning Code to its review of the Application. As a result, it considered a number of items that are not required elements of review under the pre-February 25 Zoning Code that appropriately governs the Application.³ Regardless, we explain below the Application's consistency with each of the elements with which the updated Zoning Code requires a finding of compliance. No matter the version of the Code applied to the Application, failure to approve the Application on the basis of non-compliance with design review criteria was arbitrary and capricious.

1. Sustainability (Updated CMC 17.120.070.D)

The Planning Commission erred in finding that the Application does not meet the required sustainability criterion under the updated Zoning Code. Setting aside that this criterion is not properly applicable to review of the Application under the pre-February 25 Zoning Code, the Application does comport with this element, if and to the extent it applies to the Project.

With respect to sustainability, the Commission's objection appears to be that there is an outstanding May 17, 2018 notice from the County of Santa Cruz in connection with an alleged permitting issue for removal of several hydraulic lifts on the Property, which took place last year. The timing of this notice is curious. This notice appears to have been issued by the County at the request of Planning Department staff in advance of the Planning Commission hearing. However, this notice does not represent any inconsistency with the sustainability considerations the Planning Commission is required to evaluate under the updated Zoning Code, which simply require that the proposed Project support sustainability through energy generation, passive solar design, enhanced energy efficiency, water conservation measures, and other green building techniques. Updated CMC 17.120.070.D. Indeed, the sustainability element the Planning Commission is required to evaluate is generally inapplicable to the Application.

Even were the sustainability criterion to somehow be implicated by the existence of the County's notice, the notice did not in any way impact the Planning Commission's ability to approve the Application. Seritage is committed to working cooperatively with the County to fully resolve all issues articulated in the May 17, 2018 notice, and the Planning Commission had complete discretion to approve the Application subject to a condition that Seritage receive the necessary environmental approvals and clearances from the County. The Application should not have been denied on this basis.

³ Under the applicable version of the Zoning Code, the Planning Commission must consider, to the extent applicable to the application: traffic, circulation, safety and congestion; outdoor advertising; landscaping; site layout, drainage; architectural character; fire prevention; excavation and grading; landscape maintenance; protection of historic features and vistas; encouraging utilization and protection of solar energy; design guidelines for special commercial or residential areas in the General Plan, LCP, area plans, or other approved design policies; review of floodplain areas; and garbage areas. CMC 17.63.090. Elements such as sustainability, pedestrian environment, parking, and articulation and visual interest are not required to be considered under the applicable Code.

2. Drainage (Updated CMC 17.120.070.N)

The Planning Commission improperly found that the Application is inconsistent with the updated Zoning Code's requirement that the site plan be designed "to maximize efficiency of on-site drainage with runoff directed towards permeable surface areas and engineered retention." The existing stormwater plan for the Property is more than adequate to meet the Code's requirement, and is fully compliant with the standards in Municipal Code Chapter 13.16, which covers stormwater pollution prevention.

As an initial matter, the Application does not request any alteration to the building's footprint or the existing site configuration, or to drainage infrastructure or improvements. Adjustments to the building's façade do not implicate any increased stormwater concerns. Planning Department staff previously took the position that updates to the Property's stormwater plans are required because of modifications to the hardscape area outside of the building; this seems to be the basis for the Planning Commission's finding that the Application does not comport with drainage requirements.

In fact, the modifications to the hardscape area were incorporated to the Application in deference to Planning Department staff's own request. The proposed change—only incorporated at the City's behest—would not result in any significant changes to drainage patterns or hardscape footprint, and would cause in only minimal disturbance during construction, all of which can be easily and appropriately be managed pursuant to the Property's existing stormwater plan and in compliance with Municipal Code requirements. Neither the staff report nor the Planning Commission's findings explain why or how the current stormwater plans for the Property are deficient, and simply rely on a conclusory statement that a consultant, HydroScience, found the Project to be out of compliance with the Municipal Code requirements, without any further elaboration. Even the cited HydroScience memorandum is only two paragraphs long and itself offers no explanation as to why the existing plans are deficient. It was wholly arbitrary and capricious of the Planning Commission to rely on unsupported statements by HydroScience and staff to determine inconsistency with drainage requirements.

Further still, if the Planning Commission had concerns about the Project's ability to comport with drainage requirements, the Commission had full ability to approve the Application subject to a condition that the stormwater plan be updated to include certain best management practices or other provisions to ensure appropriate stormwater management. There was no basis for denying the Application with prejudice when this issue could be resolved through imposition of a condition.

3. Pedestrian Environment (Updated CMC 17.120.070.E)

The Planning Commission incorrectly determined that the Application does not comport with the updated Zoning Code's standards for pedestrian environment. As noted above, however, the pedestrian environment standard did not even need to be a consideration in review of the Application, as it is not part of the review criteria articulated in the pre-February 25 Zoning Code. Even were the standard to be applied, the updated Zoning Code only requires that "primary entrances are oriented towards and visible from the street to support an active public realm and an inviting pedestrian environment." Updated CMC 17.120.070.E.

The Project design shown in the Application meets that standard: primary entrances to all of the proposed tenant spaces will be oriented towards and visible from the street. Beyond that, the proposed design also creates numerous pedestrian areas and zones along the entire public-facing building frontages. These zones are enhanced with materials friendly to pedestrians and create a scale and sense of space that is pedestrian-friendly. This includes new planting, seating, bike racks, enhanced paving, and other upgrades to the existing building. These improvements were proposed by Seritage even before the Zoning Code update.

Neither the pre-February 25 Zoning Code nor the updated Zoning Code contain any requirement that the proposed plans look beyond the Property's boundary to address circulation issues within the Mall at large. The Planning Commission's findings rely on the staff report's discussion of "internal connectivity" within the Mall, which is not relevant to the pedestrian environment design review criterion. Further, the proposed renovations will have no impact on current circulation patterns within the Mall, as the overall building footprint will remain wholly unchanged.

In short, the Planning Commission erred in finding the Application to be non-compliant with the pedestrian element on account of circulation patterns within the Mall, which are not a relevant factor in reviewing the Application or determining consistency with the pedestrian environment criterion, let alone a basis for denial.

4. Architectural Style, Articulation And Visual Interest, Materials, And Signs (Updated CMC 17.120.070.I, J, K, and P)

Relying on the findings in the staff report, the Planning Commission improperly determined that the Application did not comport with the Architectural Style, Articulation and Visual Interest, Materials, and Signs design review criteria with respect to the improvements to the proposed TJ Maxx/Homegoods and Petco façades. In fact, the façades as proposed in the Application do satisfy the requirements of both the pre-February 25 Zoning Code and the updated Zoning Code. Furthermore, the current design is the result of significant design work in collaboration with Planning Department staff, including numerous revisions to elevations and incorporation of staff comments throughout the design process.

Under the pre-February 25 Zoning Code, the Planning Commission is required to consider: the suitability of the building for its purpose; the appropriate use of materials to insure compatibility with the intent of the title; and the number, location, color, size, height, lighting and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and the appearance and harmony with adjacent development. CMC 17.63.090.A, F. There is no question that the building is suitable for its use—the requested tenant uses are permitted by-right on the Property and are consistent with past uses—or that the materials proposed are high-quality materials consistent with the other proposed improvements to the Property and represent a vast improvement over the existing condition of the building. As discussed in Section F below with respect to the Master Sign Program, the proposed signage is consistent with all Zoning Code and other planning document requirements and is necessary and appropriate for the type of businesses that will be located within the building.

Even applying the standards of the updated Zoning Code, the Application satisfies the requisite criteria applicable to the improvements' design. The updated Zoning Code requires that: buildings' architectural style be compatible with the surrounding built and natural environment, be an authentic implementation of appropriate established architectural styles, and reflect Capitola's coastal village character; building façades be well-articulated to add visual interest, with architectural details to contribute to the visual interest of the building; building façades include a mix of natural, high-quality, and durable materials that are appropriate to the architectural style and articulation and are compatible with surrounding development; and the number, location, size, and design of signs compliment the Project design and are compatible with the surrounding context. Updated CMC 17.120.070.I, J, K, P. Once again, the design of the improvements proposed by the Application is fully consistent with these standards. The proposed improvements are not only consistent with the surrounding environment, but represent a significant upgrade to the current building façade. The design and finishes of the improved façades were selected to be consistent with other buildings that have been recently approved in Capitola, and are consistent with Capitola's coastal village character. The new entryways for the TJ Maxx/Homegoods and Petco tenant spaces utilize a mix of high-quality materials and are distinctly articulated to add visual interest to the building. As discussed above, the signage is entirely appropriate and compatible with both the surroundings and the Project design.

In short, the design proposed in the Application satisfies all of the required elements of both the pre-February 25 and updated Zoning Codes, and the Planning Commission's denial on this basis was arbitrary and capricious.

5. Parking And Access (Updated CMC 17.120.070.L)

The Planning Commission relied on staff report conclusions regarding pedestrian and bicycle connectivity throughout the Property to incorrectly find that the Application was inconsistent with the design review criterion for parking and access. As discussed above, the Application does not propose any changes to the building's footprint, and accordingly would not disrupt the status quo in terms of connectivity; nor are connectivity issues relevant to a review of planned improvements that will occur only within the Property's boundaries. Additionally, these connectivity issues are not required to be analyzed under the pre-February 25 Zoning Code, and the status quo at the Property meets the updated Zoning Code's requirement for provision of safe and convenient connections to pedestrians and bicyclists on the Property. Updated CMC 17.120.070.L. Indeed, there is no evidence in the record, either provided by Planning Department staff or otherwise, to demonstrate that the existing Project plans do not comport with the parking and access design review criterion.

Furthermore, although Seritage believes that the updated Zoning Code should not apply to the Application and that the review of the proposed improvements to the Property does not implicate the rest of the Mall or a consideration of connectivity issues at the Mall, the Project as proposed already incorporates a number of bicycle parking locations, connection paths from the public right of way to the Property, and the addition of two bicycle paths connecting the Property to the public right of way. These elements are more than adequate to meet the Code requirements. The Planning Commission's finding that the Application does not comply with the parking and access design review criterion was therefore arbitrary and capricious.

6. Open Space And Public Places (Updated CMC 17.120.070.O)

The Planning Commission erred in finding that the Application did not comport with the open space and public places design review criterion. Although open space and public places did not even need to be considered by the Planning Commission, as this standard is not a part of the pre-February 25 Zoning Code, the updated Zoning Code only requires that semi-public outdoor spaces “help support pedestrian activity with an active and engaging public realm.” Updated CMC 17.120.070.O. The proposed design meets this standard by including improved landscaping and outdoor seating areas to serve pedestrians.

As discussed above, the proposed design has created numerous pedestrian areas and zones along the entire public-facing building frontages. All of these zones are designed to engage the public and create small gathering spaces. These zones are enhanced with materials friendly to pedestrians and create a scale and sense of space that is pedestrian-friendly. Simply put, the Application is not deficient as it supports incremental redevelopment within the public realm. Accordingly, the Planning Commission’s finding that the Application does not comply with the open space and public places design review criterion is not based upon any evidence in the record and is wholly arbitrary.

F. **Finding F: The proposed Master Sign Program unreasonably exceeds the sign regulations of the zoning code.**

The Planning Commission’s adoption of this finding was arbitrary and capricious. First, as discussed above, the Master Sign Program should be reviewed pursuant to the pre-February 25 Zoning Code. It is fully compliant with that code, which provides that signs can occupy a maximum area of one square foot of sign area per one square foot of linear building frontage. CMC 17.57.070.B.

It is also fully compliant with the updated Zoning Code. The Planning Department staff report recommended that the Master Sign Permit be denied because the post-February 25 Zoning Code establishes a maximum cumulative sign area in the Regional Commercial zone of one square foot of sign area per one square foot of linear building frontage, up to a maximum of 50 square feet. Updated CMC 17.80.070. Noting that the Application’s requested Master Sign Program would allow signs in excess of this maximum, the report recommended the Planning Commission “require approval of future signs consistent with Chapter 17.80.” But updated CMC 17.80.130.F.2 provides: “A Master Sign Program may deviate from standards contained in this chapter relating to permitted sign height, number of signs, sign area, and type of sign.” In other words, the Planning Commission had full discretion to approve the Master Sign Permit as requested by the Application, and because a Master Sign Program is being requested, the conclusion that the requested sign areas are “more than four times the maximum permissible by code” is not only arbitrary, but factually incorrect.

The proposed Master Sign Program is also consistent with all required findings under the updated Zoning Code, under which the Planning Commission needed only to find that the proposed signs: are consistent with the General Plan, LCP, Zoning Code, and any applicable specific or area plan; are compliant with the standards of Chapter 17.80; will not adversely impact public health, safety, or general welfare; are compatible with the architectural design of

the building; and are not larger than necessary for adequate identification. Updated CMC 17.132.070. These findings are easily supported by the Application. The requested signage is fully compatible with the requirements of any Zoning Code, General Plan, LCP, or specific or area plan provision, and the signs pose no threat to public health, safety, or welfare. The proposed signage is not only consistent with the architectural design of the building, but is also necessary and appropriate for the building and the types of tenants that will occupy the renovated spaces. Signage of similar area is industry standard for these kinds of tenants, and is no larger than needed to make the proposed retail destinations at the Property competitive with business of a similar nature.

Simply put, the Planning Commission's decision to deny the Master Sign Program on the basis of alleged inconsistencies between the sign area permitted by the updated Zoning Code and the proposed sign areas was arbitrary, capricious, and disregards the true requirements applicable to the Application.

III. CONCLUSION

The City Council has full discretion to review the Application anew—whether properly applying the pre-February 25 Zoning Code or applying the updated Zoning Code—and to approve it on the basis of its compliance with all Municipal Code, General Plan, and other applicable requirements, for all of the reasons discussed herein. Because the Planning Commission's decision to deny the Application with prejudice was arbitrary, capricious, and unsupported by any evidence in the record, and because the City Council is fully able to make all requisite findings to approve the Application, Seritage appeals the Planning Commission's decision and respectfully requests that the City Council approve the Application.

Herlihy, Katie (kherlihy@ci.capitola.ca.us)

From: John Gerbrandt <John.Gerbrandt@santacruzcounty.us>
Sent: Wednesday, October 10, 2018 3:45 PM
To: Herlihy, Katie (kherlihy@ci.capitola.ca.us)
Cc: Pat Hoban; Rebecca Supplee
Subject: RE: Any update on Sears?

Hi Katie,

I will give you an update of events since July 31, 2018.

July 31, 2018: Sears provided electronic correspondence (email) that included the updated UST Closure Permit packet for the 10 underground hydraulic hoists removed during February 2017 (without a permit from our agency). This email also included the soil sampling plan *Work Plan for Supplemental Soil Investigation* (dated June 28, 2018, by TRC) and the appropriate *Certificate of Liability Insurance* form with Sears' current workers compensation and employers' liability insurance information (which is required by our agency for the required work).

August 2018: During August 2018, our agency worked with Sears to receive the appropriate fees for the UST Closure Permit. Our agency reviewed the permit packet for all required elements.

September 5, 2018: Following the confirmation that all appropriate fees for the UST Closure Permit were received, our agency approved the UST Closure Permit, including the soil sampling work plan.

September 13, 2018. TRC emailed our agency with a fieldwork notification and field contact person information. On September 21st, private utility and USA work would be conducted. The drilling and soil sample collection would be conducted on September 27th.

September 27, 2018: TRC and Cascade Drilling advancement of 10 soil borings and for the collection soil samples from beneath each of the hydraulic lifts. Our agency conducted a fieldwork inspection and witness drilling, soil sampling, and sealing of resulting soil borings with grout. On this date, following the fieldwork, I called TRC's project manager for this investigation, Ms. Kristin Bolen, and discussed with her that it might be warranted to discuss with the Responsible Party (Sears) the potential for rushing the laboratory analytical data due to the October 25, 2018, appeals date in front of Capitola's City Council. I do not know if the soil samples were placed on a rush with the analytical laboratory or if Ms. Bolen discussed that option with Sears.

To this date, I have not received any soil analytical data or a report detailing the subsurface investigation work conducted on September 27, 2018. The fact that I have not received any data, or a report, is to be expected because it would be an incredibly short time by industry standards. Typically, I would require the report due date to be 90 days following the approval of a work plan, December 4, 2018, in this case. The biggest obstacle for this project is for our agency to receive the subsurface investigation report in enough time for our agency to review and respond to the report by the October 25, 2018, appeals date.

If you have any questions, please let me know.

Sincerely,

John Gerbrandt, P.G., R.E.H.S. | Environmental Health Specialist
Hazardous Materials Program
 Environmental Health Division | Santa Cruz County Health Services Agency
 701 Ocean Street, Room 312, Santa Cruz, CA 95060

Attachment: Santa Cruz County Env. Health Division Email (10.10.2018) (Appeal of Application 17-019, 4015 Capitola Road)

From: Herlihy, Katie (kherlihy@ci.capitola.ca.us) <kherlihy@ci.capitola.ca.us>
Sent: Wednesday, October 10, 2018 10:21 AM
To: John Gerbrandt <John.Gerbrandt@santacruzcounty.us>
Cc: Pat Hoban <pat@weber-hayes.com>; Rebecca Supplee <Rebecca.Supplee@santacruzcounty.us>
Subject: RE: Any update on Sears?

Hi John,

Hope all is well over at the County. I believe you know that the Planning Commission denied the 4015 Capitola Road (Sears) application on June 7th. The applicant appealed, requesting a hearing on October 25th. I believe the requested October date was to complete environmental cleanup requirements.

In preparation for the October meeting, could you provide me with a timeline of events that occurred since the June 7th denial regarding the environmental cleanup efforts and a summary of any outstanding issues? This would be a great help. I'm starting to draft the staff report now.

The following is from the appeal letter regarding permitting of the lifts:

D. Finding D: The proposed development would be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

The Planning Commission's finding that the proposed development would be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity has no basis in fact. The Planning Department staff report and Planning Commission pointed to three improper rationales for this finding: (1) an alleged County permitting issue associated with the proper removal of several hydraulic lifts at the Property over a year ago and (2) a purported need for updates to stormwater management plans for the Property. Neither justifies the Planning Commission's finding.

First, the hydraulic lifts at issue were all properly removed according to standard removal procedures, and testing of the area in question did not identify any leaks associated with the lifts that were removed in 2017. Nor is there any indication that there was a spill, leak, or other release of polychlorinated biphenyls ("PCBs") associated with any of these lifts or appurtenant systems. Indeed, the County issued a closure letter on June 29, 2016 for the removal work associated with the only documented leak from the hydraulic lift system, certifying that appropriate remediation had occurred. The evidence in the administrative record, which includes both a Phase I and Phase II report that do not identify any impacts associated with the lifts removed in 2017, clearly shows that the removal of the remaining hydraulic lifts posed no threat to public health or to other properties. What remains is an outstanding permitting issue that Seritage has committed to promptly resolving with the County of Santa Cruz, the appropriate lead agency for such environmental compliance issues. The outstanding permit documentation cannot properly serve as a basis for outright denial of the Application, particularly when Seritage suggested that the Planning Commission condition approval of the Application on receipt of the County's rubber stamp on the properly-completed removal activities.

Give me a call if you have any questions. I appreciate your help.

Thank you,

Katie Herlihy, AICP
 Community Development Director

City of Capitola

420 Capitola Avenue
 Capitola, CA 95010
 (831) 475-7300



Planning Counter Hours: 1 - 4 p.m., Monday - Friday

From: John Gerbrandt <John.Gerbrandt@santacruzcounty.us>
Sent: Wednesday, August 01, 2018 12:04 PM
To: Herlihy, Katie (kherlihy@ci.capitola.ca.us) <kherlihy@ci.capitola.ca.us>
Cc: Pat Hoban <pat@weber-hayes.com>; Rebecca Supplee <Rebecca.Supplee@santacruzcounty.us>
Subject: RE: Any update on Sears?

Hi Katie,

Here is an update on the progress Sears has made. On July 13, 2018, our agency received Sears' "Application for Permit to Remove/Safeguard Underground Hazardous materials Storage Tank" for the 10 former hoists "deactivated" without permit from the facility on February 16, 2017. The permit application our agency received was incomplete and did not include the required funds for the permit. On July 31, 2018, our agency received additional documentation from Sears and Sears' indicated that the required funds have been mailed to our agency. Our agency will review the permit application once the permit fees have been received.

If you have any questions, please let me know.

Sincerely,

John Gerbrandt, P.G., R.E.H.S. | Environmental Health Specialist
Hazardous Materials Program
 Environmental Health Division | Santa Cruz County Health Services Agency
 701 Ocean Street, Room 312, Santa Cruz, CA 95060

From: Herlihy, Katie (kherlihy@ci.capitola.ca.us) <kherlihy@ci.capitola.ca.us>
Sent: Friday, July 13, 2018 1:16 PM
To: Rebecca Supplee <Rebecca.Supplee@santacruzcounty.us>
Cc: John Gerbrandt <John.Gerbrandt@santacruzcounty.us>; Pat Hoban <pat@weber-hayes.com>
Subject: RE: Any update on Sears?

Thank you, Rebecca.

John,
 Please keep us me in the loop regarding the permit status and timing. Their development application is to convert the Sears into a Petco and TJ Maxx. It was denied by the Planning Commission with environmental compliance being one of numerous findings for denial. They appealed and have an October hearing set for City Council review.

Attachment: Santa Cruz County Env. Health Division Email (10.10.2018) (Appeal of Application 17-019, 4015 Capitola Road)

Thanks,

Katie Herlihy, AICP
Community Development Director

City of Capitola

420 Capitola Avenue
Capitola, CA 95010
(831) 475-7300



Planning Counter Hours: 1 - 4 p.m., Monday - Friday

From: Rebecca Supplee [<mailto:Rebecca.Supplee@santacruzcounty.us>]
Sent: Friday, July 13, 2018 12:55 PM
To: Herlihy, Katie (kherlihy@ci.capitola.ca.us) <kherlihy@ci.capitola.ca.us>
Cc: John Gerbrandt <John.Gerbrandt@santacruzcounty.us>; Pat Hoban <pat@weber-hayes.com>
Subject: RE: Any update on Sears?

Hi Katie,

We just received the closure permit application for the hoists. We have not reviewed or approved it. I will be on vacation the next 2 weeks. The project is assigned to John Gerbrandt. You can contact him for any follow up questions. Thanks,

Rebecca Supplee, R.E.H.S.

Hazardous Materials Program Manager
County of Santa Cruz Health Services Agency - Environmental Health Division
701 Ocean Street, Suite 312
Santa Cruz, California 95060

(831) 454-2738 (o)

(831) 454-3128 (f)

Rebecca.Supplee@SantaCruzCounty.US

<http://www.scceh.com/>

From: Herlihy, Katie (kherlihy@ci.capitola.ca.us) <kherlihy@ci.capitola.ca.us>
Sent: Friday, July 13, 2018 12:23 PM
To: Rebecca Supplee <Rebecca.Supplee@santacruzcounty.us>
Subject: Any update on Sears?

Attachment: Santa Cruz County Env. Health Division Email (10.10.2018) (Appeal of Application 17-019, 4015 Capitola Road)

Hi Rebecca,

The deadline in your letter has passed. Did they apply for the correct permits for facility closure?

Thanks,

Katie Herlihy, AICP
Community Development Director

City of Capitola
420 Capitola Avenue
Capitola, CA 95010
(831) 475-7300



Planning Counter Hours: 1 - 4 p.m., Monday - Friday

Attachment: Santa Cruz County Env. Health Division Email (10.10.2018) (Appeal of Application 17-019, 4015 Capitola Road)



420 CAPITOLA AVENUE
 CAPITOLA, CALIFORNIA 95010
 TELEPHONE (831) 475-7300
 FAX (831) 479-8879

FINAL LOCAL ACTION NOTICE

June 8, 2018

Seritage SRC Finance LLC
 489 Fifth Avenue, 18th Floor
 New York, New York 10017

RE: Notice of Final Action on Application #17-019

4015 Capitola Road #17-019 APN: 034-261-40

Design Permit to renovate the existing SEARS into three tenant spaces (Sears, TJ Maxx/Homegoods, and PetSmart) with remodeled exterior facades, two 4,000 square foot building pads for a future development phase, and a Master Sign Program located for the three tenants within the CC (Community Commercial) zoning district.

This project is not located in the Coastal Zone.

Environmental Determination: Categorical Exemption

Property Owner: Seritage SRC Finance LLC

Representative: Mark Rone, Cypress Equities

The above matter was presented to the Planning Commission on June 7, 2018, and was **denied with prejudice**. This decision may be appealed to the City Council within ten (10) calendar days following the date of the Commission action. If the tenth day falls on a weekend or holiday, the appeal period is extended to the next business day. June 17 falls on a Sunday; accordingly, the appeal deadline is Monday, June 18, 5 p.m. Appeals must be in writing, setting forth the nature of the action and the basis upon which the action is considered to be in error, and addressed to the City Council in care of the City Clerk. An appeal must be accompanied by a filing fee of five hundred dollars (\$500).

Also, a \$7,000 deposit was collected at the time of project submittal. Deposit accounts require an initial payment as stipulated in the City's Fee Schedule. The initial deposit has been depleted, and the applicant is responsible for replenishing the account. The outstanding balance of the deposit account is negative \$7,000.21. The outstanding balance must be paid prior to proceeding with an appeal or if not appealed, within 21 days of this notice.

Attachment: Final Local Action Notice of Denial (06.15.2018) (Appeal of Application 17-019, 4015 Capitola Road)

4015 Capitola Road, #17-019

June 8, 2018

Page 2

FINDINGS

A. The proposed project is inconsistent with the General Plan, and any applicable specific plan, area plan, or other design policies and regulations adopted by the City Council.

Community Development Staff and the Planning Commission have reviewed the project and found that the project is inconsistent with the General Plan and the 41st Avenue/Capitola Mall re-visioning plan. The project does not support the long-term transformation of the Capitola Mall into a more pedestrian-friendly commercial district with high quality architecture and outdoor amenities attractive to shoppers and families (Land Use Goal 8); the project is in conflict with the ultimate vision for the property, as represented in the 41st Avenue/Capitola Mall Re-visioning Plan (Land Use Goal 8.1); the project does not encourage the establishment of gathering places on the Mall property such as outdoor dining and courtyards that provide space for people to informally meet and gather (Policy LU 8.4); the project does not support the long term vision for the Capitola Mall of a new interior street within the Mall property lined with sidewalk-oriented retail, outdoor dining, and pedestrian amenities in which the new street is connected with the existing street network surrounding the mall property to enhance mall access for all modes of transportation (Policy LU 8.5); the project does not encourage high quality development within the 41st Avenue corridor that creates an active and inviting public realm (Goal LU-9); The project does not provide amenities that enhance the vitality of the corridor, such as outdoor dining and courtyards, public art, publicly accessible or semi-public gathering places, and bicycle and pedestrian facilities (LU 9.1); the project does not contribute toward establishing 41st Avenue as an attractive destination with activities for families and people of all ages that occur throughout the day and night and does not incorporate public art into public spaces (Policy LU 9.3); the project does not provide adequate bicycle and pedestrian facilities (Policy LU 9.9); the project does not minimize, avoid, or eliminate non-point source pollution by controlling stormwater runoff, polluted dry weather runoff, and other pollution, in compliance with Capitola's National Pollutant Discharge Elimination System (NPDES) Permit and Stormwater Management Plan (Policy OSC 8.2); the application does not meet or exceed State stormwater requirements and incorporate best management practices to treat, infiltrate, or filter stormwater runoff and reduce pollutants discharged into the storm drain system and surrounding coastal waters during construction and post-construction, to the maximum extent practicable (Policy OSC 8.3); and the application does not provide "complete streets" that serve all modes of transportation, including vehicles, public transit, bicyclists, and pedestrians (Goal MO-2).

B. The proposed project does not comply with all applicable provisions of the Zoning Code and Municipal Code.

The project does not comply with environmental health regulations (CMC Chapter 2.20 and Santa Cruz County Code Chapter 7.100); does not comply with stormwater regulations (CMC 13.16); and does not comply with the zoning code chapters 17.24 Regional Commercial Zoning District, 17.76 Parking and Loading, 17.80 Signs, and 17.120 Design Permits.

C. The proposed project qualifies for a CEQA exemption 15270.

Section 15270 of the CEQA guidelines exempts projects which a public agency disapproves.

4015 Capitola Road, #17-019

June 8, 2018

Page 3

D. The proposed development would be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

The Sears Automotive Center has potential environmental impacts associated with underground hydraulic lifts. The Santa Cruz County Environmental Health Division (SCCEHD) requires permits to remove underground lifts. The SCCEHD has found underground lifts can leak oil and pose potential long term environmental and possible human health problems. There is evidence that some of the oil in the lift systems contained Polychlorinated Biphenyls (PCBs), which are probable human carcinogens. On May 17, 2018, SCCEHD provided the applicant with a Notice of Violation (NOV) for the unpermitted deactivation and capping of ten in ground lifts at the project location. Without the SCCEHD permit insuring that the hydraulic lift closure has been completed in accordance with Santa Cruz County Chapter 7.100, summarized earlier, there is insufficient evidence in the record to establish that the project will not be environmentally detrimental and will not pose the risk of injury to persons or properties in the vicinity of the project.

Also, the stormwater plans have not been found in compliance with Municipal Code Chapter 13.16. A third party technical review of the stormwater plans was completed by HydroScience. HydroScience made findings that the project is not in compliance with the Capitola Municipal Code Section 13.16 Stormwater Pollution Prevention and Protection and the Post Construction Requirements (PCRs) as specified in Resolution No. R3-2013-0032 issued by the California Regional Water Quality Control Board for the Central Coast Region in July 2013. Without compliance to Capitola Municipal Code Section 13.16 Stormwater Pollution Prevention and Protection and compliance with the PCRs as specified in Resolution No. R3-2013-0032 issued by the California Regional Water Quality Control Board for the Central Coast Region in July 2013, there is insufficient evidence in the record to establish that the project will not be environmentally detrimental and will not pose the risk of injury to persons or properties in the vicinity of the project.

E. The proposed project does not comply with all applicable design review criteria in Section 17.120.070 (Design Review Criteria)

The proposed project does not comply with all applicable design review criteria in Section 17.120.070 including D (Sustainability), N (Drainage), E (Pedestrian Environment), I (Architectural Style), J (Articulation and Visual Interest), K (Materials), P (Signs), L (Parking and Access); and O (Open Space and Public Space) as outlined within the staff report and incorporated within.

4015 Capitola Road, #17-019
June 8, 2018
Page 4

F. The proposed Master Sign Program unreasonably exceeds the sign regulations of the zoning code.

The proposed Master Sign Program includes allowances of up to 251 square feet of sign area for an individual tenant sign on one façade, more than four times the maximum permissible by code.

Sincerely,



Katie Herlihy, AICP
Community Development Director

cc: Mark Rone

Attachment: Final Local Action Notice of Denial (06.15.2018) (Appeal of Application 17-019, 4015 Capitola Road)



STAFF REPORT

TO: PLANNING COMMISSION
 FROM: COMMUNITY DEVELOPMENT
 DATE: JUNE 7, 2018
 SUBJECT: **4015 Capitola Road #17-019** **APN: 034-261-40**

Design Permit to renovate the existing SEARS into three tenant spaces (Sears, TJ Maxx/Homegoods, and PetSmart) with remodeled exterior facades, two 4,000 square foot building pads for a future development phase, and a Master Sign Program located for the three tenants within the CC (Community Commercial) zoning district.

This project is not located in the Coastal Zone.

Environmental Determination: Categorical Exemption, Section 15270 of the CEQA guidelines

Property Owner: Seritage SRC Finance LLC

Representative: Mark Rone, Cypress Equities

APPLICANT PROPOSAL

The applicant submitted a design permit application to remodel the Sears building and convert the space into three separate tenant spaces with updated exterior facades. The west side of the existing Sears space would be converted into three tenant spaces to accommodate TJ Maxx/Homegoods (40,772 sf), Petco (11,478 sf), and Sears (58,741 sf). The proposal includes two new 4,000 square feet building pads; one on 41st Avenue frontage and one on Capitola Road frontage and a Master Sign Program for the three tenants. (Attachment 1: Plans; Attachment 2: Master Sign Program)

The proposed project is not in compliance with Capitola Municipal Code 13.16 Stormwater Pollution Prevention and Protection, Resolution No. R3-2013-0032 of the California Regional Water Quality Control Board for the Central Coast Region, the Capitola Zoning Code, the Capitola General Plan, and Santa Cruz County Code 7.100.060. Therefore, staff is recommending denial of the application.

BACKGROUND

On December 1, 2016, the Planning Commission provided direction on a Conceptual Review Application for the Sears building. The Planning Commission advised the applicant to improve the Sears façade, provide phased buildout information, and coordinate with the mall owner to show how the project fits within the mall redevelopment and future circulation plans.

On February 10, 2017, the City received an application for Design Permit and Master Sign Permit for the property at 4015 Capitola Road.

On March 9, 2017, the City provided the applicant with an incomplete letter which outlined outstanding items (Attachment 3). On April 19, 2018, the City provided an updated incomplete letter that separated required incomplete items from advisory items, as a follow-up from a discussion with the applicant (Attachment 4: KH email).

On December 14, 2017, the City received copies of a Phase 1 and 2 ESA from the project architect for the partial removal of joist.

On January 9, 2018, the applicant provided an updated application submittal (Attachment 1).

On February 7, 2018, city staff emailed the applicant explaining that comments were not ready. Also, staff informed the applicant that a new zoning code and zoning map had been adopted on January 25, 2018. The property zoning changed from Community Commercial to Regional Commercial. Staff explained that the new zoning and development standards would apply to the project on February 25, 2018 (Attachment 5).

On February 15, 2018, City staff informed applicant's Architect that Phase 1 and 2 ESA had been reviewed by a third party and found that facility closure work was incomplete (Attachment 6).

On February 28, 2018, City staff provided the applicant with a second incomplete letter relative to the project under the new zoning district and new development standards (Attachment 7).

On May 9, 2018, the applicant submitted a letter from their attorney, suggesting that application is "deemed complete" under the Permit Streamlining Act (PSA) and request that the application be set for public hearing at the earliest opportunity, and within 30 days at the latest. The PSA sets forth a time limit of 30 days after an application is submitted in which to inform the applicant of whether the application is complete. If the agency does not inform the applicant within the 30-day period, the application will be "deemed complete" even when the application is deficient. Upon deeming the application complete, the application must be noticed for public hearing and the placed on the Planning Commission agenda (Attachment 8: Letter). The first attachment to letter is included in the Attachment 8. It is the letter from Merlone Geier providing approval of the plans including one 2,656-square-foot pad along Capitola Road. The entire letter with attachments is voluminous with over 600 pages. In an effort to save paper, the full letter with attachments is available at City Hall for the public to review and on the City's Website on the Community Development webpage at <http://www.cityofcapitola.org/communitydevelopment>.

On May 17, 2018, Santa Cruz County Environmental Health Division (SCCEHD) provided the applicant with a Notice of Violation (NOV) for the unpermitted removal of ten underground hydraulic lifts. The NOV noted that the ten underground lifts that were removed in 2017 were in violation of Santa Cruz County Code 7.100.060. SCCEHD directed the property owner to apply for and obtain a permit retroactively for the closure of the underground storage lifts that were removed and to do so by June 29, 2018 (Attachment 9).

On May 18, 2018, the City Attorney confirms completeness determination (Attachment 10).

On May 23, 2018, the City informed the applicant that the application would be reviewed by the Planning Commission on June 7, 2018 (Attachment 11).

DISCUSSION

Sears is located on the south-east corner of the Capitola Mall with frontage on Capitola Road and 41st Avenue. The building is setback 280 feet from Capitola Road and 316 feet from 41st

Avenue with surface parking and limited landscaping within the setback area. The existing Takara restaurant building at 3775 Capitola Road is part of the same parcel as the proposed development.

The subject property is 10.5 acres in size, the second largest ownership parcel on the mall site. The Sears building was built in 1971 and has had minor renovations in its 47-years of existence. Sears was the first structure to be built on the regional shopping mall property, followed by the mall and three larger department stores. The mall site has been identified in the Capitola General Plan (2014) and the 41st Avenue/Capitola Mall Re-visioning Plan (2011) as an area prime for redevelopment.

General Plan

The 2014 Capitola General Plan outlines the vision for future development in Capitola through establishing guiding principles, goals, policies and actions. Attachment 12 includes relative excerpts from the General Plan related to the propose project and future development of the mall. The project has improved since the 2016 conceptual review, with the inclusion of two future building pads along the frontage of 41st Avenue and Capitola Road. However, the project application fails to demonstrate how the proposed project coordinates with adjacent property owner plans, and implements the General Plan goals for mall redevelopment.

As the mall evolves it is important to ensure the incremental changes within each parcel incorporate site improvements that fit within the greater vision for mall redevelopment, otherwise the General Plan goals may be missed entirely. As proposed, the project has been designed to function independently from the mall, with no pedestrian connectivity between the two new tenant spaces and the mall. It is unclear how the proposed project would fit into a larger mall redevelopment effort. The application provides no indication of cooperation between adjacent property owners toward the General Plan goal LU-8 and Policies LU-8.1 and LU-8.5, as follows:

Goal LU-8: Support the long-term transformation of Capitola Mall into a more pedestrian-friendly commercial district with high quality architecture and outdoor amenities attractive to shoppers and families.

Policy LU-8.1: Phased Mall Redevelopment. Encourage a phased approach to redevelopment of the Mall property. Early phases may include improvements to the Mall façade and front entrance, and new retail pads fronting 41st Avenue. These early improvements shall not conflict with the ultimate vision for the property, as represented in the 41st Avenue/Capitola Mall Vision Plan (see Figure LU-6).

Policy LU-8.5: New Interior Street. As a long-term vision for Capitola Mall, support the addition of a new interior street within the Mall property lined with sidewalk-oriented retail, outdoor dining, and pedestrian amenities. This new street should be connected with the existing street network surrounding the Mall property to enhance mall access for all modes of transportation.

The current proposal disregards the relationship of the property to the regional mall with a lack of internal connectivity. Furthermore, the only suggestion of cooperation with the mall owner, Merlone-Geier, was within a letter of support. The applicant did not submit a schematic build out or circulation plans for the mall site to understand how the proposal fits within the larger vision, as suggested by the Planning Commission during the conceptual review.

Master Sign Program

The proposed project includes a master sign program (MSP) application. (Attachment 2) A MSP establishes unified and coordinated approach to materials, size, type, placement, and general design for signs within a multi-tenant project. The Planning Commission may approve a MSP that deviates from the standards of the sign regulations relating to height, number of signs, sign area, and type of signs.

The proposed MSP includes:

- Maximum letter height - 5 feet.
- Maximum sign area - 1 square foot per linear foot of building frontage
 - Petco 75.6 square feet,
 - TJ Maxx/Homegoods 200 square feet, and
 - Sears 180 square feet east elevation and 251 square feet south elevation.
- “The signage location and configuration are conceptual in nature, subject to change based on the final signage permit submission.”

When a MSP is approved by the Planning Commission, all subsequent signs proposed for a development must comply with the standards and specification included in the MSP. Signs consistent with an approved MSP are allowed with an administrative sign permit approved by staff. The proposed MSP would administratively allow signs between 75 and 251 square feet.

The new zoning code establishes a maximum cumulative sign area in the Regional Commercial zone of one square foot of sign area per one square foot of linear building frontage, up to a maximum of 50 square feet. An additional 25% increase in sign area can be approved by Planning Commission. This would allow up to 62.5 square feet of sign area per commercial establishment. The proposed MSP includes allowances of up to 251 square feet, more than four times the amount allowed by code. Staff recommends the Planning Commission deny the MSP and require approval of future signs consistent with Chapter 17.80.

Design Permit

When considering Design Permit applications, the Planning Commission is required to evaluate applications to ensure they comply with the development standards of the zoning district, conform to policies of the General Plan and other design policies and regulations adopted by the City Council. To obtain Design Permit approval, projects must satisfy the criteria of §17.120.070(A-S), as listed in Attachment 13. The following list includes the criteria in which the project is not in compliance:

- D. Sustainability.** The project supports natural resource protection and environmental sustainability through features such as on-site renewable energy generation, passive solar design, enhanced energy efficiency, water conservation measures, and other green building techniques.
- N. Drainage.** The site plan is designed to maximize efficiency of on-site drainage with runoff directed towards permeable surface areas and engineered retention.

Staff Analysis: Per Capitola Municipal Code Chapter 2.20, the Santa Cruz County Health Services Agency (SCCHSA) serves as the City’s Health Department and its Department Head is the designated County Health Officer. To this end, the Health Officer enforces County Health Department ordinances within the City including Santa Cruz County Code Chapter 7.100 governing hazardous materials and underground storage tanks.

Per Santa Cruz County Code Section 7.100.060, no person or business may close a hazardous material storage facility or underground storage tank without first obtaining a permit from the County Health Services Agency. In order to obtain a permit, the applicant must submit a written hazardous materials management plan for SCCHSA's approval. Per Section 7.100.140, the Health Officer may request information in addition to the hazardous materials management plan deemed necessary to protect human health, safety or the environment. Per Section 7.100.160, the Health Officer has the discretion to impose reasonable permit conditions and performance standards necessary to protect human health, safety, or the environment. Section 7.100.260 pertains specifically to out-of-service storage facilities and reiterates the requirement to obtain a permit to close a storage facility assuring that the closure minimizes any threat to public safety, the possibility of water runoff from the facility and the possibility of water and soil contamination.

A portion of the Sears facility was utilized as automotive center from 1971 to 2016. To close the automotive facility, the owner is required to obtain a facility closure permit through Santa Cruz County Environmental Health Division (SCCEHD) as explained above.

On December 14, 2017, the City received copies of a Phase 1 Environmental Site Assessment (ESA) and Phase 2 ESA, for partial removal of joists, dated December 19, 2014 and April 6, 2016 respectively. The City contracted Weber-Hayes and Associates to review the submitted ESA documents. Weber-Hayes found that the environmental work was for the partial removal of onsite joists, not a full facility closure as required with the proposed change of use. On February 15, 2018, City staff informed the applicant of Weber-Hayes' finding that the facility closure work had not been completed.

On May 17, 2018, Santa Cruz County Environmental Health Division (SCCEHD) provided the applicant with a Notice of Violation (NOV) for the unpermitted removal of ten underground hydraulic lifts. (Attachment 9) The NOV notes that the ten underground lifts that were removed in 2017 were in violation of Santa Cruz County Code 7.100.060. SCCEHD directed the property owner to apply for and obtain a permit retroactively for the closure of the underground storage lifts that were removed and to do so by June 29, 2018. As noted in the letter, the SCCEHD has found underground lifts can leak oil and pose potential long term environmental and possible human health problems. There is evidence that some of the oil in the lift systems contain Polychlorinated Biphenyls (PCBs), which are probable human carcinogens.

Drainage: A third party technical review of the stormwater plans was completed by HydroScience. (Attachment 14) HydroScience made findings that based on the documents submitted, the project is not in compliance with the Capitola Municipal Code Section 13.16 Stormwater Pollution Prevention and Protection and the Post Construction Requirements (PCRs) as specified in Resolution No. R3-2013-0032 issued by the California Regional Water Quality Control Board for the Central Coast Region in July 2013. The Post Construction regulations emphasize protecting and restoring key watershed processes on site to create and sustain linkages between hydrology, channel geomorphology, and biological health necessary for healthy watersheds. The performance requirements for this project require the project to minimize impervious surfaces, minimize stormwater runoff, treat all on-site generated runoff by constructing biofiltration systems or other similar devices, retain runoff on-site, and manage peak stormwater discharges. The specific requirements of these requirements are contained in attachment 1 of the resolution.

E. Pedestrian Environment. The primary entrances are oriented towards and visible from the street to support an active public realm and an inviting pedestrian environment.

Staff Analysis: The two proposed tenant spaces do not include an internal connection to the mall. The proposed lack of internal connectivity is counter to the established circulation pattern of a mall. The proposed lack of connectivity will negatively impact the synergistic pedestrian relationship between the property and the established regional mall.

- I. Architectural Style.** Buildings feature an architectural style that is compatible with the surrounding built and natural environment, is an authentic implementation of appropriate established architectural styles, and reflects Capitola's unique coastal village character.
- J. Articulation and Visual Interest.** Building facades are well articulated to add visual interest, distinctiveness, and human scale. Building elements such as roofs, doors, windows, and porches are part of an integrated design and relate to the human scale. Architectural details such as trim, eaves, window boxes, and brackets contribute to the visual interest of the building.
- K. Materials.** Building facades include a mix of natural, high-quality, and durable materials that are appropriate to the architectural style, enhance building articulation, and are compatible with surrounding development.
- P. Signs.** The number, location, size, and design of signs complement the project design and are compatible with the surrounding context.

Staff Analysis: The proposed façade improvements of Sears create a modern look for the tenant that has an authentic design as a stand-alone retail establishment. The architectural style has a California modern look with a mix of high quality finishes including metal panels, metal louvers, brick veneer in a charcoal color, horizontal wood siding, stone veneer, and a mix of walkway finishes.

The proposed design for Petco and TJ Maxx/Homegoods is generic in style with large billboard like entryway design features added to the existing exterior finishes of the building. Other than the new entryways, the wall plane between Petco and TJ Maxx will remain straight, with minor articulation through repeated exterior finishes and landscaping. There is no defined architectural style and limited differentiation for the proposed new tenant facades. The architectural improvements for Petco and TJ Maxx/Homegoods appear to have been designed for the signs, rather than sign fitting within the context of the architecture.

- L. Parking and Access.** Parking areas are located and designed to minimize visual impacts and maintain Capitola's distinctive neighborhoods and pedestrian-friendly environment. Safe and convenient connections are provided for pedestrians and bicyclists.

Staff Analysis: There is a lack of pedestrian and bicycle connectivity through the property. The Public Works Director recommends that bike lanes should be added in both directions on 38th Avenue, 40th Avenue, the entrance off of 41st Avenue, and along the internal drive around the structure from Target to northern connecting to 40th Avenue. The 2040 Regional Transportation Plan project list includes separated bicycle facility through Capitola Mall parking lot to connect 38th Avenue bike lanes and 40th Avenue.

In terms of pedestrian safety, many pedestrians walk between Target and the Sears building. Staff recommends adding a new sidewalk between Target and Sears.

Also, the project does not comply with the bicycle rack regulations of zoning code §17.76.080(A-H), for short and long-term bicycle parking. Bicycle parking standards are included in the zoning code to promote sustainable transportation alternative.

The new building pads along 41st Avenue and Capitola Road will create additional trips and new circulation patterns. Traffic and circulation impacts associated with the future phases have not been evaluated and therefore the impacts are unknown.

O. Open Space and Public Places. Non-residential development provides semi-public outdoor spaces, such as plazas and courtyards, which help support pedestrian activity within an active and engaging public realm.

Staff Analysis: Minimal improvements are incorporated into the semi-public outdoor space around the exterior of the building. Two typical wooden benches with black iron railing are proposed along the south elevation between Petco and TJ Maxx. The design incorporates reutilizing existing planters, as well as introducing trellises on the building wall for plant growth. The plan lacks efforts toward an engaging public realm. Opportunities exist to create an active/engaging public realm in the corner where the building steps back along the south elevation. During the conceptual review, the Planning Commission had identified this area as an area of opportunity to engage the public.

CEQA

Section 15270 of the CEQA guidelines exempts projects which a public agency disapproves. More specifically, (a) CEQA does not apply to projects which a public agency rejects or disapproves; (b) This section is intended to allow an initial screening of projects on the merits for quick disapprovals prior to the initiation of the CEQA process where the agency can determine that the project cannot be approved; and (c) This section shall not relieve an applicant from paying the costs for an EIR or negative declaration prepared for his project prior to the lead agency's disapproval of the project after normal evaluation and processing.

STAFF RECOMMENDATION

Staff recommends the Planning Commission deny the design permit because the required findings of §17.120.070 cannot be made. Aside from the larger design issues and inconsistency with the General Plan, two technical issues prevent approval of the application. The project does not comply with environmental health regulations (CMC Chapter 2.20) and does not comply with storm water regulation (CMC 13.16). Staff also recommends denial of the master sign program.

FINDINGS

A. The proposed project is inconsistent with the General Plan, and any applicable specific plan, area plan, or other design policies and regulations adopted by the City Council.

Community Development Staff and the Planning Commission have reviewed the project and found that the project is inconsistent with the General Plan and the 41st Avenue/Capitola Mall re-visioning plan. The project has been designed to function independently from the mall, with no pedestrian connectivity between the two new tenant spaces and the mall. It is unclear how the proposed project would fit into a larger mall redevelopment effort. The application is not consistent with General Plan goal LU-8 and Policies LU-8.1 and LU-8.5.

B. The proposed project does not comply with all applicable provisions of the

Zoning Code and Municipal Code.

The project does not comply with environmental health regulations (CMC Chapter 2.20); does not comply with stormwater regulations (CMC 13.16); and does not comply with the zoning code (CMC 17).

C. The proposed project qualifies for a CEQA exemption 15270.

Section 15270 of the CEQA guidelines exempts projects which a public agency disapproves.

D. The proposed development would be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

The Sears Automotive Center has potential environmental impacts associated with underground hydraulic lifts. The Santa Cruz County Environmental Health Division (SCCEHD) requires permits to remove underground lifts. The SCCEHD has found underground lifts can leak oil and pose potential long term environmental and possible human health problems. There is evidence that some of the oil in the lift systems contained Polychlorinated Biphenyls (PCBs), which are probable human carcinogens. On May 17, 2018, SCCEHD provided the applicant with a Notice of Violation (NOV) for the unpermitted deactivation and capping of ten in ground lifts at the project location. Without the SCCEHD permit insuring that the hydraulic lift closure has been completed in accordance with Santa Cruz County Chapter 7.100, summarized earlier, there is insufficient evidence in the record that the project will not be environmentally detrimental and will not pose the risk of injury to persons or properties in the vicinity of the project.

Also, the stormwater plans have not been found in compliance with Municipal Code Chapter 13.16. A third party technical review of the stormwater plans was completed by HydroScience. HydroScience made findings that the project is not in compliance with the Capitola Municipal Code Section 13.16 Stormwater Pollution Prevention and Protection and the Post Construction Requirements (PCRs) as specified in Resolution No. R3-2013-0032 issued by the California Regional Water Quality Control Board for the Central Coast Region in July 2013. Without compliance to Capitola Municipal Code Section 13.16 Stormwater Pollution Prevention and Protection and compliance with the PCRs as specified in Resolution No. R3-2013-0032 issued by the California Regional Water Quality Control Board for the Central Coast Region in July 2013, there is insufficient evidence in the record that the project will not be environmentally detrimental and will not pose the risk of injury to persons or properties in the vicinity of the project.

E. The proposed project does not comply with all applicable design review criteria in Section 17.120.070 (Design Review Criteria)

The proposed project does not comply with all applicable design review criteria in Section 17.120.070 as outlined within the staff report and incorporated within.

F. The proposed Master Sign Program unreasonably exceeds the sign regulations of the zoning code.

The proposed Master Sign Program includes allowances of up to 251 square feet of sign area for an individual tenant sign on one façade, more than four times the maximum permissible by code.

ATTACHMENTS:

1. 2018.01.09 4015 Capitola Road Plan Set

2. 4015 Capitola Road Master Sign Program
3. 2017.03.09 Completeness letter
4. 2017.04.19 Herlihy Email Lists Incomplete and Advisory
5. 2018.02.07 KH email to Applicant
6. 2018.02.15 KH email to Applicant
7. 2018.02.28 4015 Capitola Road Completeness Letter
8. 2018.05.09 CC&W letter to City
9. 2018.05.17 SCCEHD Notice of Violation
10. 2018.05.18 City Attorney Letter to Applicant
11. 2018.05.23 City Attorney letter to CC&N
12. Sections of General Plan
13. Design Permit Criteria of 17.120.010(A-S)
14. 2018.05.24 HydroScience Memo

Prepared By: Katie Herlihy
Community Development Director



SERITAGE - CAPITOLA

CAPITOLA, CA

VICINITY MAP



GENERAL NOTES

- FIRE SPRINKLERS AND FIRE ALARMS ARE REQUIRED IN BUILDING, PER CODE
- FIRE DEPARTMENT KEY BOX/ACCESS/MASTER KEYS SHALL BE PROVIDED FOR PROJECT
- BUILDING SHALL BE EQUIPPED THROUGHOUT WITH ADEQUATE EMERGENCY RESPONDER RADIO COVERAGE AS REQUIRED BY THE FIRE DEPARTMENT

CODE ANALYSIS

ALLOWABLE BUILDING AREA	
TYPE OF CONDUCTION	TYPE IIB
ALLOWABLE AREA	UNLIMITED PER CBC 402.4.1.2
FIRE SEPARATION	1HR FIRE PARTITION PER CBC 402.4.2.1
EXITING REQUIREMENT	
STORAGE	28,000 S.F. / 300 = 94 OCC
MERCANTILE/ RETAIL	82,991 S.F. / 60 = 1,384 OCC
TOTAL	1,478 OCC
REQUIRED EGRESS COUNT	4
TOTAL EGRESS WIDTH REQ	296"
TOTAL EGRESS WIDTH PROVIDED	360" (16) 36" DOORS

PROJECT INFO

SITE ADDRESS: 4015 CAPITOLA ROAD
SANTA CRUZ, CA 95062

PROJECT DESCRIPTION: SCOPE OF WORK TO INCLUDE:

PHASE 1

- DEMO AND DEMISE EXISTING SEARS SPACE TO THREE (3) NEW TENANT SPACES; SEARS TO RETAIN 45% OF EXISTING SQUARE FOOTAGE
- DEMO (E) ROOFTOP MECHANICAL PENTHOUSE
- NEW ROOF TOP MECHANICAL UNITS
- NEW TRUCK DOCK, ADJACENT TO (E) DOCK, WITH NEW OVERHANG CANOPY
- RECONFIGURATION OF (E) PARKING
- DEMO PORTIONS OF (E) TILE ROOF CANOPY
- NEW FACADE BUILD-OUTS

PHASE 2

- RECONFIGURATION OF (E) PARKING
- NEW PADS FOR RESTURANT/RETAIL WITH PATIO SPACE

APN: 034-261-40
ZONE DISTRICT: CC (COMMUNITY COMMERCIAL)
SITE AREA: 10.05 ACRES
OCCUPANCY: M (MERCANTILE)
CONSTRUCTION TYPE: TYPE V-B
SPRINKLERS: NFPA 13

AREA SUMMARY

PARKING REQUIRED	
TENANT	AREA (SF)
PETCO	11,478
TJX	40,772
SEARS	58,741
TOTAL AREA	110,991

PARKING CALCULATIONS

PARKING REQUIRED (PER CITY OF CAPITOLA)		
PHASE 1: EXISTING SITE		
RETAIL	110,991 SOFT	372 STALLS
RESTAURANT	8,016 SOFT	81 STALLS
TOTAL EXISTING SITE REQUIRED PARKING STALLS		453 STALLS
PHASE 2: EXISTING SITE + PAD A (RESTAURANT W/ PATIO) + PAD B (RETAIL)		
EXISTING SITE		453 STALLS
PAD A/B		80 STALLS
TOTAL PARKING STALLS		513 STALLS

REQ'D REA PARKING

PHASE 1: EXISTING SITE		
RETAIL		446
RESTAURANT		33
TOTAL		479 STALLS
PHASE 2: EXISTING SITE + PAD A & B		
RETAIL		446
RESTAURANT		33
PAD A & B		32
TOTAL		511 STALLS

PARKING SUMMARY

EXISTING PARKING		
STALLS		709
ACCESSIBLE		9
TOTAL		718
PHASE 1 PROVIDED PARKING		
STALLS		697
ACCESSIBLE		14
TOTAL		711
TARGET STALLS PER REA		-91
TOTAL		620
PHASE 2 PROVIDED PARKING		
STALLS INCLUDE (44 COMPACT)		632
ACCESSIBLE		14
TOTAL		646
TARGET STALLS PER REA		-91
TOTAL		555

SHEET INDEX

T0 0	TITLE SHEET
SP1 0	EXISTING SITE PLAN AND PHASING PLAN
ALTA SURVEY	
1 OF 2	ALTA/NSPS LAND TITLE SURVEY
2 OF 2	ALTA/NSPS LAND TITLE SURVEY
CIVIL	
C1 0	OVERALL CIVIL SITE PLAN
C1 1	CIVIL SITE PLAN
C1 2	HARDSCAPE & LANDSCAPE REMOVAL PLAN
C1 3	PROPOSED HARDSCAPE & LANDSCAPE PLAN
C2 0	CIVIL SITE IMPROVEMENTS
C2 1	CIVIL SITE IMPROVEMENTS
C2 2	CIVIL SITE IMPROVEMENTS
C3 0	PETCO TRUCK MOVEMENT
C3 1	SEARS TRUCK MOVEMENT
C3 2	TJ MAXX TRUCK IN BOUND MOVEMENT
C3 3	TJ MAXX TRUCK EGRESS MOVEMENT
LANDSCAPE	
L-1	CONCEPTUAL LANDSCAPE PLAN
ARCHITECTURAL	
A1 0	PHASE 1 PROPOSED SITE PLAN
A1 1	PHASE 2 SITE PLAN
A1 2	ENLARGED SITE PLAN
A2 1	FLOOR PLAN
A2 2	ENLARGED FLOOR PLANS
A3 1	ROOF PLAN
A4 1	EXTERIOR ELEVATIONS
A4 2	EXTERIOR ELEVATIONS
A4 3	EXTERIOR ELEVATIONS
A4 4	EXTERIOR ELEVATIONS
A5 0	PERSPECTIVE RENDERINGS
A6 0	SECTIONS
A7 0	MATERIAL BOARD
A7 1	MATERIAL BOARD - SEARS
A8 0	PHASE 2 SITE PLAN AND ELEVATIONS
A9 0	SITE PHOTOGRAPHS

PROJECT TEAM

CLIENT: SERITAGE GROWTH PROPERTIES
489 FIFTH AVENUE, 18TH FLOOR
NEW YORK, NY 10017
CONTACT: KACY KEYS
PHONE: 212.355.7800

ARCHITECT: ARCHITECTURE DESIGN COLLABORATIVE
2323 SOUTH POINTE DRIVE
LAGUNA HILLS, CA 92653
CONTACT: CRAIG CHINN
PHONE: 949.267.1000

CIVIL ENGINEER: PSOMAS
1075 CREEKSIDE RIDGE DRIVE, SUITE 200
ROSEVILLE, CA 95676
CONTACT: CARL MOORE
PHONE: 916.788.4845

LANDSCAPE: VERDE DESIGN
2455 THE ALAMEDA, SANTA CLARA, CA 95050
1024 IRON POINT ROAD, FOLSOM, CA 95630
3558 ROUND BARN BLVD. SANTA ROSA, CA 95403

architecture design collab
2323 South Pointe Dr.
Laguna Hills, CA 92653
www.adcollaborative.com
949.267.1660

ADC Project No: 16

Project Contact: Ban
Email: bpotrus@adcollaborativ
Principal: Craig
Project Manager: Ban

Client

SERITAG
GROWTH PROPERTY

Company: Seritage Growth Prc
Address: 489 Fifth Avenue, 18
New York, NY
Phone No. 214-35!

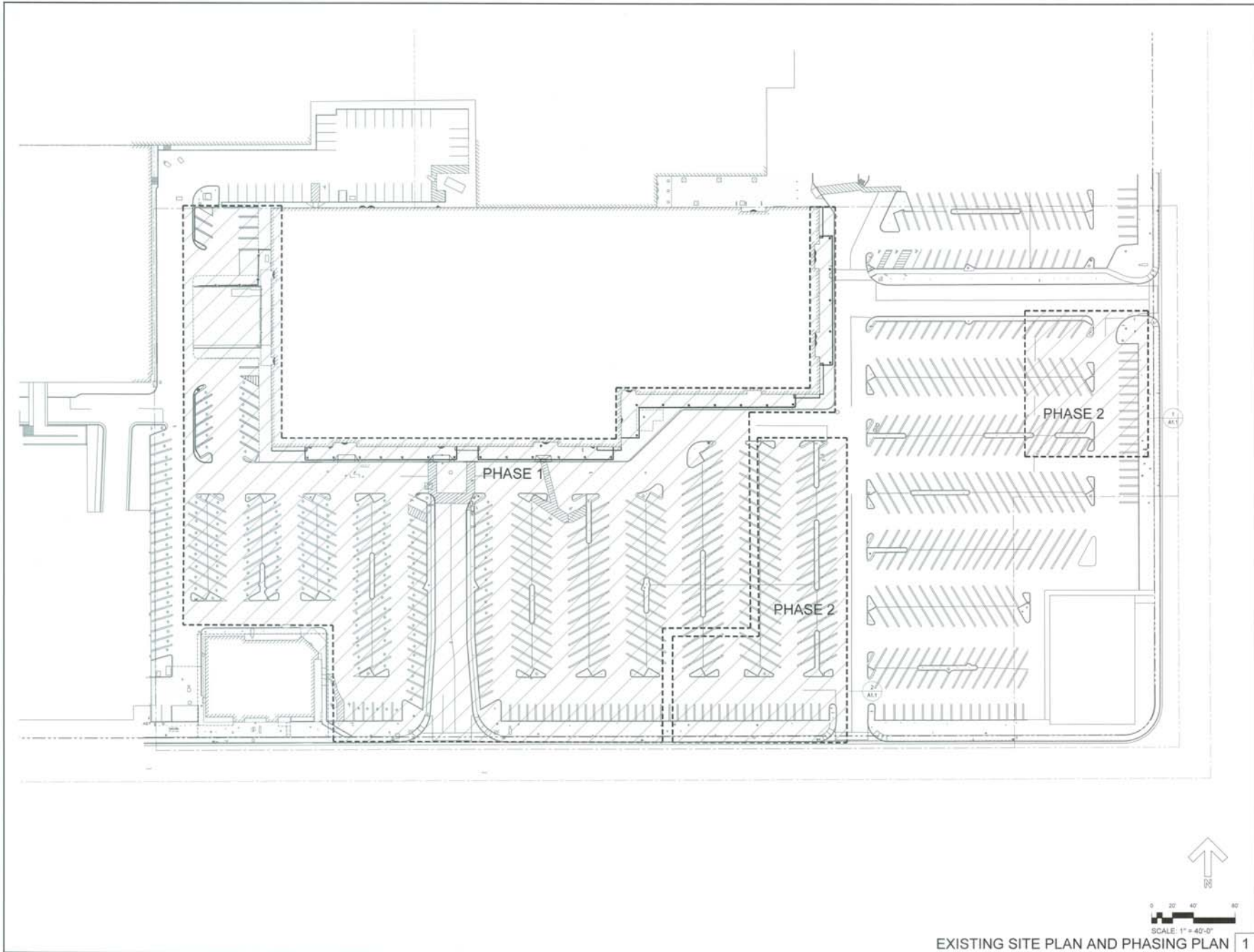
SERITAGE-CAPITOLA

4015 CAPITOLA RD.
CAPITOLA, CA 95010

Issue Date
1/2/2018 CITY RESUBMITTAL

TITLE SHEET

TO



architecture design collab
 2323 South Pointe Dr.
 Laguna Hills, CA 92653
 www.adcollaborative.com
 949.267.1660

ADC Project No: 16
 Project Contact: Ban
 Email: bpotrus@adcollaborativ
 Principal: Craig
 Project Manager: Ban

Client

SERITAG
 GROWTH PROPERTI

Company: Seritage Growth Prc
 Address: 489 Fifth Avenue, 18
 New York, NY
 Phone No. 214-351

SERITAGE-CAPITOLA

4015 CAPITOLA RD.
 CAPITOLA, CA 95010

Issue Date
 1/2/2018 CITY RESUBMITTAL

EXISTING SITE
 PLAN AND PHAS
 PLAN

SP1

EXISTING SITE PLAN AND PHASING PLAN 1

Attachment: 4015 Capitola Road Plan Set (01.09.2018) (Appeal of Application 17-019, 4015 Capitola Road)

LEGAL DESCRIPTION

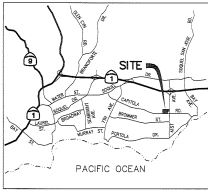
REAL PROPERTY IN THE CITY OF CAPITOLA, COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL 1: BEING A PORTION OF LANDS DESCRIBED IN VOLUME 1463, PAGE 642, SANTA CRUZ COUNTY OFFICIAL RECORDS, ALSO A PORTION OF RANCHO ARROYO DEL REYES, AND MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF PARCEL 14" SHOWN ON RECORDS OF SURVEY MAP, FILED JUNE 30, 1967 IN VOLUME 46, PAGE 22, SANTA CRUZ COUNTY OFFICIAL RECORDS; THENCE SOUTH 89 DEGREES NORTH 07 WEST 522.00 FEET; THENCE NORTH 89 DEGREES WEST 156.00 FEET; THENCE SOUTH 89 DEGREES WEST 156.00 FEET; THENCE SOUTH 07 WEST 230.00 FEET TO THE POINT OF BEGINNING.

PARCEL 2: NON-EXCLUSIVE EASEMENTS FOR VEHICULAR AND PEDESTRIAN PURPOSES, CROSSING PARKING AND UTILITIES AS SET FORTH AND DEFINED IN DECLARATION OF ESTABLISHMENT OF RESTRICTIONS AND COVENANTS AFFECTING THE LANDS, RECORDED NOVEMBER 17, 1969 IN BOOK 1987, PAGE 876, SANTA CRUZ COUNTY, CALIFORNIA.

APN(S): 034-261-39 AND 034-261-40



VICINITY MAP NOT TO SCALE

LEGEND

Table with 2 columns: Symbol and Description. Includes symbols for property line, center line, street right of way line, storm drain line, sanitary sewer line, water line, electric line, telephone line, etc.

COMMENTS

- 1. TITLE REPORT: FIRST AMERICAN TITLE COMPANY ORDER NO. 3020-7883834, DATED MAY 15, 2016. INDICATES TITLE REPORT EXCEPTION NO. 1.
2. COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS IN THE DOCUMENT RECORDED NOVEMBER 17, 1969 IN BOOK 1987, PAGE 876, SANTA CRUZ COUNTY OFFICIAL RECORDS, SHALL NOT DEFEAT OR RENDER INVALID THE LEAD OF AND FOR VALUE, BUT OBTAINING ANY COVENANT, CONDITION OR RESTRICTION, INCLUDING A PREFERENCE, LIMITATION OR DETERMINATION BASED ON RACE, COLOR, RELIGION, SEX, ORIENTATION, MARITAL STATUS, ANCESTRY, SOURCE OF INCOME OR DISABILITY, TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE THE 43 SECTION SUBDIVISION OF THE UNITED STATES CODES OR SECTION 12809 OF THE CALIFORNIA GOVERNMENT CODE (LIMITED RESTRICTIONS UNDER STATE AND FEDERAL LAW ON THE AGE OF OCCUPANTS IN SENIOR HOUSING OR HOUSING FOR OLDER PERSONS SHALL NOT BE CONSIDERED AS RESTRICTIONS BASED ON FAMILIAL STATUS).
3. DOCUMENT(S) DECLARING MODIFICATIONS THEREOF RECORDED DECEMBER 30, 1974 IN BOOK 2467, PAGE 844 OF OFFICIAL RECORDS.
4. DOCUMENT(S) DECLARING MODIFICATIONS THEREOF RECORDED JULY 15, 1976 IN BOOK 2841, PAGE 612 OF OFFICIAL RECORDS.
5. DOCUMENT(S) DECLARING MODIFICATIONS THEREOF RECORDED JULY 15, 1976 IN BOOK 2841, PAGE 612 OF OFFICIAL RECORDS.
6. DOCUMENT(S) DECLARING MODIFICATIONS THEREOF RECORDED JULY 15, 1976 IN BOOK 2841, PAGE 612 OF OFFICIAL RECORDS.
7. AN EASEMENT FOR STREET, PUBLIC UTILITIES AND MUNICIPAL PURPOSES AND INCIDENTAL PURPOSES, RECORDED MAY 26, 1975 IN BOOK 2020, PAGE 549 OF OFFICIAL RECORDS, AS APPROXIMATELY SHOWN ON THE SURVEY.
8. AN EASEMENT FOR WATER MAINS, PIPE LINES AND LINES AND INCIDENTAL PURPOSES, RECORDED JUNE 17, 1971 IN BOOK 2104, PAGE 178 OF OFFICIAL RECORDS, AS APPROXIMATELY SHOWN ON THE SURVEY.
9. THE FACT THAT THE LAND LIES WITHIN THE BOUNDARIES OF THE CAPITOLA REDEVELOPMENT PROJECT (REDEVELOPMENT PROJECT) AREA, AS DISCLOSED BY THE DOCUMENT RECORDED JUNE 23, 1982 IN BOOK 2456, PAGE 254 OF OFFICIAL RECORDS.
10. TERMS AND PROVISIONS OF AN UNRECORDED LEASE DATED JUNE 23, 2016, BY AND BETWEEN SERITAGE AND CO., NEW YORK CORPORATION AS LESSOR AND CAPITOLA MALL ASSOCIATES, A CALIFORNIA LIMITED PARTNERSHIP AS LESSEE, AS DISCLOSED BY A MEMORANDUM OF UNDERSTANDING DATED AUGUST 14, 1987 IN BOOK 4407, PAGE 713 OF OFFICIAL RECORDS.
11. AN EASEMENT FOR GAS PIPES AND INCIDENTAL PURPOSES, RECORDED MARCH 24, 1988 IN BOOK 4304, PAGE 84 OF OFFICIAL RECORDS, AS APPROXIMATELY SHOWN ON THE SURVEY.

COMMENTS

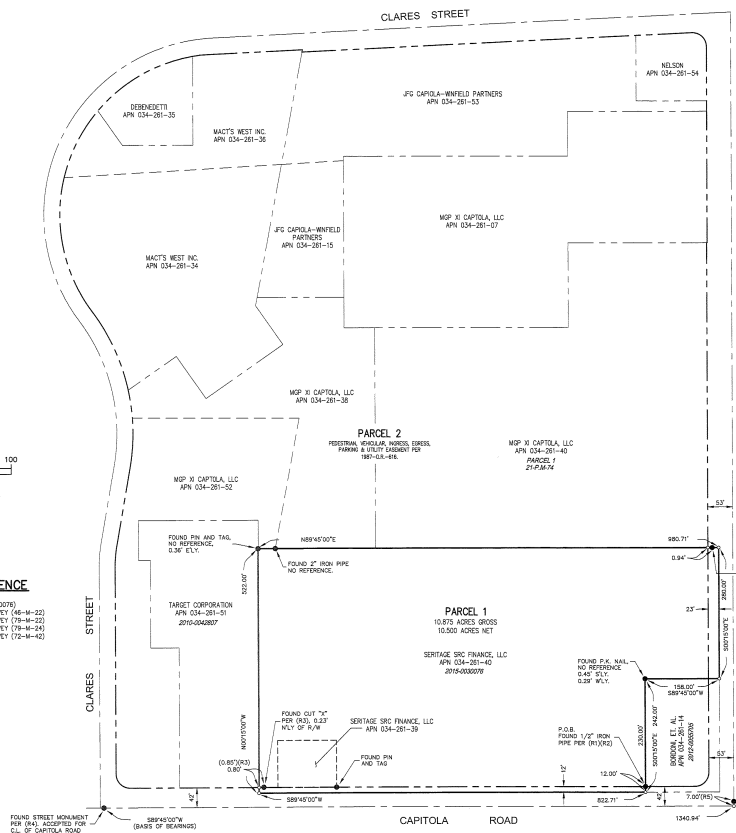
- 1. AN EASEMENT FOR GAS PIPES AND INCIDENTAL PURPOSES, RECORDED NOVEMBER 29, 1989 IN BOOK 4584, PAGE 850 OF OFFICIAL RECORDS.
2. TERMS AND PROVISIONS OF AN UNRECORDED LEASE DATED AUGUST 14, 2006, BY AND BETWEEN THE MACEDON PARTNERSHIP, L.P., DELAWARE LIMITED PARTNERSHIP AS LESSOR AND BRYNNE RESTAURANT CORPORATION, A DELAWARE CORPORATION AS LESSEE, AS DISCLOSED BY A MEMORANDUM OF UNDERSTANDING DATED AUGUST 14, 2006, AS INSTRUMENT NO. 2001-0034896 OF OFFICIAL RECORDS.
3. TERMS AND PROVISIONS OF AN UNRECORDED LEASE DATED MAY 02, 2013, BY AND BETWEEN CAPITOLA MALL LLC, A DELAWARE LIMITED LIABILITY COMPANY AS LESSOR AND LESSEE, AS DISCLOSED BY A MEMORANDUM OF UNDERSTANDING DATED MAY 27, 2013 AS INSTRUMENT NO. 2013-0031331 OF OFFICIAL RECORDS.
4. TERMS AND PROVISIONS OF AN UNRECORDED LEASE DATED JULY 27, 2016, BY AND BETWEEN SERITAGE, INC. FINANCE LLC, A DELAWARE LIMITED LIABILITY COMPANY AS LESSOR AND LESSEE, AS DISCLOSED BY A MEMORANDUM OF UNDERSTANDING DATED JULY 27, 2016 AS INSTRUMENT NO. 2016-0030878 OF OFFICIAL RECORDS.

NOTES

- BOUNDARY LINES: ESTABLISHED BASED UPON A FIELD SURVEY.
LEGAL DESCRIPTION: FROM A TITLE REPORT SUPPLIED BY CLIENT.
EASEMENT RIGHTS: PLOTTABLE EASEMENTS ARE SHOWN FROM AN OWNER SUPPLIED TITLE REPORT. NON-PLOTTABLE EASEMENTS ARE NOTED ON THE SURVEY AS HAVING "EFFECT OF" BECAUSE OUR SERVICE IS LIMITED TO REPORTING ON EASEMENT LOCATIONS. BE STRONGLY RECOMMEND LEGAL COUNSEL BE RETAINED TO REPORT ON TITLE MATTERS IN THEIR ENTIRETY.
BASIS OF BEARINGS: THE BASIS OF BEARINGS IS BASED ON THE CONTINUED OF TITLE REPORT. NON-PLOTTABLE EASEMENTS ARE NOTED ON THE SURVEY FILED JUNE 30, 1967 IN BOOK 46, PAGE 22 AND SHOWN THEREON AS SOUTH 89 WEST.
AREA: BASED UPON MEASURED BEARINGS AND DISTANCES AS SHOWN HEREON. THE AREA IS: 10.675 ACRES (GROSS) 10.500 ACRES (NET)
WHERE "GROSS" IS DEFINED AS THE AREA OF THE SUBJECT FEE FROM FIELD MEASUREMENTS. LOCATION OF UNDERGROUND UTILITIES MUST BE VERIFIED PRIOR TO CONSTRUCTION.
TOPOGRAPHY: BY CONVENTIONAL GROUND SURVEY METHODS, COMPLETED AUGUST 12, 2016, AND COMPLETES WITH NATIONAL MAP ACCURACY STANDARDS.
VERTICAL DATUM: THIS SURVEY IS BASED UPON THE NORTH AMERICAN DATUM OF 1988 (NAD 88) IN FEET, AS ESTABLISHED FROM COUNTY OF SANTA CRUZ BENCH MARK NO. 425, HAVING A PUBLISHED ELEVATION OF 87.54 FEET.
CONTOUR INTERVAL: 1 FOOT
UTILITIES: ALL VISIBLE UTILITIES SHOWN ON THIS SURVEY WERE OBTAINED FROM FIELD MEASUREMENTS. LOCATION OF UNDERGROUND UTILITIES MUST BE VERIFIED PRIOR TO CONSTRUCTION.
FLOOD ZONE: SUBJECT PROPERTY LIES WITHIN THE AREA OF 1% ANNUAL CHANCE FLOOD AREAS OF 1% ANNUAL CHANCE FLOOD WITH ANNUAL HYDRAULIC TROUGH OF LOSS OF 1.00 FT. OR MORE DRAINAGE AREAS LESS THAN 1 SQUARE MILE AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD, AS SHOWN ON FLOOD INSURANCE RATE MAP NO. 0608200501W WITH MAP REVISION DATE MAY 16, 2015, AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
PARKING: REGULAR SPACES = 709 HANDICAP SPACES = 9 TOTAL SPACES = 718
TABLE A, ITEM 16: THERE WAS NO OBSERVED EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.

SURVEYOR'S CERTIFICATE

TO: SERITAGE SRC FINANCE, LLC AND FIRST AMERICAN TITLE INSURANCE COMPANY.
THIS IS TO CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2018 MINIMUM STANDARDS SET BY THE BOARD OF SURVEYORS AND MAPPERS, AND INCLUDES ITEMS 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, AND 15 OF TABLE A, SERITAGE. THE FIELD WORK WAS COMPLETED ON AUGUST 12, 2016.
DATE: 8/30/2016
SIGNATURE: Scott A. Bryant, PLS 7228



BOUNDARY ESTABLISHMENT

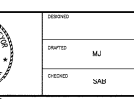


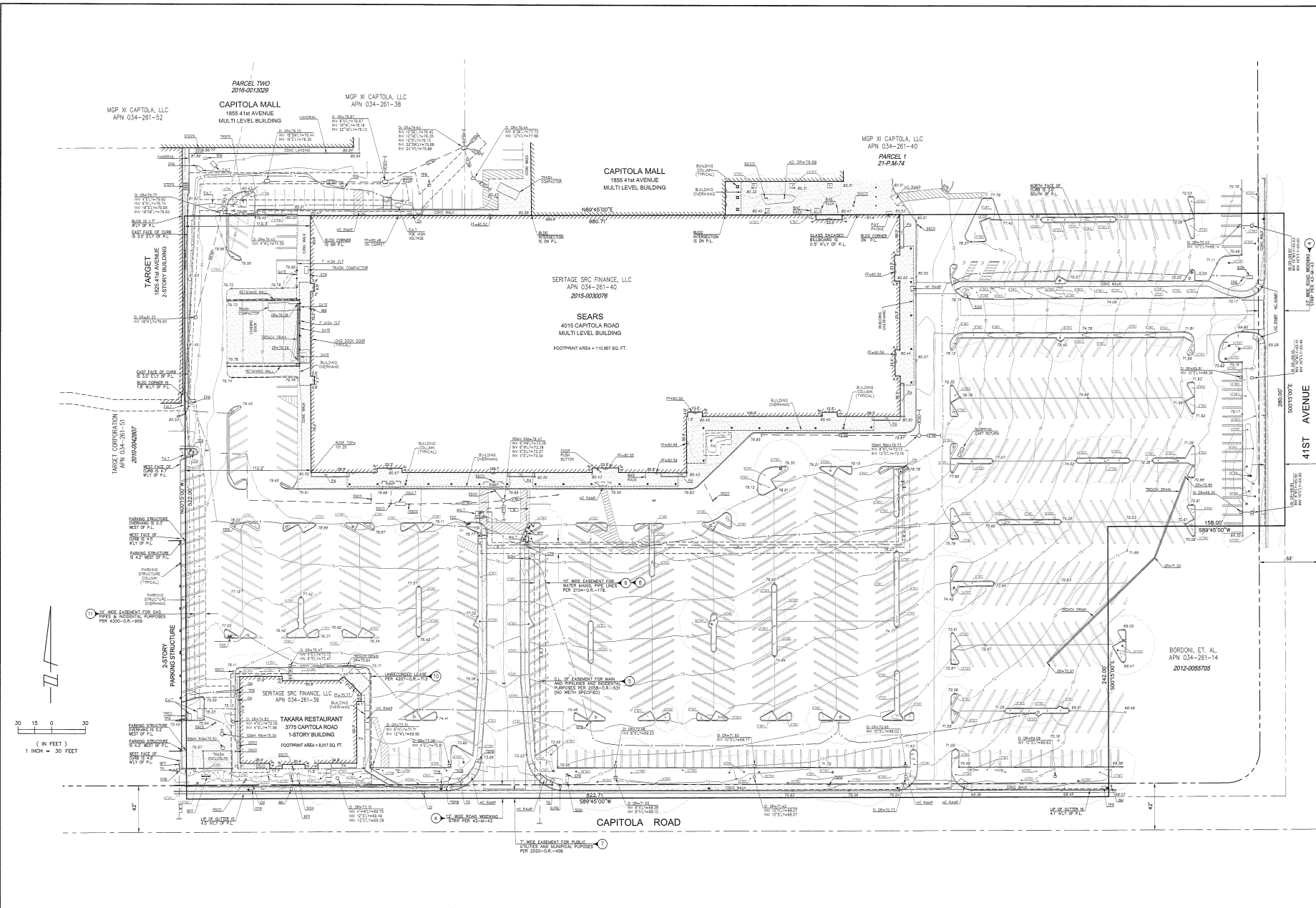
Table with columns: REVISED, DATED, CHECKED, NAME, DATE, DESCRIPTION, BY, APPRO, E.D., ALLIANCE.

PSOMAS 1075 Oakside Ridge Drive, Suite 200 Riverside, CA 95075 (916) 788-8122 (916) 788-0600 (FAX)

ALTA/NSPS LAND TITLE SURVEY FOR: SERITAGE REDEVELOPMENT AT CAPITOLA MALL 4015 CAPITOLA ROAD CITY OF CAPITOLA SANTA CRUZ COUNTY

Table with columns: DATE, PHOTO DATE, SCALE, PROJECT, DATE.

Attachment: 4015 Capitola Road Plan Set (01.09.2018) (Appeal of Application 17-019, 4015 Capitola Road)

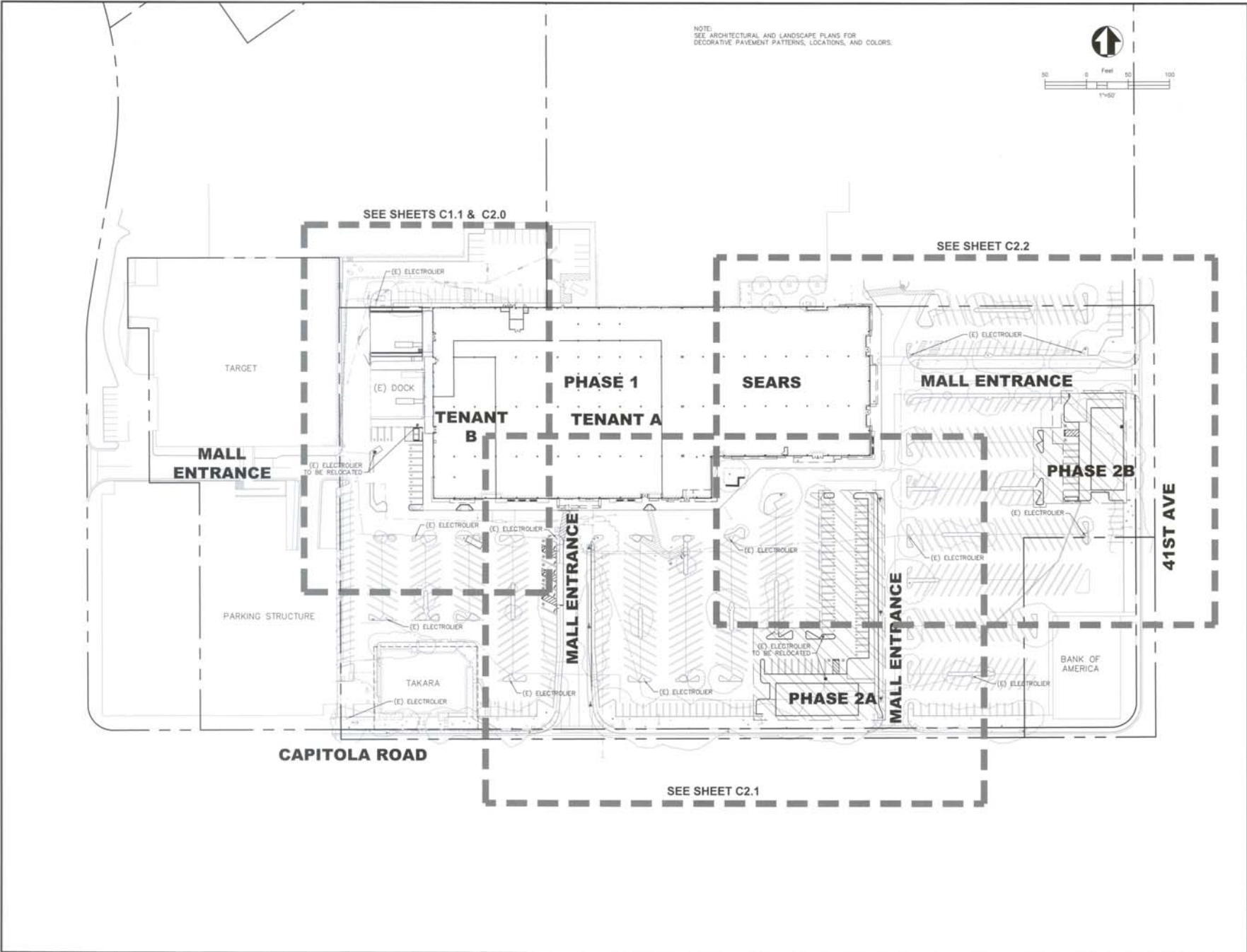


NO.	DATE	DESCRIPTION	BY	APP'D	REV.

PSOMAS
 1075 Dresslode Ridge Drive, Suite 200
 Riverside, CA 92507
 (916) 788-8122 (916) 788-0600 (FAX)

ALTA/NSPS LAND TITLE SURVEY FOR:
SERITAGE REDEVELOPMENT AT CAPITOLA MALL
4015 CAPITOLA ROAD
 CITY OF CAPITOLA SANTA CRUZ COUNTY CALIFORNIA

DATE:	8/25/2016
PHOTO DATE:	N/A
SCALE:	1"=30'
FORM:	6SERV10100



PSOM
 1075 Creekside Ridge Drive, Suite 200
 Roseville, CA 95678
 (916) 788-9122 (916) 788-0600 (FAX)

Project No: 6SER01
 Project Contact: Carl
 Email: carl.moore@psom
 Designed By:
 Checked By:
 Client:

SERITAG
 GROWTH PROPERTY

Company: Seritage Growth Prc
 Address: 489 Fifth Ave, 18
 New York, NY
 Phone No. 212-35

SERITAGE-CAPITOLA

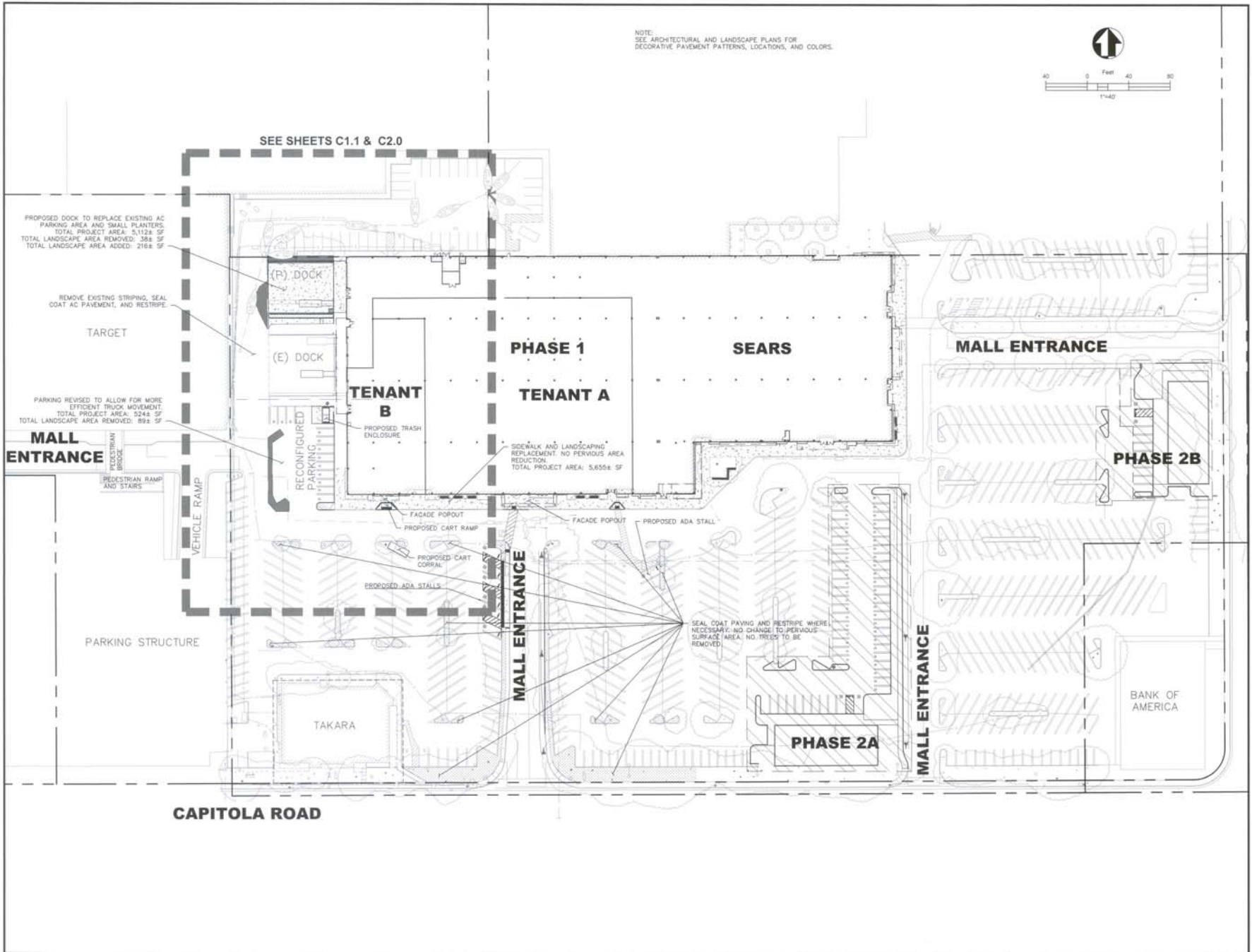
4015 CAPITOLA RD.
 SANTA CRUZ, CA 95062

Issue Date: 1/3/201

OVERALL CIVI
 SITE PLAN



Attachment: 4015 Capitola Road Plan Set (01.09.2018) (Appeal of Application 17-019, 4015 Capitola Road)



PSOM
1075 Creekside Ridge Drive, Suite 200
Roseville, CA 95678
(916) 788-8122 (916) 788-0600 (FAX)

Project No: 6SER01
Project Contact: Carl
Email: carl.moore@psom.com
Designed By:
Checked By:
Client:

SERITAG
GROWTH PROPERTY

Company: Seritage Growth Prc
Address: 489 Fifth Ave, 18
New York, NY
Phone No. 212-35

SERITAGE-CAPITOLA

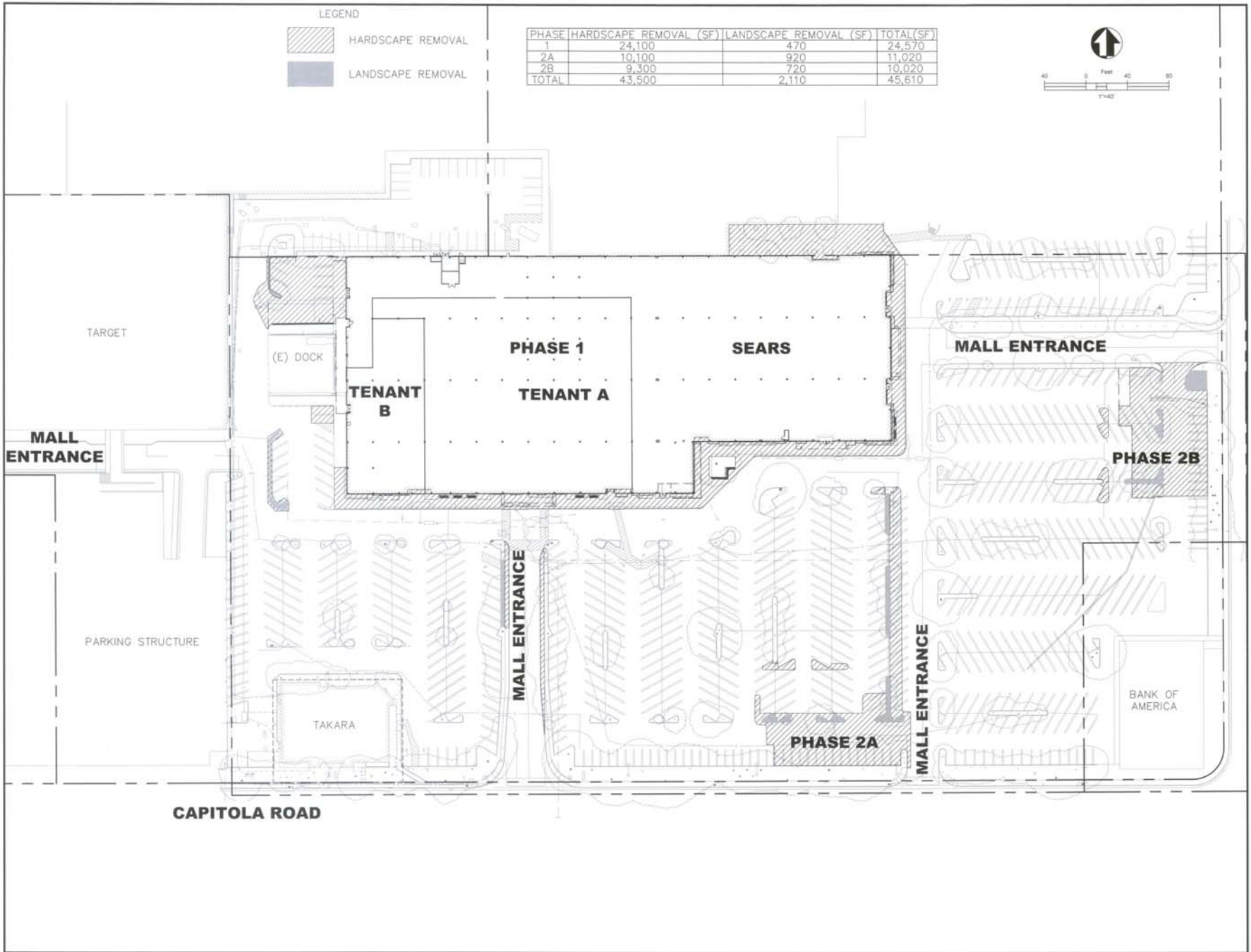
4015 CAPITOLA RD.
SANTA CRUZ, CA 95062

Issue Date: 1/3/201

CIVIL SITE PLA



Attachment: 4015 Capitola Road Plan Set (01.09.2018) (Appeal of Application 17-019, 4015 Capitola Road)



PSOM
 1075 Creekside Ridge Drive, Suite 200
 Roseville, CA 95678
 (916) 788-8122 (916) 788-0600 (FAX)

Project No: 6SER01
 Project Contact: Carl
 Email: carl.moore@psom.com
 Designed By:
 Checked By:

SERITAG
 GROWTH PROPERTY

Company: Seritage Growth Pro
 Address: 489 Fifth Ave, 18
 New York, NY
 Phone No. 212-35

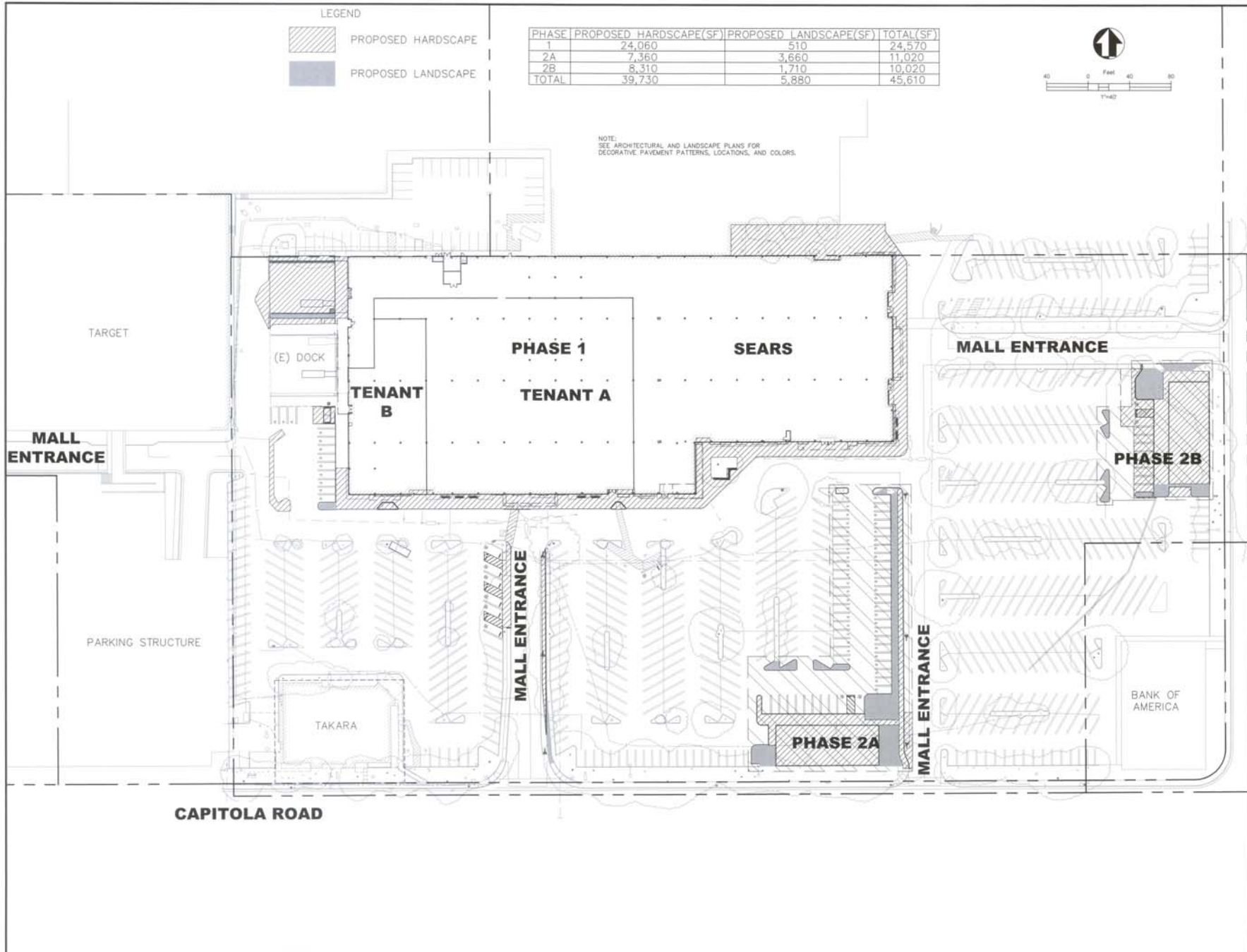
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Issue Date: 1/3/201

HARDSCAPE
 LANDSCAPE
 REMOVAL PLA



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PSOM
 1075 Creekside Ridge Drive, Suite 200
 Roseville, CA 95678
 (916) 786-8122 (916) 788-0600 (FAX)

Project No: 6SER01
 Project Contact: Carl Moore
 Email: carl.moore@psom.com
 Designed By:
 Checked By:

Client
SERITAG
 GROWTH PROPERTY

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 Address: 489 Fifth Ave, 18th
 New York, NY
 Phone No: 212-35

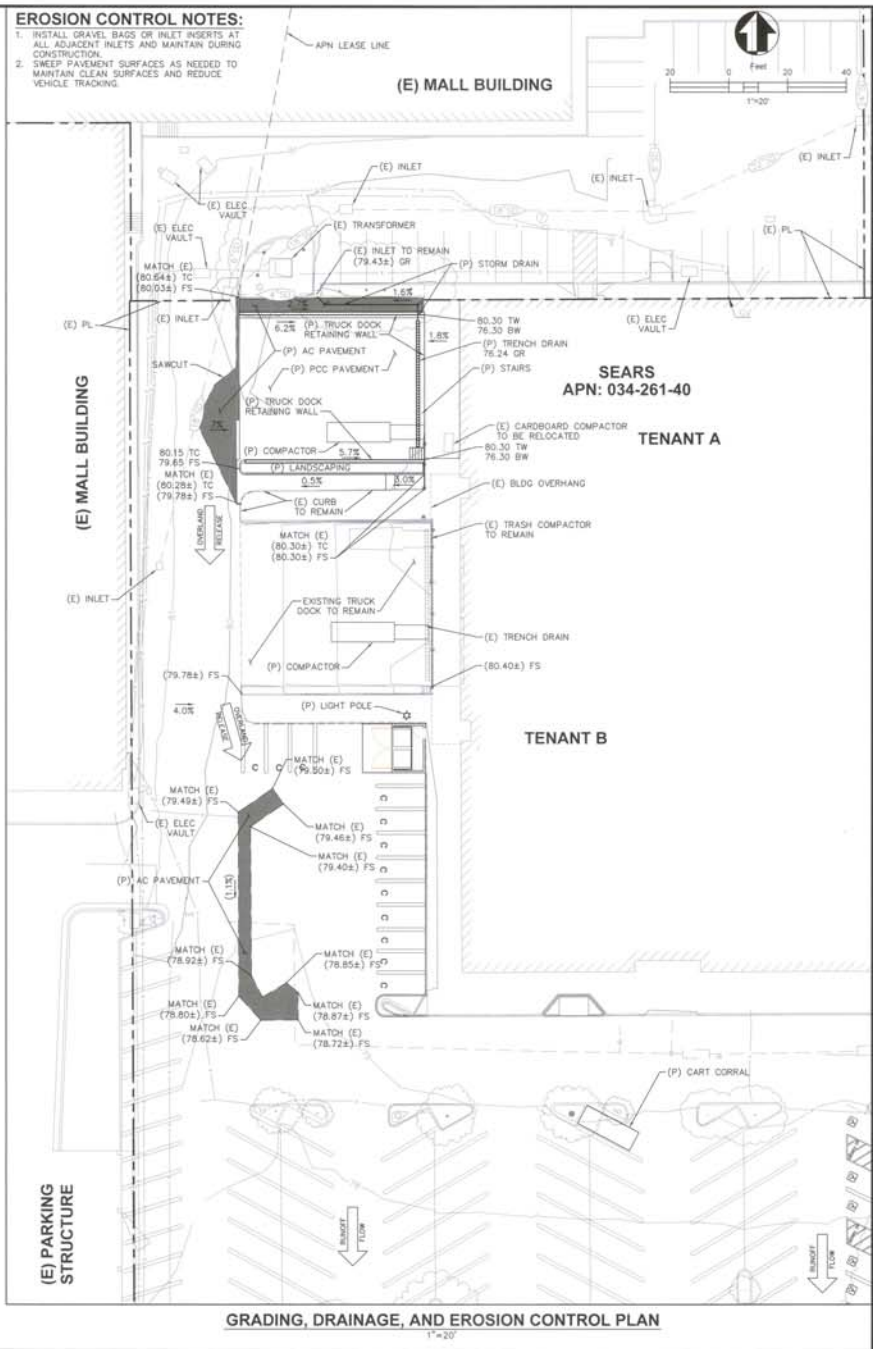
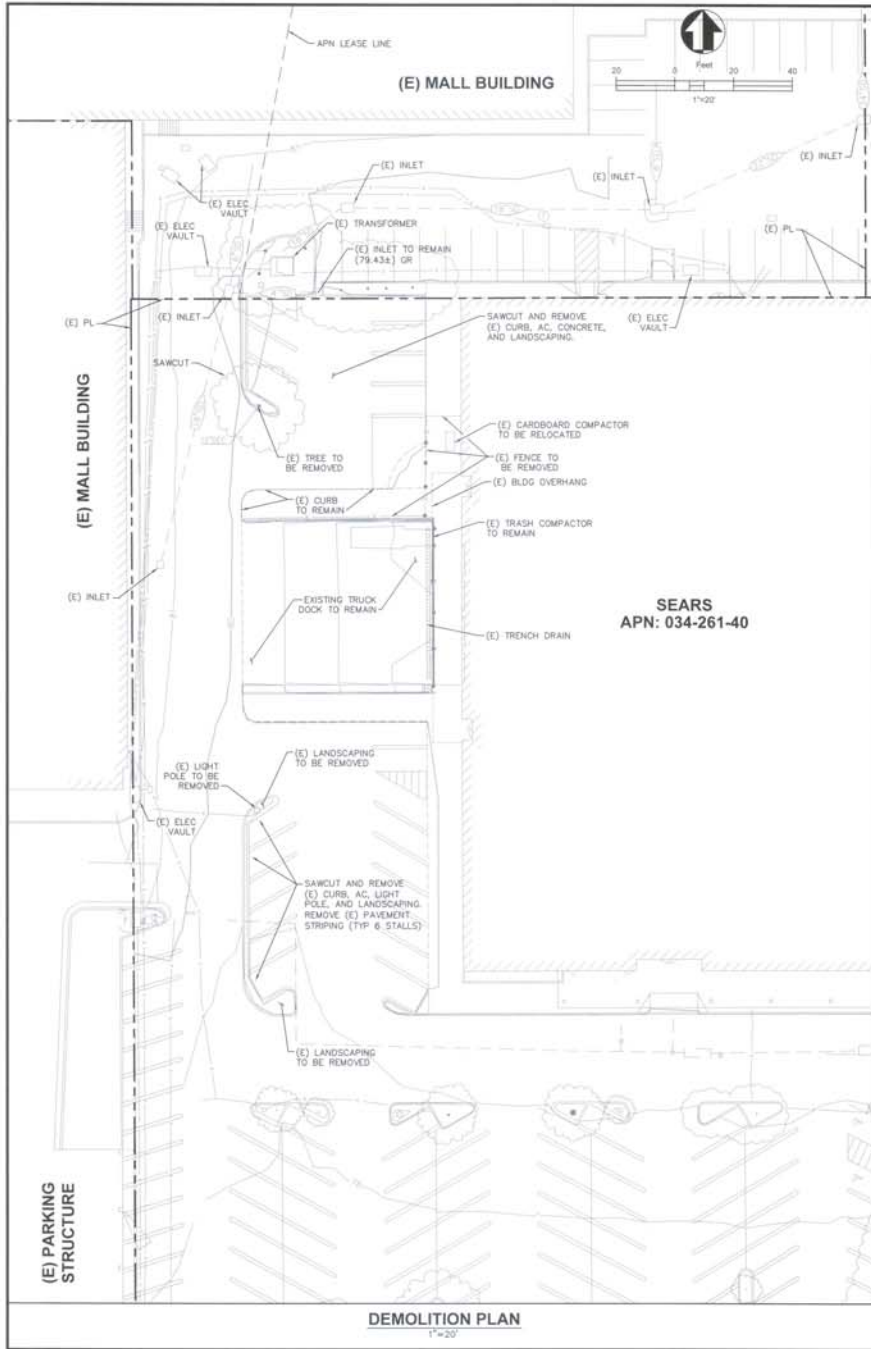
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**PROPOSED
 HARDSCAPE &
 LANDSCAPE PL**

C1

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EROSION CONTROL NOTES:
 1. INSTALL GRAVEL BAGS OR INLET INSERTS AT ALL ADJACENT INLETS AND MAINTAIN DURING CONSTRUCTION.
 2. SWEEP PAVEMENT SURFACES AS NEEDED TO MAINTAIN CLEAN SURFACES AND REDUCE VEHICLE TRACKING.

PSOMA
 1075 Creekside Ridge Drive, Suite 200
 Roseville, CA 95678
 (916) 788-9122 (916) 788-0600 (FAX)

Project No: 6SER010100
 Project Contact: Carl Moon
 Email: carl.moon@psomas.com
 Designed By: CSA
 Checked By: RF

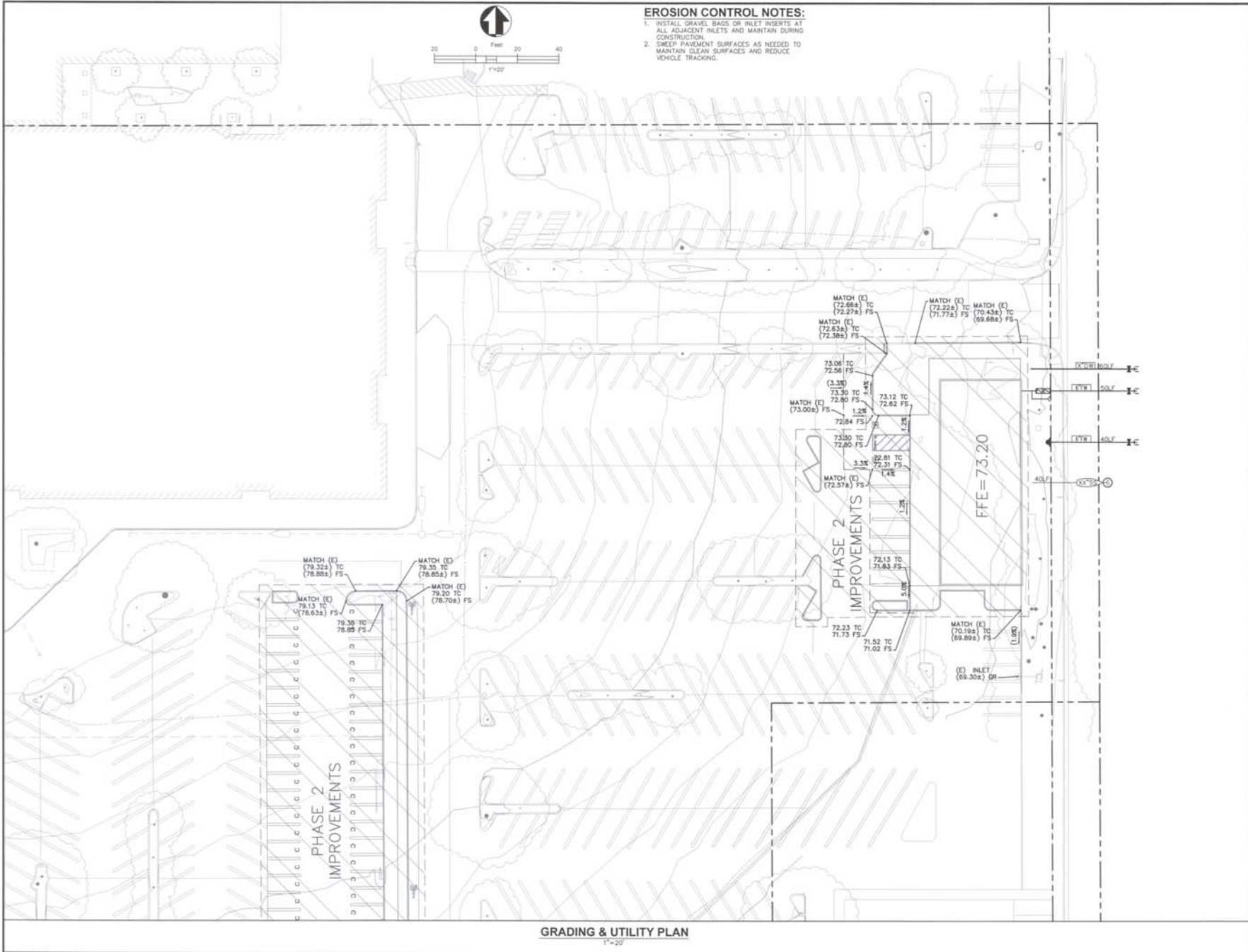
Client
SERITAGE GROWTH PROPERTIES
 Company: Seritage Growth Properties
 Address: 489 Fifth Ave, 18th Floor
 New York, NY 10011
 Phone No. 212-355-7800

SERITAGE-CAPITOLA
 4015 CAPITOLA RD.
 SANTA CRUZ, CA 95062

Issue Date: 1/3/2018
 CIVIL SITE IMPROVEMENTS

C2.0

Attachment: 4015 Capitola Road Plan Set (01.09.2018) (Appeal of Application 17-019, 4015 Capitola Road)



PSOMA
1075 Creekside Ridge Drive, Suite 200
Roseville, CA 95678
(916) 788-8122 (916) 788-0600 (FAX)

Project No: 6SER010101
Project Contact: Carl Moon
Email: carl.moore@psomas.com
Designed By: CSA
Checked By: RF

Client

SERITAGE GROWTH PROPERTIES

Company: Seritage Growth Properties
Address: 489 Fifth Ave, 18th Floor
New York, NY 10011
Phone No: 212-355-7801

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CIVIL SITE IMPROVEMENTS

C2.2

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PSOM
 1075 Creekside Ridge Drive, Suite 200
 Roseville, CA 95678
 (916) 786-8122 (916) 786-0600 (FAX)

Project No: 6SER01
 Project Contact: Carl
 Email: carl.moore@psom
 Designed By:
 Checked By:

Client
SERITAG
 GROWTH PROPERTY
 Company: Seritag Growth Prc
 Address: 489 Fifth Ave, 18
 New York, NY
 Phone No. 212-35

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 4015 CAPITOLA RD.
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Issue Date 1/3/201

PETCO TRUCK MOVEMENT



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 1075 Creekside Ridge Drive, Suite 200
 Roseville, CA 95678
 (916) 786-8122 (916) 788-0600 (FAX)

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 New York, NY
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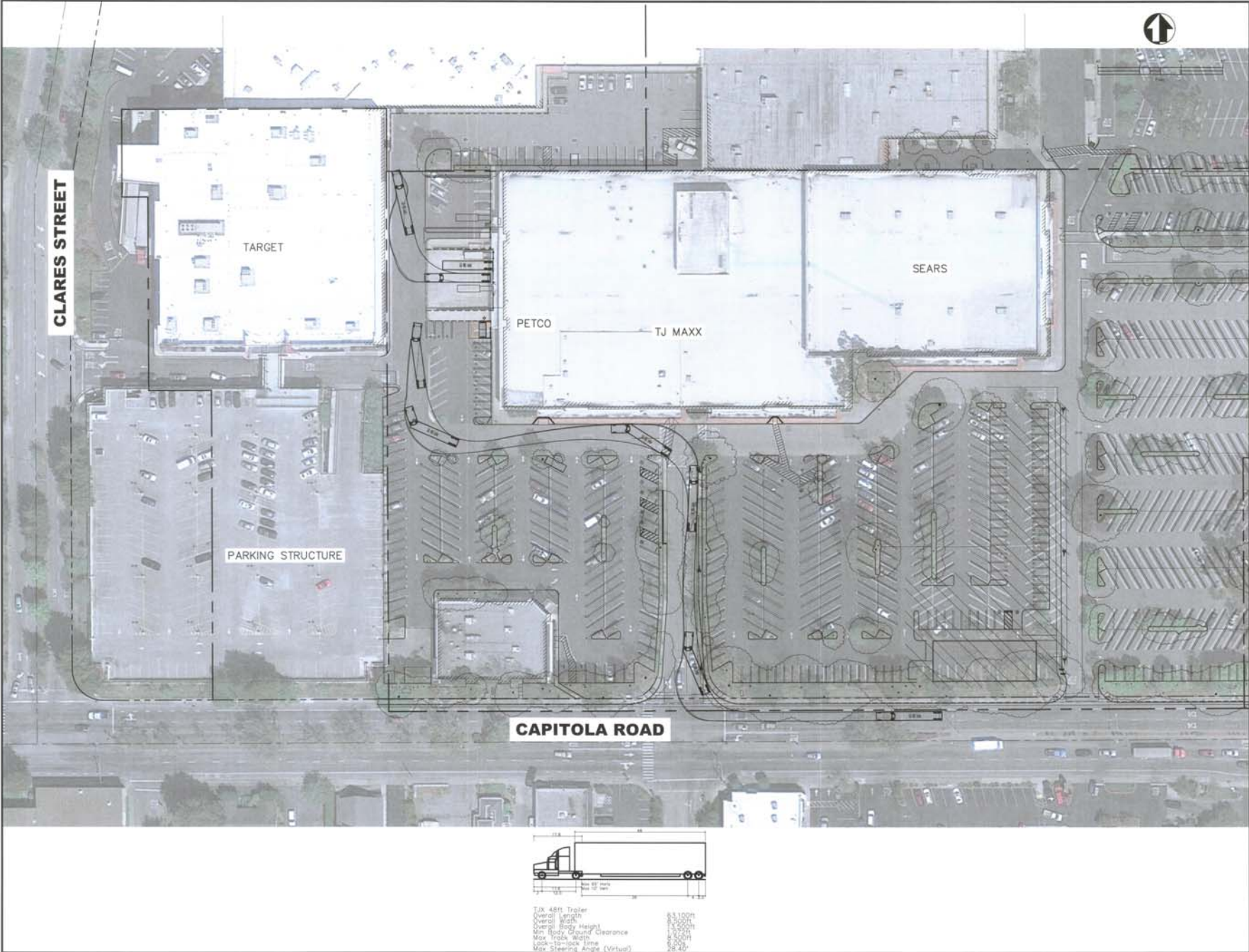
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Issue Date: 1/3/201

**SEARS TRUCK
 MOVEMENT**

C:

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TJK 48ft Trailer
 Overall Length 63'10 1/2"
 Overall Width 8'6"
 Overall Body Height 13'5 1/2"
 Min Body Ground Clearance 11'0"
 Max Tractor Width 8'6"
 Load-to-Load Time 98'20"
 Max Steering Angle (Vertup)

PSOM
 1075 Creekside Ridge Drive, Suite 200
 Roseville, CA 95678
 (916) 788-8122 (916) 788-0600 (FAX)

Project No: 6SER01
 Project Contact: Carl
 Email: carl.moore@psom
 Designed By:
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Client

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SERITAGE-CAPITOLA

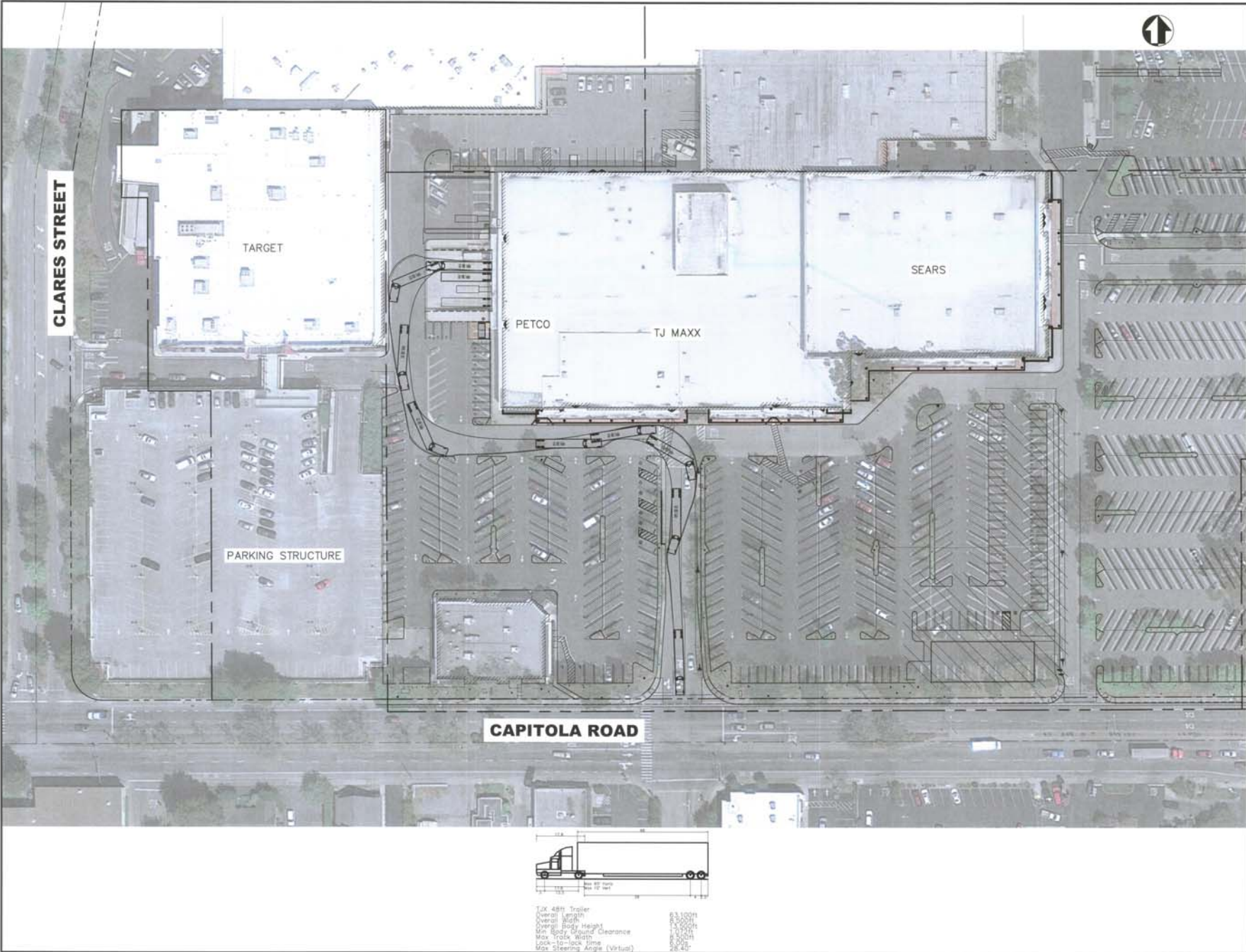
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Issue Date 1/3/201

**TJ MAXX TRUC
 IN BOUND
 MOVEMENT**



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TJX 48ft Trailer
 Overall Length 48'0"
 Overall Width 8'6"
 Overall Body Height 4'0"
 Max Body Ground Clearance 13'6"
 Max Trailer Width 8'6"
 Lock-to-lock Time 20'0"
 Max Steering Angle (Virtual)

PSOM
 1075 Crestside Ridge Drive, Suite 200
 Roseville, CA 95678
 (916) 788-8122 (916) 788-0600 (FAX)

Project No: 6SER01
 Project Contact: Carl
 Email: carl.moore@psom
 Designed By:
 Checked By:

Client
SERITAG
GROWTH PROPERTY
 Company: Seritage Growth Pro
 Address: 489 Fifth Ave, 18
 New York, NY
 Phone No. 212-35

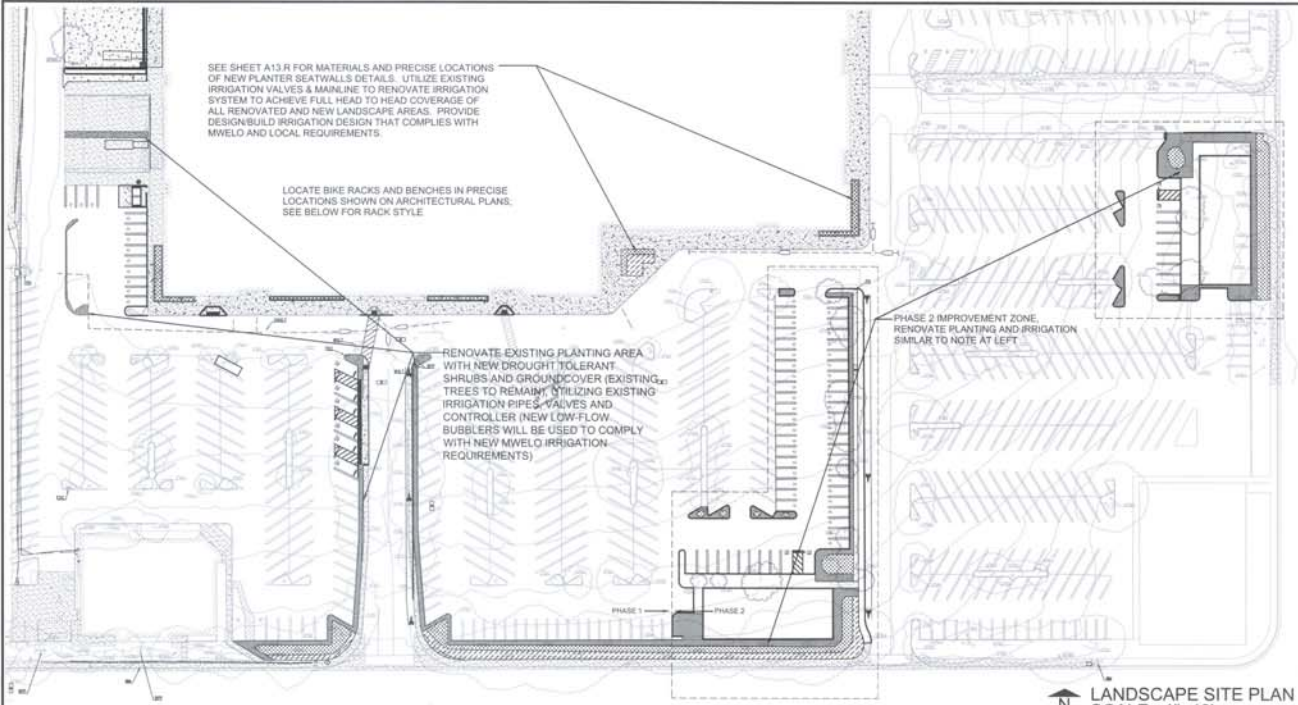
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**TJ MAXX TRUC
 EGRESS
 MOVEMENT**



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TREE REMOVAL NOTES

THE FOLLOWING TREES ARE SCHEDULED FOR REMOVAL IN EACH PHASE. PERMITS WILL BE OBTAINED AS REQUIRED BY LOCAL ORDINANCE.

TREE SIZE	QTY PHASE 1	QTY PHASE 12
4"	0	1
6"	0	6
8"	0	8
10"	0	5
12"	1	4
20"	0	1
24"	0	4

PLANT MATERIALS

SYMBOL	PLANT (LATIN & COMMON NAMES)	SIZE	SPACING REQ'D	PHASE 1 APPROX QTY	PHASE 12 APPROX QTY
[Symbol]	BACCHARIS PILLULARIS 'PIGEON POINT' DWARF COYOTE BRUSH	3 GAL	PLANT 24" O.C.	305	1553
[Symbol]	MULLENBERGIA CAPILLARIS PINK MUHLY GRASS	5 GAL	PLANT 24" O.C.	775	750
[Symbol]	MULLENBERGIA RIGENS DEER GRASS	5 GAL	PLANT 24" O.C.	515	345



MULLENBERGIA RIGENS (DEER GRASS)



BACCHARIS PILLULARIS 'PIGEON POINT' (DWARF COYOTE BRUSH)



MULLENBERGIA CAPILLARIS (PINK MUHLY GRASS)



TYPICAL SITE BENCH



TYPICAL BICYCLE RACK

LANDSCAPE CONCEPTUAL DESIGN / SCOPING DIAGRAM



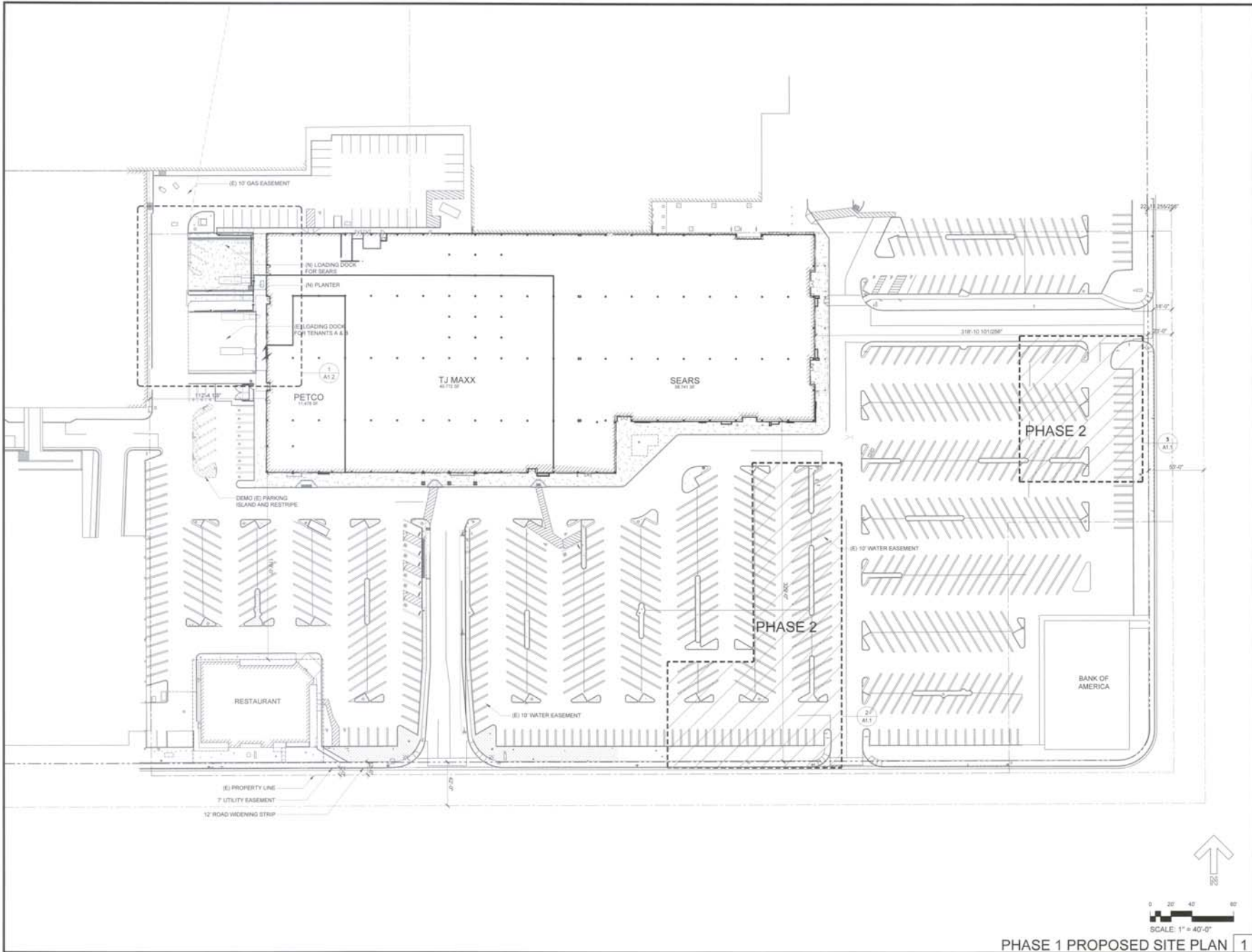
Client
SERITAGE GROWTH PROPERTIES
 Company: Seritage Growth Properties
 Address: 489 Fifth Ave, 18th Floor, New York, NY 10017
 Phone No. 212-355-7800

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 4015 CAPITOLA RD.
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 LANDSCAPE CONCEPTUAL DESIGN/SCOPING DIAGRAM

L1.0



architecture design collabo
 2323 South Pointe Dr.
 Laguna Hills, CA 92653
 www.adcollaborative.com
 949.267.1660

ADC Project No: 16
 Project Contact: Ban
 Email: bpotrus@adcollaborativ
 Principal: Craig
 Project Manager: Ban

Client

SERITAG
 GROWTH PROPERTI

Company: Seritage Growth Pro
 Address: 489 Fifth Avenue, 18
 New York, NY
 Phone No. 214-354

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PHASE 1
 PROPOSED SITE
 PLAN

A1

PHASE 1 PROPOSED SITE PLAN 1

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architecture design collabo
2323 South Pointe Dr.
Laguna Hills, CA 92653
www.adcollaborative.com
949.267.1660

ADC Project No: 16
Project Contact: Ban |
Email: bpotrus@adcollaborativ
Principal: Craig
Project Manager: Ban |

Client

SERITAG
GROWTH PROPERTI

Company: Seritage Growth Pro
Address: 489 Fifth Avenue, 18
New York, NY
Phone No. 214-355

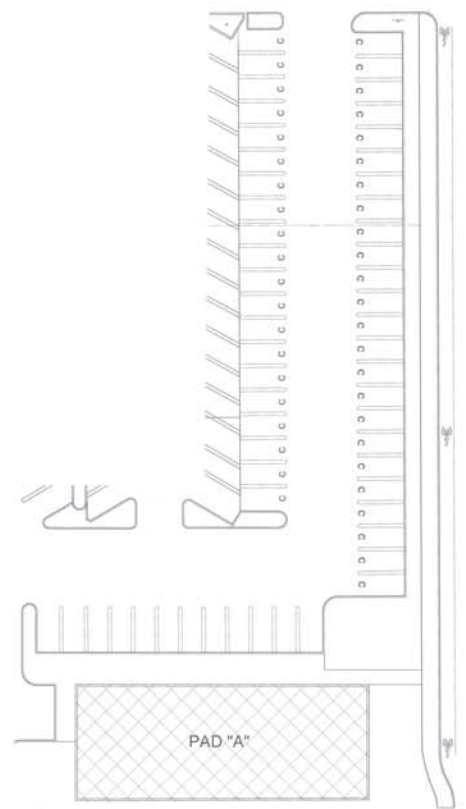
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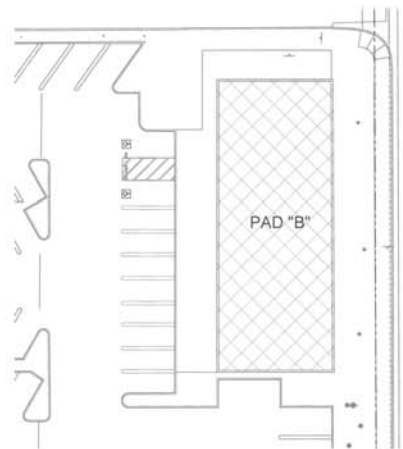
Issue Date
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PHASE 2 SITE
PLAN

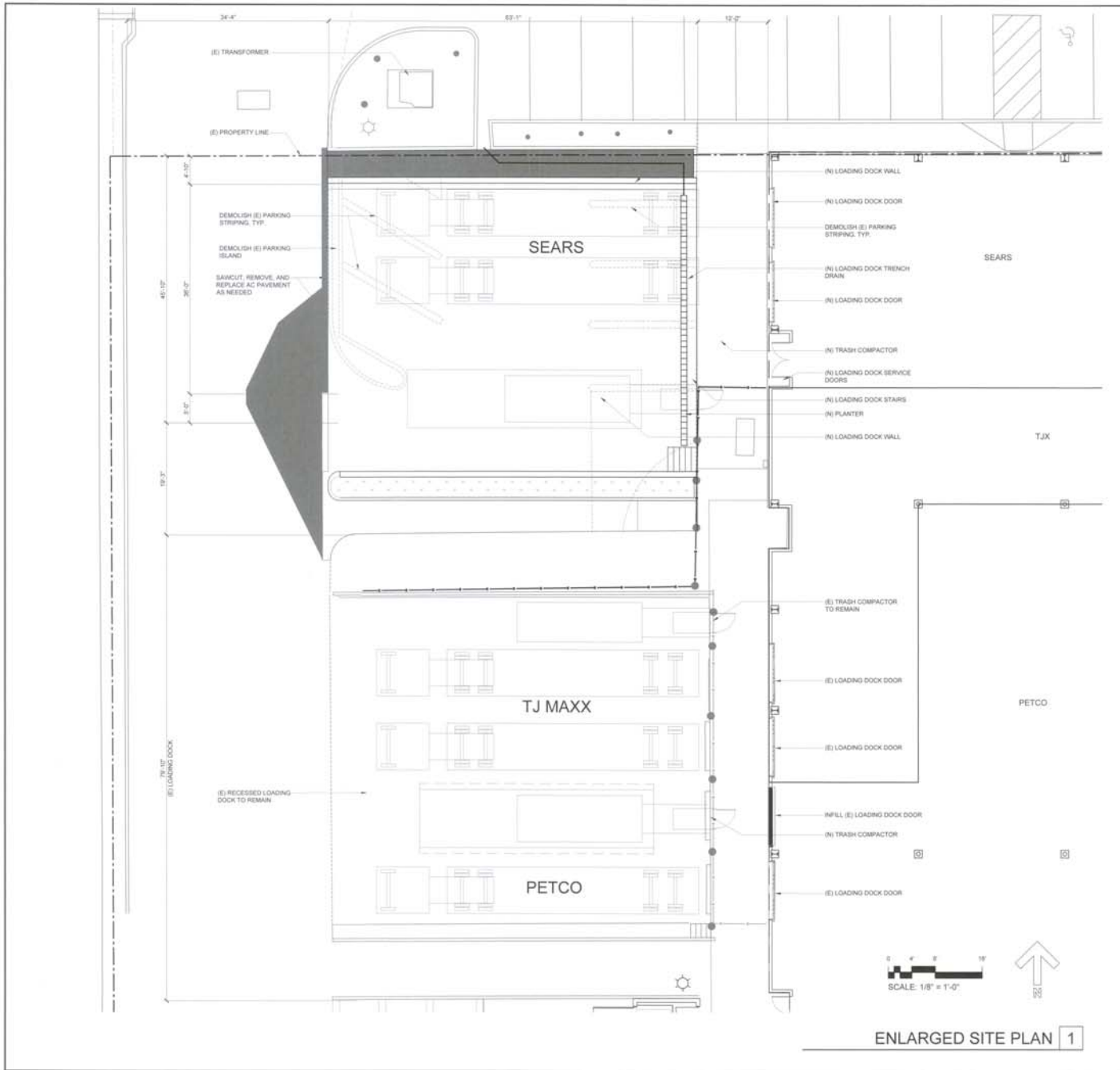
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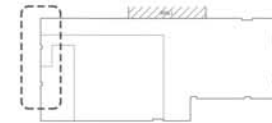
PHASE 2 ENL. SITE PLAN 2



PHASE 2 ENL. SITE PLAN 1



KEY PLAN



LEGEND

- - - - - PROPERTY LINE
- - - - - EASEMENT
- - - - - SETBACK
- EXISTING TO BE DEMOLISHED
- [Patterned Box] LANDSCAPE - REFER TO LANDSCAPE SHEETS
- [Hatched Box] HARDSCAPE
- [White Box] N.A.P.

ENLARGED SITE PLAN 1

architecture design collab
 2323 South Pointe Dr.
 Laguna Hills, CA 92653
 www.adcollaborative.com
 949.267.1660

ADC Project No: 16
 Project Contact: Ban
 Email: bpotrus@adcollaborativ
 Principal: Craig
 Project Manager: Ban

Client
SERITAG
 GROWTH PROPERTI

Company: Seritage Growth Prc
 Address: 489 Fifth Avenue, 18
 New York, NY
 Phone No. 214-351

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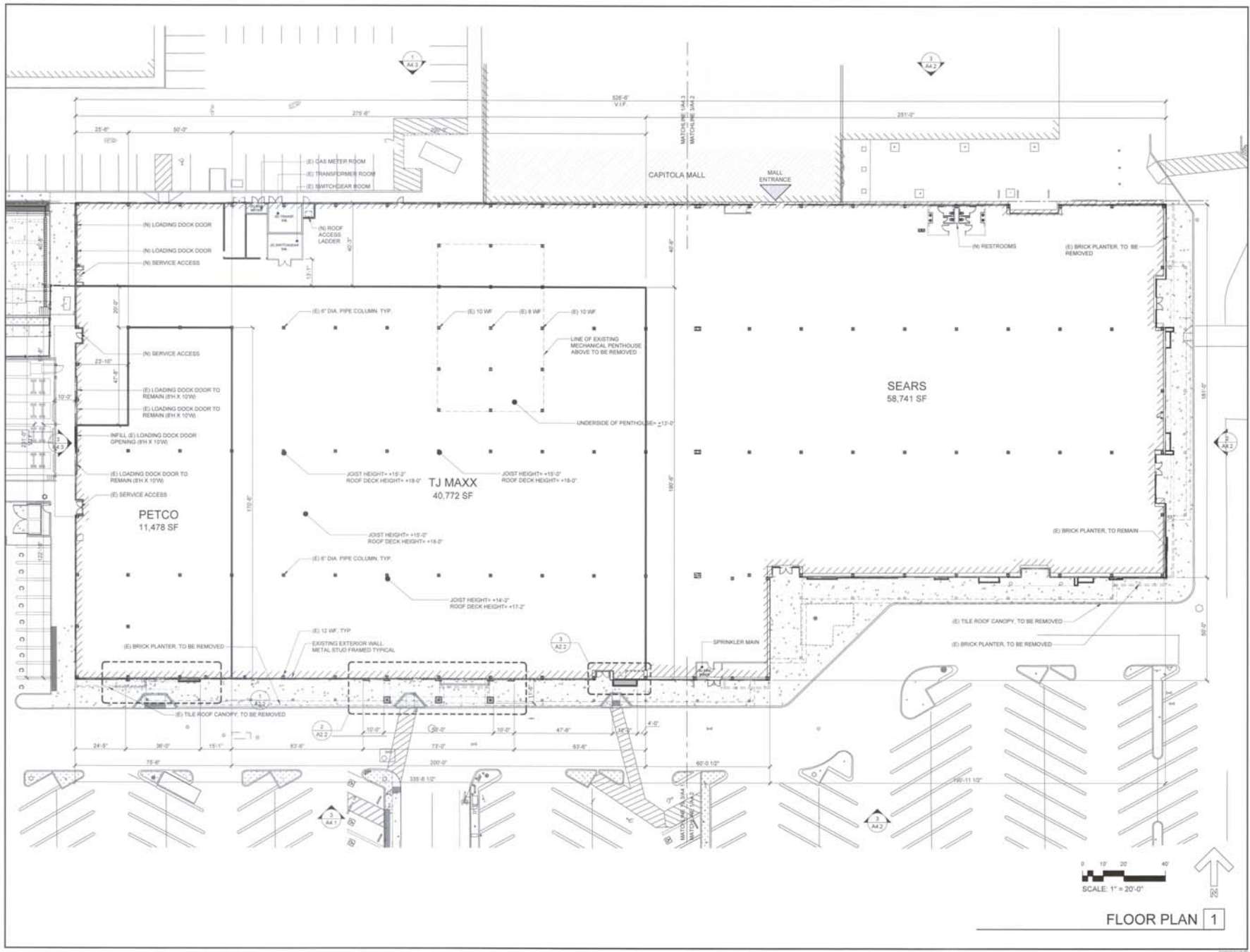
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ENLARGED SITE PLAN

A1

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 2323 South Pointe Dr.
 Laguna Hills, CA 92653
 www.adcollaborative.com
 949.267.1660

ADC Project No: 11
 Project Contact: Ban
 Email: bpotrus@adcollaborative.com
 Principal: Craig
 Project Manager: Ban

Client

SERITAG
 GROWTH PROPERTY

Company: Seritage Growth Pr
 Address: 489 Fifth Avenue, 18
 New York, NY
 Phone No. 214-35

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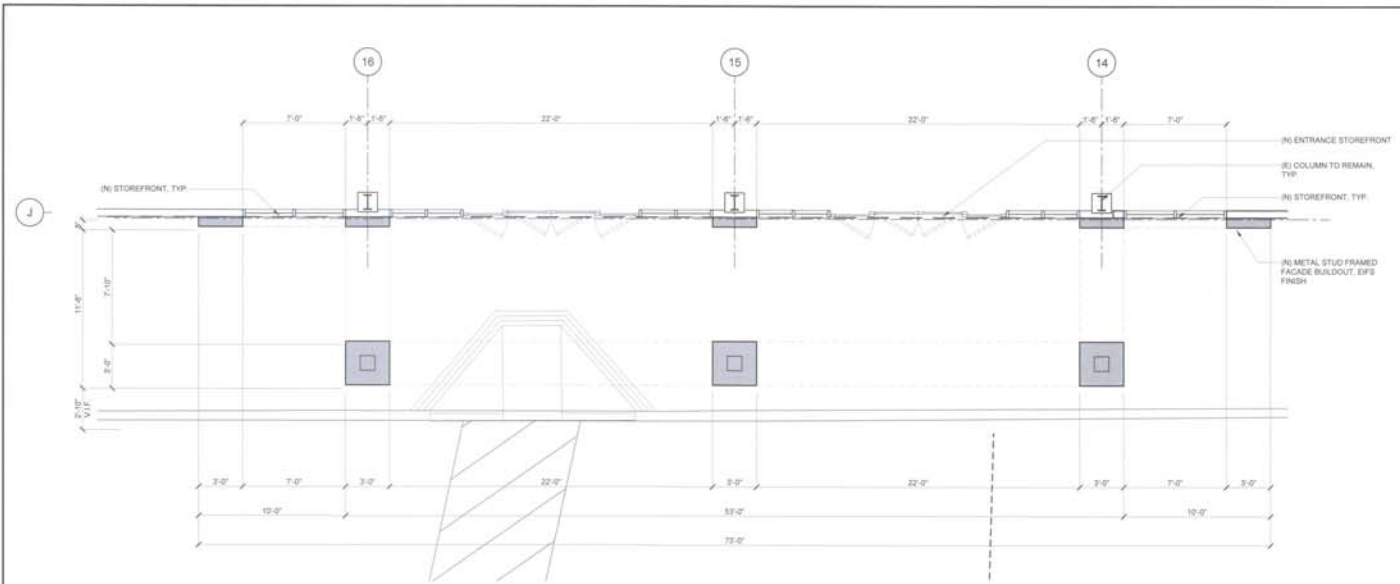
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FLOOR PLAN

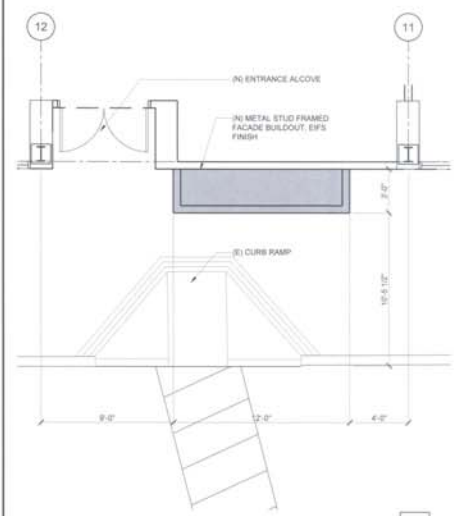
FLOOR PLAN 1

A2

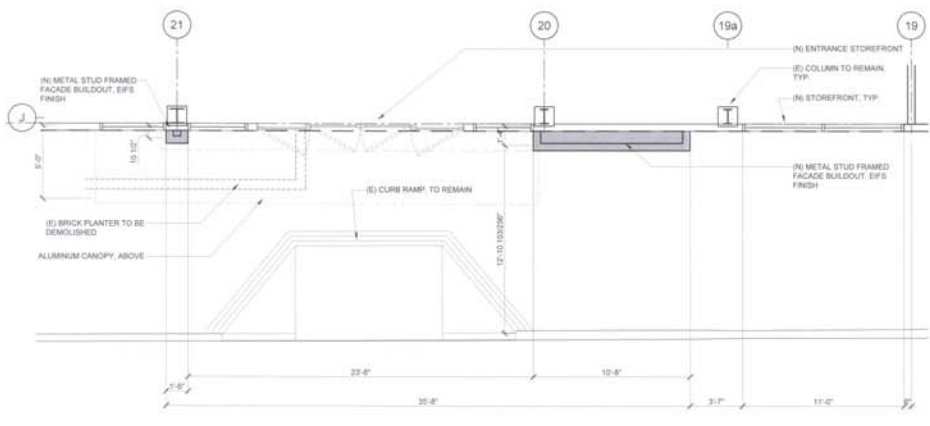
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ENLARGED FACADE PLAN 2

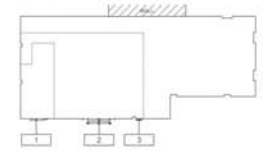


ENLARGED FACADE PLAN 3



ENLARGED FACADE PLAN 1

KEY PLAN



LEGEND

- EXISTING ITEM TO REMAIN
- EXISTING ITEM TO BE DEMOLISHED
- (N) METAL STUD WALL
- (N) LANDSCAPE - REFER TO LANDSCAPE SHEETS
- (N) HARDSCAPE
- NOT A PART OF THIS SCOPE



architecture design collab
 2323 South Pointe Dr.
 Laguna Hills, CA 92653
 www.adcollaborative.com
 949.267.1660

ADC Project No: 16
 Project Contact: Ban
 Email: bpotus@adcollaborative.com
 Principal: Craig
 Project Manager: Ban

Client

SERITAG
 GROWTH PROPERTI

Company: Seritag Growth Pro
 Address: 489 Fifth Avenue, 18
 New York, NY
 Phone No. 214-351

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 CAPITOLA, CA 95010

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ENLARGED FLOOR
 PLANS

A2

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2323 South Pointe Dr.
Laguna Hills, CA 92653
www.adcollaborative.com
949.267.1660

ADC Project No: 14
Project Contact: Ban
Email: bpotrus@adcollaborati
Principal: Craig
Project Manager: Ban

Client

SERITAG
GROWTH PROPERTY

Company: Seritage Growth Pr
Address: 489 Fifth Avenue, 18
New York, NY
Phone No. 214-35

SERITAGE-CAPITOLA

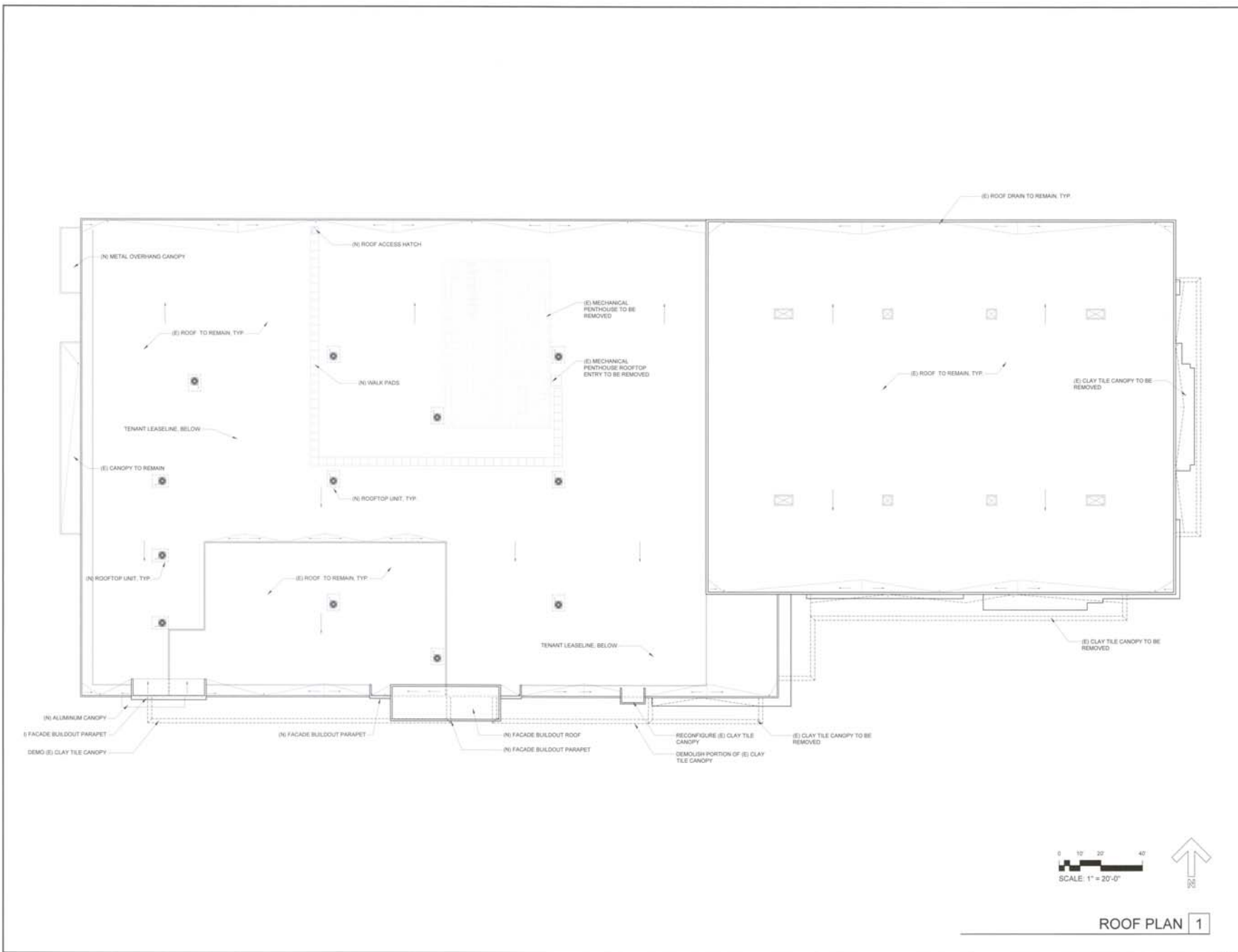
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ROOF PLAN

ROOF PLAN 1

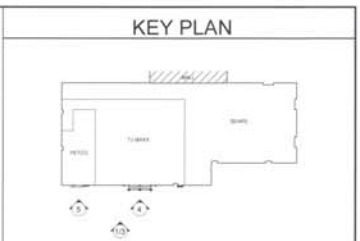




ENLARGED ELEVATION 5



ENLARGED ELEVATION 4



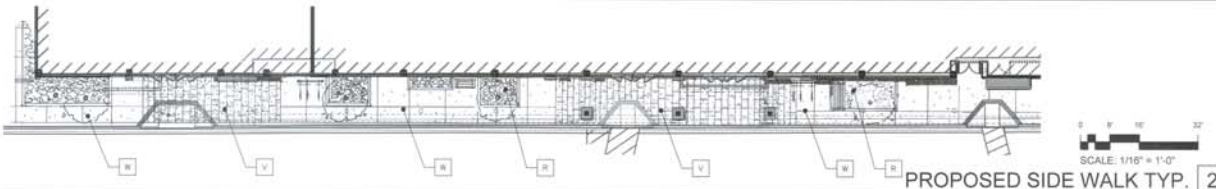
KEY PLAN

- ELEVATION NOTES**
- 1E VESTIBULE AND STOREFRONT SYSTEM / KNEE WALL TO BE DETERMINED BY AND COORDINATED WITH T.J.X. C-SET. *COORDINATE CANOPY SUPPORT COLUMNS WITH T.J.X. VESTIBULE DOORS. COLUMNS CANNOT BE IN FRONT OF DOORS. NEED CLEAR PATH OF TRAVEL.
 - 2E COORDINATE STOREFRONT ELEMENT WITH THE VESTIBULE ON THE T.J.X. C-SET.
 - 3E WIDTH & HEIGHT OF SIGN FACADE AND TOP OF SIGN TO BE AS HIGH AS OR HIGHER THAN ANY OTHER RETAILER IN THE SHOPPING CENTER.
 - 4E STOREFRONT SIGN TO BE 6'-0" HIGH (OR ALLOWED BY CODE). THE FINAL BUILDING SIGN CRITERIA IS TO BE COORDINATED WITH THE T.J.X. FOR REVIEW FOR FINAL ELEVATION APPROVAL.
 - 5E STOREFRONT CANOPY TO BE 8'-0" DEEP MIN.
 - 6E SUBMIT COMPLETE ELEVATIONS, SECTIONS AND MATERIAL & COLOR SAMPLES TO T.J.X. FOR REVIEW FOR FINAL ELEVATION APPROVAL.
 - 7E PROVIDE CATWALK IN CANOPY.
 - 8E PROVIDE LOCKING ACCESS DOOR TO CANOPY OR MIN. 30 X 30 UNDER CANOPY ROOF HATCH.
 - 9E PROVIDE 3/4" PLYWOOD BEHIND SIGN FIELD.
 - 10E PLEASE PROVIDE SIGN CRITERIA PACKAGE WHEN APPLICABLE.

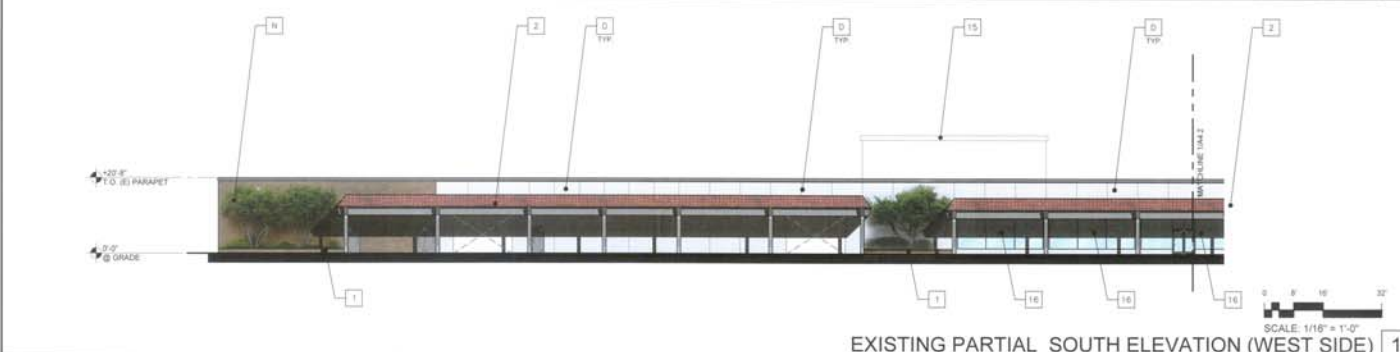
ELEVATION NOTES



PROPOSED PARTIAL SOUTH ELEVATION (WEST SIDE) 3



PROPOSED SIDE WALK TYP. 2



EXISTING PARTIAL SOUTH ELEVATION (WEST SIDE) 1

- KEYNOTES**
- 1 DEMO (E) BRICK PLANTER
 - 2 DEMO (E) CLAY TILE CANOPY
 - 3 (N) METAL CANOPY
 - 4 (N) STOREFRONT
 - 5 (N) DECORATIVE METAL LOUVERS
 - 6 (N) ALUMINUM AWNING
 - 7 (E) LIGHT FIXTURE
 - 8 (E) FABRIC AWNING
 - 9 (E) VENTS - SCE ROOM
 - 10 (E) METAL CANOPY
 - 11 (E) LOADING DOCK DOOR
 - 12 (N) LOADING DOCK DOOR
 - 13 (N) SERVICE DOOR
 - 14 INFILL (E) LOADING DOCK DOOR. EIFS FINISH TO MATCH EXISTING
 - 15 DEMO (E) MECHANICAL PENTHOUSE
 - 16 DEMO (E) STOREFRONT
 - 17 (N) FLAT METAL PANEL ROOF SCREEN

MATERIAL LEGEND

A (N) METAL PANEL	L (N) BLUE PAINTED BREAK METAL
B (N) BRICK VENEER	M (N) BROWN PAINTED BRAKE METAL
C (N) WOOD SIDING	N (E) BRICK VENEER
D (E) SURFACE TO BE PAINTED	P (E) COMPOSITE WOOD PLANKS
E (E) CMU VENEER	Q (E) EIFS FINISH
F (N) PAINTED BRICK METAL	R (N) PLANTER
G (N) METAL LOUVERS	T (N) BRICK VENEER PAINTED (MATCH EXISTING BRICK AND PAINT)
H (N) WHITE PAINTED STUCCO	V (N) PAVERS
I (N) GRAY PAINTED STUCCO	W (N) COLORED CONCRETE
J (N) RED PAINTED STUCCO	
K (N) STONE VENEER	
L (N) CREAM PAINTED STUCCO	

JURISDICTIONAL NOTE
 ELEVATIONS ARE SUBJECT TO CHANGE PENDING JURISDICTIONAL COMMENTS AND REVISIONS FROM PLANNING COMMISSION.

architecture design collab
 2323 South Pointe Dr.
 Laguna Hills, CA 92653
 www.adcollaborative.com
 949.267.1660

ADG Project No: 16
 Project Contact: Ban
 Email: bpotrus@adcollaborative.com
 Principal: Craig
 Project Manager: Ban

Client

SERITAG GROWTH PROPERTI
 Company: Seritag Growth Prc
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 Phone No. 214-351

SERITAGE-CAPITOLA
 4015 CAPITOLA RD.
 CAPITOLA, CA 95010

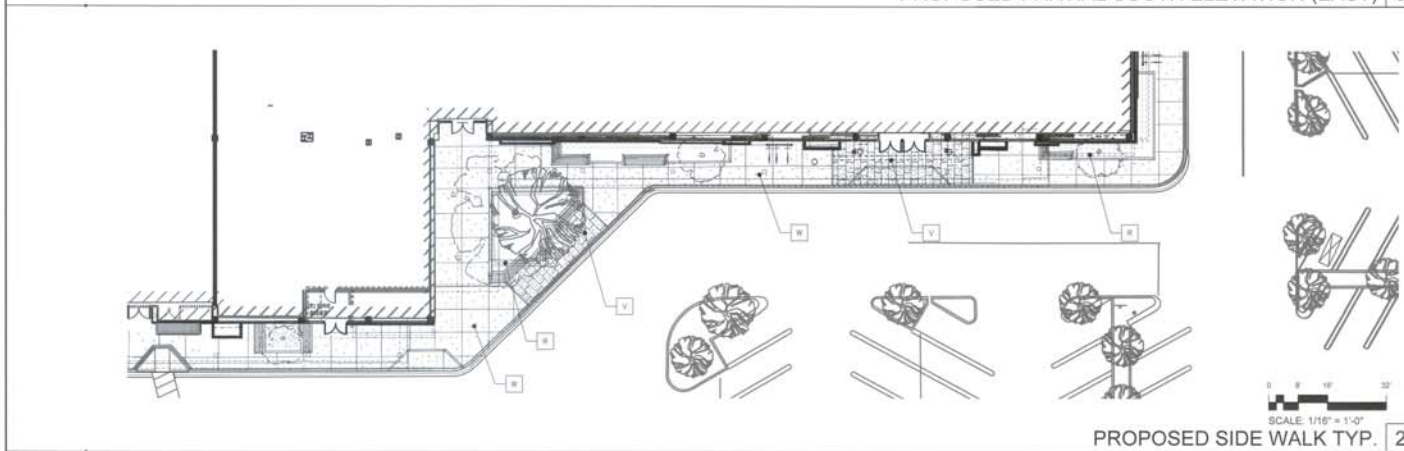
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EXTERIOR ELEVATIONS

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PROPOSED PARTIAL SOUTH ELEVATION (EAST) 3

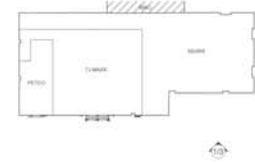


PROPOSED SIDE WALK TYP. 2



EXISTING SOUTH ELEVATION (EAST) 1

KEY PLAN



ELEVATION NOTES

- 1E. VESTIBULE AND STOREFRONT SYSTEM / KNEE WALL TO BE DETERMINED BY AND COORDINATED WITH T.JX C-SET. *COORDINATE CANOPY SUPPORT COLUMNS WITH T.JX VESTIBULE DOORS. COLUMNS CANNOT BE IN FRONT OF DOORS. NEED CLEAR PATH OF TRAVEL. COORDINATE STOREFRONT ELEMENT WITH THE VESTIBULE ON THE T.JX C-SET.
- 3E. STOREFRONT SIGN TO BE 6'-0" HIGH (OR ALLOWED BY CODE). THE FINAL BUILDING SIGN CRITERIA IS TO BE COORDINATED WITH THE T.JX FOR REVIEW FOR FINAL ELEVATION APPROVAL.
- 5E. STOREFRONT CANOPY TO BE 8'-0" DEEP MIN.
- 6E. SUBMIT COMPLETE ELEVATIONS, SECTIONS AND MATERIAL & COLOR SAMPLES TO T.JX FOR REVIEW FOR FINAL ELEVATION APPROVAL.
- 7E. PROVIDE CATWALK IN CANOPY.
- 8E. PROVIDE LOCKING ACCESS DOOR TO CANOPY OR MIN. 30 X 30 UNDER CANOPY ROOF HATCH.
- 9E. PROVIDE 3/4" PLYWOOD BEHIND SIGN FIELD.
- 10E. PLEASE PROVIDE SIGN CRITERIA PACKAGE WHEN APPLICABLE.

KEYNOTES

- | | |
|----|---|
| 1 | DEMO (E) BRICK PLANTER |
| 2 | DEMO (E) CLAY TILE CANOPY |
| 3 | (N) METAL CANOPY |
| 4 | (N) STOREFRONT |
| 5 | (N) DECORATIVE METAL LOUVERS |
| 6 | (N) ALUMINUM AWNING |
| 7 | (E) LIGHT FIXTURE |
| 8 | (E) FABRIC AWNING |
| 9 | (E) VENTS - SCE ROOM |
| 10 | (E) METAL CANOPY |
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| 13 | (N) SERVICE DOOR |
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| 15 | DEMO (E) MECHANICAL PENTHOUSE |
| 16 | DEMO (E) STOREFRONT |
| 17 | (N) FLAT METAL PANEL ROOF SCREEN |

MATERIAL LEGEND

A	(N) METAL PANEL	L	(N) BLUE PAINTED BREAK METAL
B	(N) BRICK VENEER	M	(N) BROWN PAINTED BREAK METAL
C	(N) WOOD SIDING	N	(E) BRICK VENEER
D	(E) SURFACE TO BE PAINTED	P	(E) COMPOSITE WOOD PLANKS
E	(N) CMU VENEER	Q	(E) EIFS FINISH
F	(N) PAINTED BREAK METAL	R	PLANTER
G	(N) METAL LOUVERS	T	(N) BRICK VENEER PAINTED (MATCH EXISTING BRICK AND PAINT)
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I	(N) GRAY PAINTED STUCCO	W	COLORLED CONCRETE
J	(N) RED PAINTED STUCCO		
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JURISDICTIONAL NOTE

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architecture design collab
 2323 South Pointe Dr.
 Laguna Hills, CA 92653
 www.adcollaborative.com
 949.267.1660

ADC Project No: 16
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SERITAG GROWTH PROPERTI
 Company: Seritage Growth Pro
 Address: 489 Fifth Avenue, 18
 New York, NY
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SERITAGE-CAPITOLA
 4015 CAPITOLA RD.
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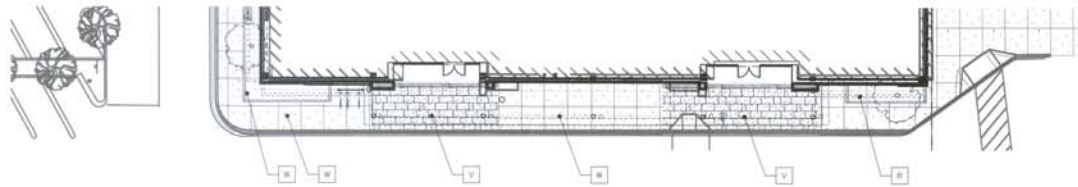
EXTERIOR ELEVATIONS

A4

Attachment: 4015 Capitola Road Plan Set (01.09.2018) (Appeal of Application 17-019, 4015 Capitola Road)



PROPOSED EAST ELEVATION 3



PROPOSED EAST SIDEWALK 2



EXISTING EAST ELEVATION 1

KEY PLAN



ELEVATION NOTES

- 1E. VESTIBULE AND STOREFRONT SYSTEM / KNEE WALL TO BE DETERMINED BY AND COORDINATED WITH T.J.X C-SET. *COORDINATE CANOPY SUPPORT COLUMNS WITH T.J.X VESTIBULE DOORS. COLUMNS CANNOT BE IN FRONT OF DOORS. NEED CLEAR PATH OF TRAVEL.
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architecture design collaborative
 2323 South Pointe Dr.
 Laguna Hills, CA 92653
 www.adcollaborative.com
 949.267.1660
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SERITAG GROWTH PROPERTIES
 Company: Seritag Growth Properties
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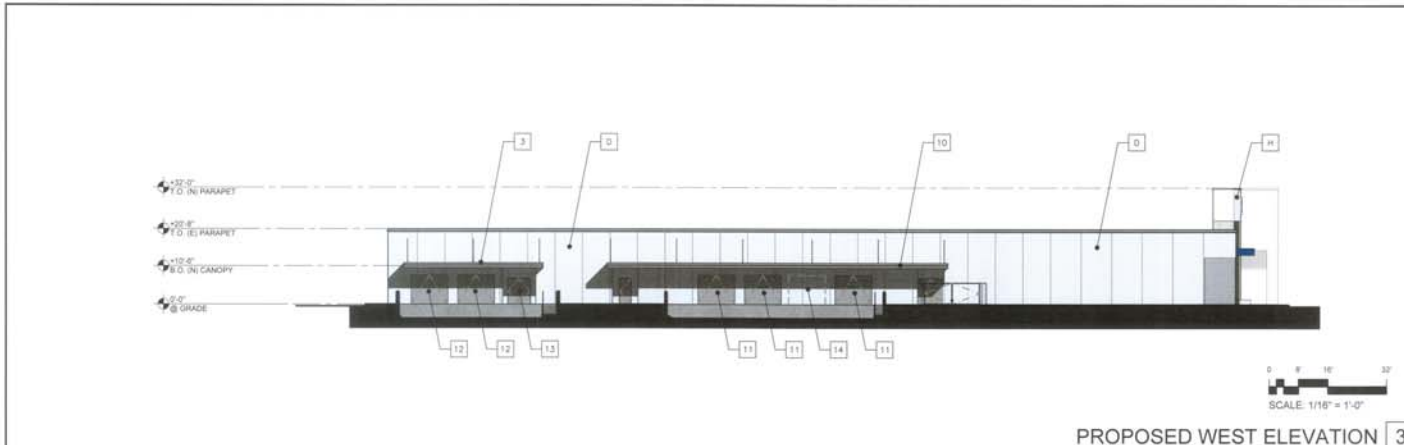
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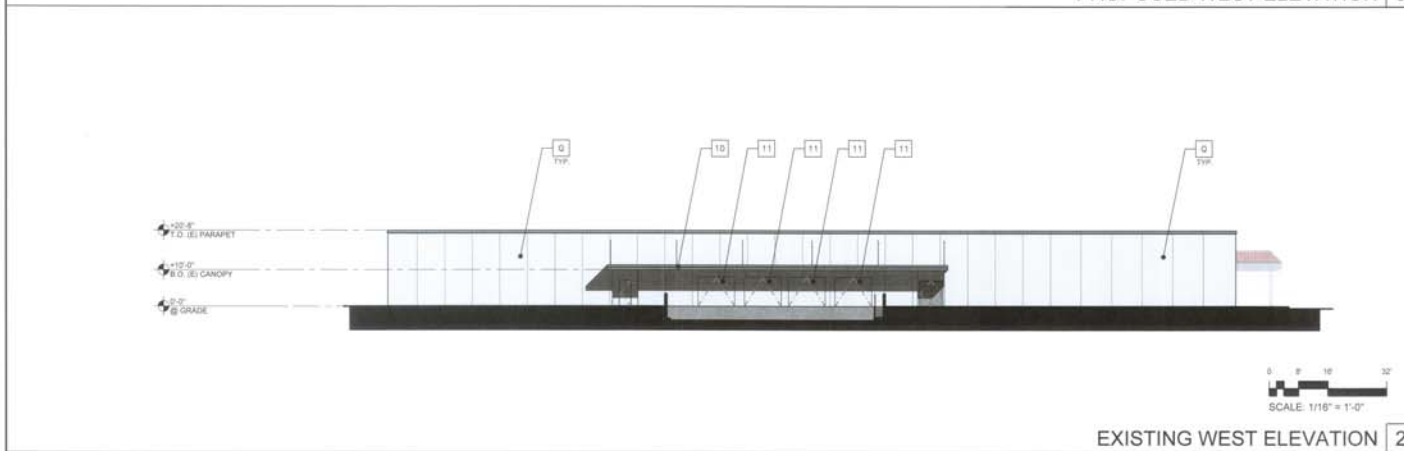
EXTERIOR ELEVATIONS

A4

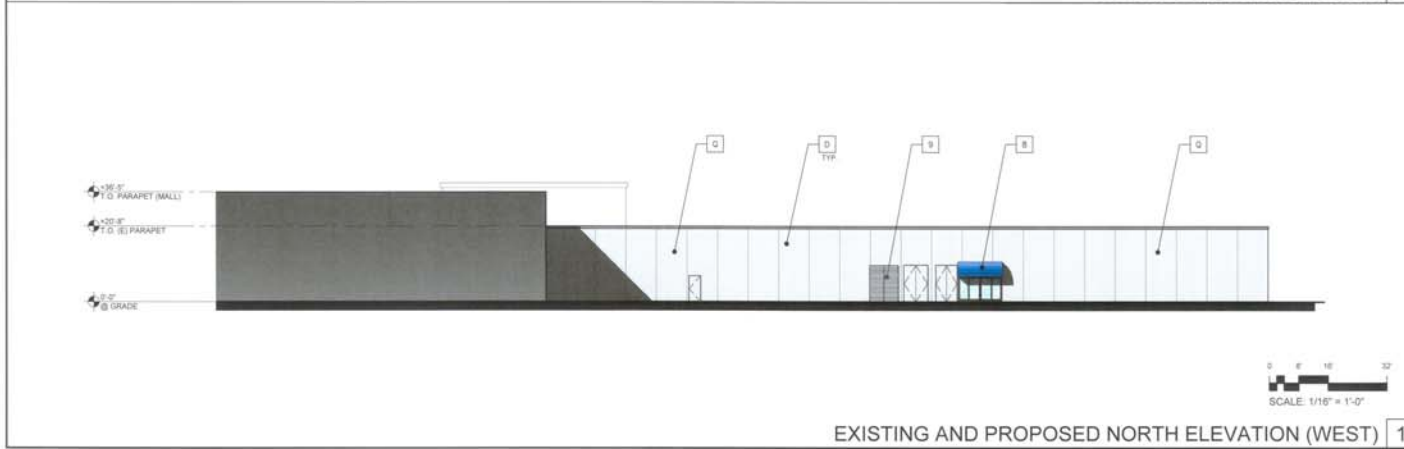
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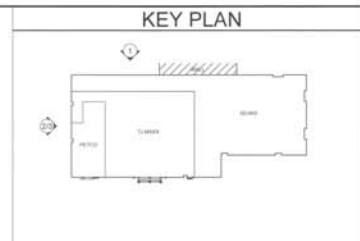
PROPOSED WEST ELEVATION 3



EXISTING WEST ELEVATION 2



EXISTING AND PROPOSED NORTH ELEVATION (WEST) 1



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architecture design collab
 2323 South Pointe Dr.
 Laguna Hills, CA 92653
 www.adcollaborative.com
 949.267.1660

ADC Project No: 16
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 Email: bpotrus@adcollaborative.com
 Principal: Craig
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Client

SERITAG GROWTH PROPERTI
 Company: Seritag Growth Prc
 Address: 489 Fifth Avenue, 18 New York, NY 10017
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SERITAGE-CAPITOLA
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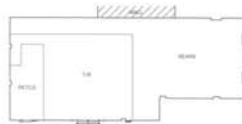
EXTERIOR ELEVATIONS

A4

Attachment: 4015 Capitola Road Plan Set (01.09.2018) (Appeal of Application 17-019, 4015 Capitola Road)



VIEW OF PETCO FROM WEST 3



VIEW OF TJ MAXX FROM WEST 2



VIEW OF SEARS FROM EAST 4



VIEW OF SEARS FROM EAST 1



architecture design collabo
 2323 South Pointe Dr.
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PERSPECTIVE
RENDERINGS

A5

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architecture design collabora
2323 South Pointe Dr.
Laguna Hills, CA 92653
www.adcollaborative.com
949.267.2660

ADC Project No: 14
Project Contact: Ban
Email: bpotrus@adcollaborative.com
Principal: Craig
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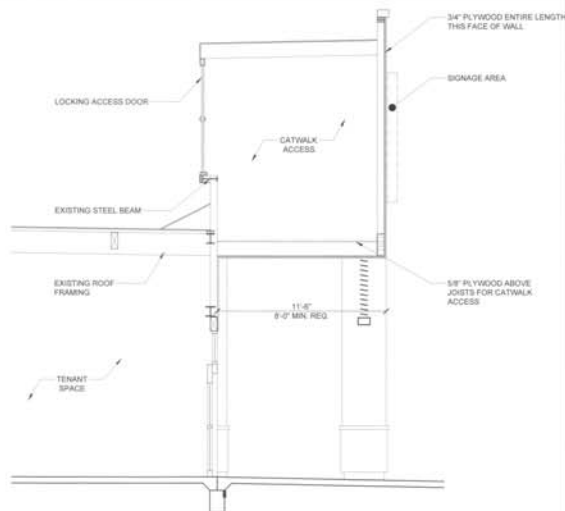
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SECTIONS

A6



PROPOSED CANOPY SECTION 1



PROPOSED PARTIAL SOUTH ELEVATION - EAST SIDE 1



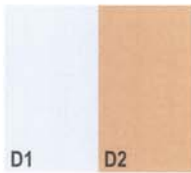
A METAL PANEL



B BRICK VENEER



C WOOD SIDING



D (E) SURFACE TO BE PAINTED



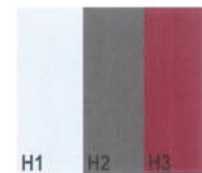
E CMU VENEER



F PAINTED BRAKE METAL



G METAL LOUVERS



H PAINTED STUCCO



J STONE VENEER



K PAINTED STUCCO



L PAINTED BRAKE METAL



M PAINTED BRAKE METAL



R PLANTER



V PAVERS



W COLORED CONCRETE

architecture design collabora
 2323 South Pointe Dr.
 Laguna Hills, CA 92653
 www.adcollaborative.com
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 MATERIAL BOAR

A7

Attachment: 4015 Capitola Road Plan Set (01.09.2018) (Appeal of Application 17-019, 4015 Capitola Road)



PROPOSED PARTIAL SOUTH ELEVATION - WEST SIDE 1



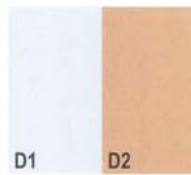
A METAL PANEL



B BRICK VENEER



C WOOD SIDING



D (E) SURFACE TO BE PAINTED



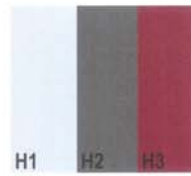
E CMU VENEER



F PAINTED BRAKE METAL



G METAL LOUVERS



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MATERIALS BOA
- SEARS

Ai

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architecture design collabco
2323 South Pointe Dr.
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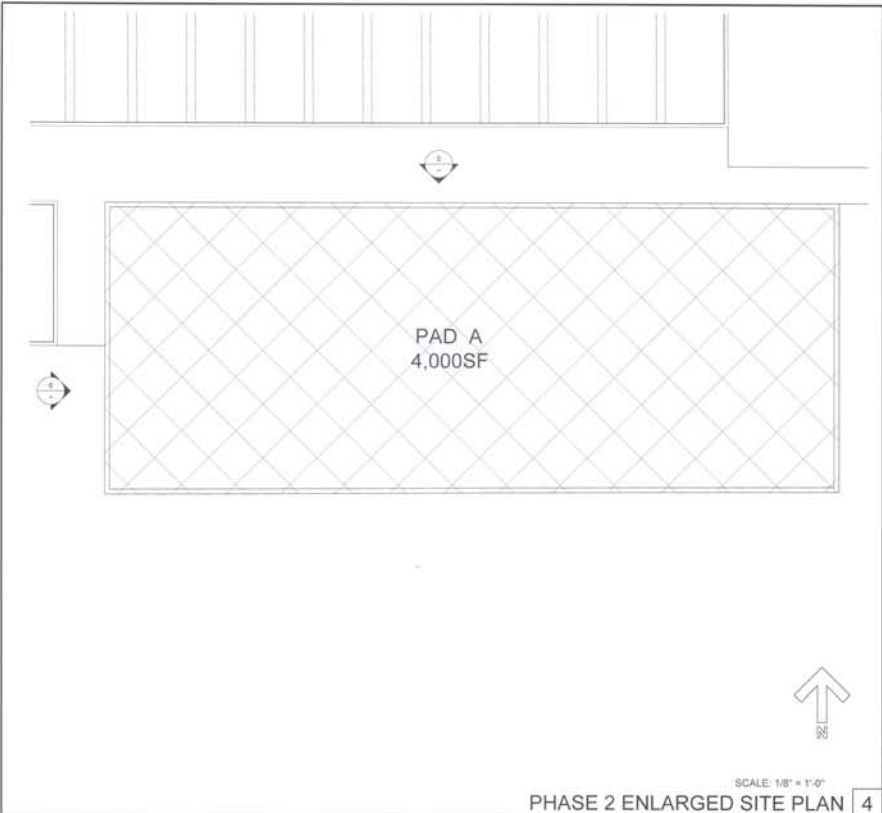
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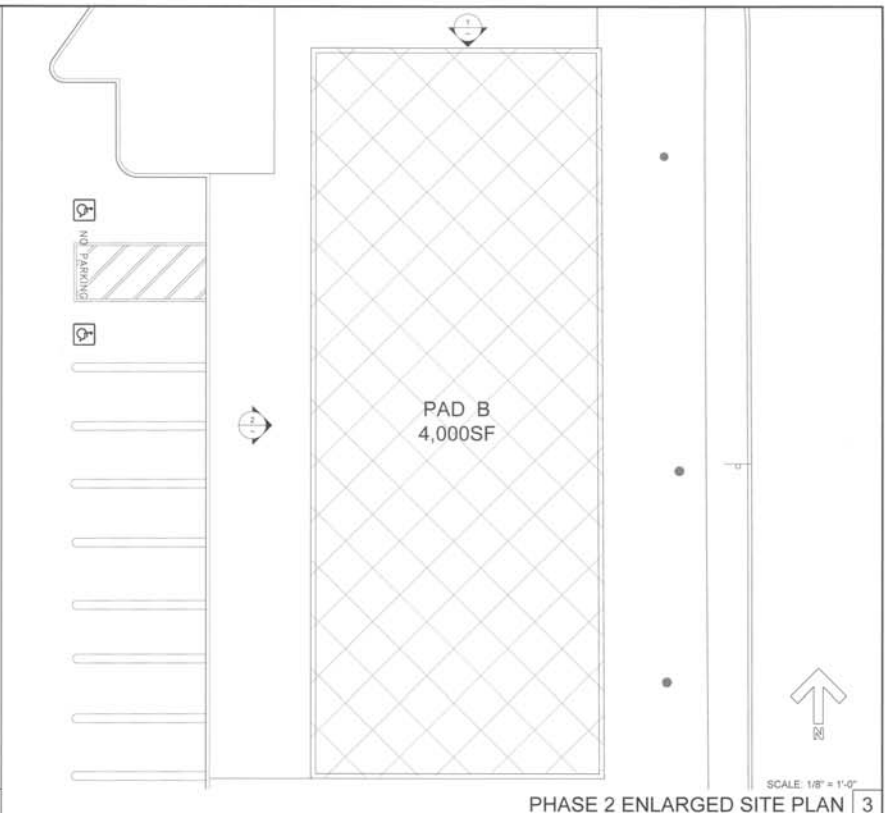
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PHASE 2
CONCEPTUAL
SITE PLAN AND
ELEVATION

A8



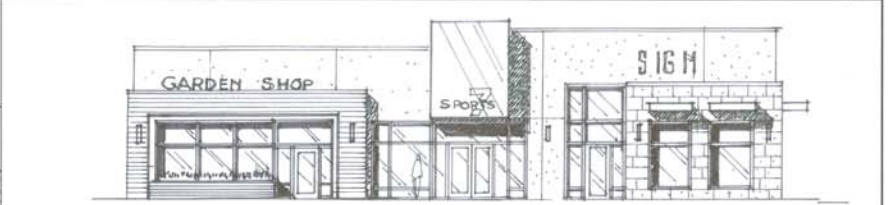
SCALE: 1/8" = 1'-0"
PHASE 2 ENLARGED SITE PLAN 4



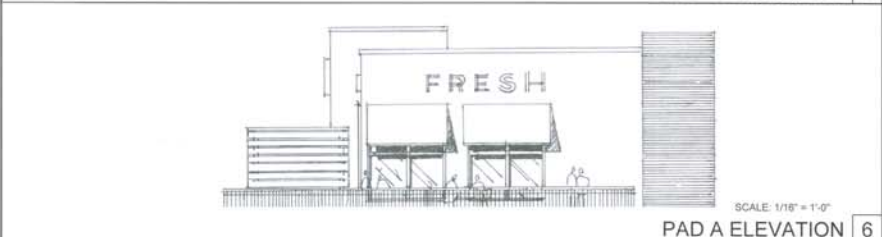
SCALE: 1/8" = 1'-0"
PHASE 2 ENLARGED SITE PLAN 3



SCALE: 1/16" = 1'-0"
PAD A ELEVATION 5



SCALE: 1/16" = 1'-0"
PAD B ELEVATION 2



SCALE: 1/16" = 1'-0"
PAD A ELEVATION 6



SCALE: 1/16" = 1'-0"
PAD B ELEVATION 1

Attachment: 4015 Capitola Road Plan Set (01.09.2018) (Appeal of Application 17-019, 4015 Capitola Road)



EXISTING SEARS, FUTURE TXK



EXISTING SEARS, FUTURE PETCO



EXISTING SEARS, FUTURE TXK



EXISTING SEARS, FUTURE TXK ENTRANCE



EXISTING SEARS ENTRANCE



EXISTING SEARS



EXISTING SEARS



EXISTING SEARS



EXISTING LOADING DOCK



EXISTING LOADING DOCK



UNDERSIDE OF EXISTING DECK



UNDERSIDE OF EXISTING DECK



EXISTING MONUMENT SIGNS



EXISTING MONUMENT SIGNS

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PHOTOGRAPHS



23231 South Pointe Dr.
Laguna Hills, CA 92653
www.adcollaborative.com

January 4th, 2018

Ms. Katie Herlihy, AICP | Senior Planner
City of Capitola Planning Department
420 Capitola Avenue
Capitola, CA 95010
(831) 475-7300

RE: 4015 Capitola Road, Design Permit & Master Sign Permit, #17-019 | Incompleteness Letter

Dear Ms. Herlihy,

This letter is in response to the Staff and Commission comments, dated March 9, 2017, regarding Design Permit application #17-019 for the existing Sears building at Capitola Mall as well as input received from the in-person sit down that was granted and helpful in July 2017, and numerous other meetings between Owner, Owners Representative, and Architect. Seritage and its representatives appreciate the opportunity to present an updated design progress set outlining improvements that have been made to address and respond to the Staff's and Commission's concerns.

1. The owner has completed a Phase I Environmental Site Assessment (ESA) and this report has been sent to the City for their 3rd party review.
2. Seritage and its representative have had numerous conversations with the Mall Owner Merlone Geier. The Mall Owner has been favorable with our design and supports our project as designed. They are not far enough along to provide any coordination for a comprehensive redevelopment. However, we have demonstrated an effort to connect our project with their future project with the pedestrian and bike path improvements off Capitola up 40th Ave to tie into the rest of the mall project. We are also willing to work with Merlone Geier at the appropriate time when they are ready to move forward with their redevelopment to make sure the overall mall property is a cohesive project. The Sear's redevelopment demonstrates high quality architecture and addresses having retail along Capitola and 41st Ave. Please see below for further responses from advisory and design comments previously provided.
 - a. Planning Commission Conceptual Review Comments
 - i. Development Phasing Plan

Response: In preparation for this meeting, Seritage has presented an exhibit describing a two phased approach to the development of the Sears property. The first phase proposes the previously discussed scope of improvements to the existing Sears building and site circulation improvements including a bike lane off of Capitola St towards the existing Sears building. The second phase addresses future development along 41st Ave and Capitola Rd within city and mall parking standards as well as a bike lane off of Capitola along 40th Ave.

- ii. High Quality Architecture/Materials

Attachment: 4015 Capitola Road Plan Set (01.09.2018) (Appeal of Application 17-019, 4015 Capitola Road)

Response: Seritage's team has had many meetings with planning staff to get to this current level of design. The comprehensive high-quality materials are represented in this new design set. Two new retail/restaurant pads have been included in phase two of the project. A pad off of 41st Ave and one off of Capitola Rd.

iii. Circulation Improvements

Response: Pedestrian and bicycle circulation has been improved by adding two new bike lanes into the Mall property off of Capitola Rd.

iv. Improved Place Making and Visitor Experience

Response: There are now a series of gathering and architectural nodes along throughout the renovation. It starts with new bike lanes along Capitola Rd and brings you to new facades and experiential architecture along the storefront. This place making is further enhanced with bike racks, seating and new landscape planters. These nodes promote a higher level of visitor experience by adding materials and texture changes along the path from store to store.

v. Public Art

Response: City has been adamant in their desire for public art to be installed and incorporated into the design theme of the redevelopment project, in lieu of the available donation option. A comprehensive art plan will be developed once conditions of approval have been developed by the City. It has been discussed that the future art will be incorporated into the areas of the Façade and Landscape improvements.

vi. Shared Parking

Response: The existing mall tenants have an updated REA in place that allows for the shared parking of the parcels. The REA parking restrictions prove more stringent than those of the city standards and are included in the parking analysis completed for the proposed design, found on the cover page of the exhibit.

3. Master Sign Program will not be a part of this submittal. It will be submitted separately.

4. 41st Avenue Design Guidelines

a. Separate Pedestrian & Vehicular Traffic Patterns

Response: Staff has identified three major axes for improvement. These are the entry points along 41st Ave, 40th Ave, and access to the adjacent Target. As part of the phasing of the new site design Seritage has accommodated for increased bicycle access to the new tenants of the Sears property. The connection pathway to the existing Target is not functionable due to the inability to make this path accessible. The existing cross slope makes it unable to meet with ADA standards. Furthermore, this is the main circulation area for the delivery trucks and loading docks. The site is also enhanced with new paving materials to accentuate the pedestrian friendly nature of the improvements.

b. Bicycle Parking (Short & Long Term)

Response: Additional bicycle racks and storing locations are proposed along the major retail storefronts to increase cross-mall traffic and attract more pedestrian and bicycle traffic to the site in lieu of vehicular traffic.

- c. Coordinated access, shared parking areas and enhanced traffic flow

Response: This item is closely tied to item 4a above. Seritage has incorporated the pedestrian connection to the existing Mall to begin the process of supporting interconnectivity throughout the mall in its existing state and undetermined future development. The addition of the Phase II retail/restaurant pads further enhances all access. The REA has been adjusted for greater shared parking areas.

- d. Pedestrian/Human Scale

Response: The project is limited to the current tenant mix. Sears is already an existing, operating tenant under a 10-year lease and has no plans to vacate the building. We have obtained their required consent to the proposed facade upgrades to their space and it meets with the correct proportions of design elements of the building and their store. The delineation achieved with the proposed tenants does represent an improvement over the existing, homogenous façade in its existing condition. As noted in the comment, the implementation of benches and other seating/planting areas are effective in breaking up the areas and enhancing pedestrian interest. In the new iteration of the design being presented to Staff better illustrates the consideration given to the human scale through materiality, landscaping, and formal manipulations.

- e. Visual Interest/Building Variation
f. Trademark/Prototype Buildings Discouraged

Response: Items E & F can be discussed and addressed together as they relate to architectural interventions. The building façade as presented has been modified to provide increased visual interest and variation through enhanced materials and design interventions. The new tenant entries have also undergone a significant re-design to reduce the “billboard” and “trademark” effect of previous submittals. The design vernacular aligns with the vision of Capitola and creates a strong starting point for any and all development.

Plan Corrections/Additional Information

1. Stamped survey plans have been provided
2. All exterior elevations existing and proposed are included
3. Added notes and tables to address planting, irrigation, and tree removal.
4. Fee has been provided. City staff is waiting for 3rd party review proposals to come back and project to be awarded soon.
5. See sheet C1.0 for electrolier locations. Request conditions to be included in construction documents?
6. Parking tabulation has been updated and is shown on cover page.
7. Plans have been updated to show this information. Sheets A4.1, A4.2, and A4.3
8. New bike lanes have been shown clearly.

9. See response to the Public Works memo.

Public Works Memo Response:

1. See sheets C1.2 and C1.3 for legend.
2. Added sheets C1.2 and C1.3 to clarify demolition and proposed work including tables with areas.
3. Revised Application to include areas shown on C1.2 and C1.3.
4. Noted.
5. Client to provide.

Sincerely,

Cypress Equities

Blake Carroll
Development Manager
602.682.6092

Architecture Design Collaborative

Craig Chinn
Principal
949.267.1660

Sears at Capitola Mall

Capitola, California



Seritage Growth Properties
489 Fifth Ave, New York, NY 10017

RECEIVED
FEB 08 2017
CITY OF CAPITOLA



MASTER SIGN PROGRAM

Date: 2/8/2017
Revised:

SEARS AT CAPITOLA MALL
CAPITOLA, CA.

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SEARS AT CAPITOLA MALL
CAPITOLA, CA.

PREFACE

This document establishes guidelines and criteria of the facade renovation of the Sears Building and the design, implementation, and regulation of project identity and tenant signage as well as site signage and thematic graphics at Capitola Mall, Capitola, CA.

All criteria contained within this program are considered to be a supplemental addition to City of Capitola Sign Ordinance.

Owner

Seritage Growth Properties
Seritage SRC Finance,
489 Fifth Ave, 18th Floor
New York, NY 10017

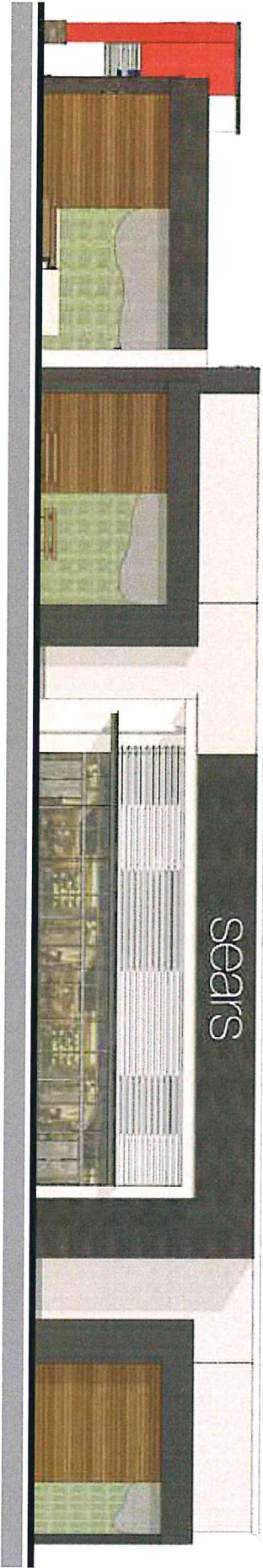
City Planning Department

City Of Capitola Planning Department
420 Capitola Ave.
Capitola, CA 95010
Attn. Katie Cattan, Senior Planner
KCattan@ci.capitola.ca.us

Architect

KTGY Group
17911 Von Karman Avenue
Suite 200
Irvine, CA. 92614
Tel. (949) 851-2133
Attn. Michael Tseng
mitseng@ktgy.com

SEARS AT CAPITOLA MALL
CAPITOLA, CA.

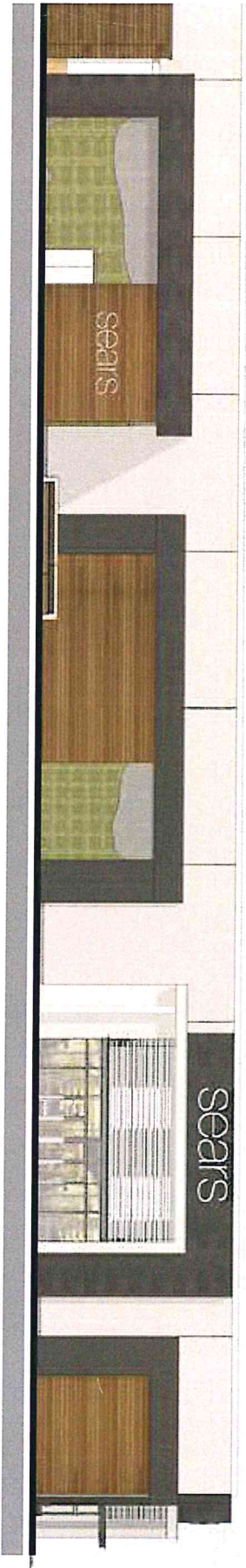


EAST ELEVATION

SEARS
 BUILDING FRONTAGE (LF)*: 180'-0"
 ALLOWABLE SIGN AREA: 180 SF.
Proposed *Adapt*

Note:
 Maximum Letter Height 5 feet.
 The signage location and configuration are conceptual in nature, subject to change based on the final signage permit submission.

SEARS AT CAPITOLA MALL
CAPITOLA, CA.



SOUTH ELEVATION

SEARS

BUILDING FRONTAGE (LF)*: 251'

ALLOWABLE SIGN AREA: 251 SF

Proposed

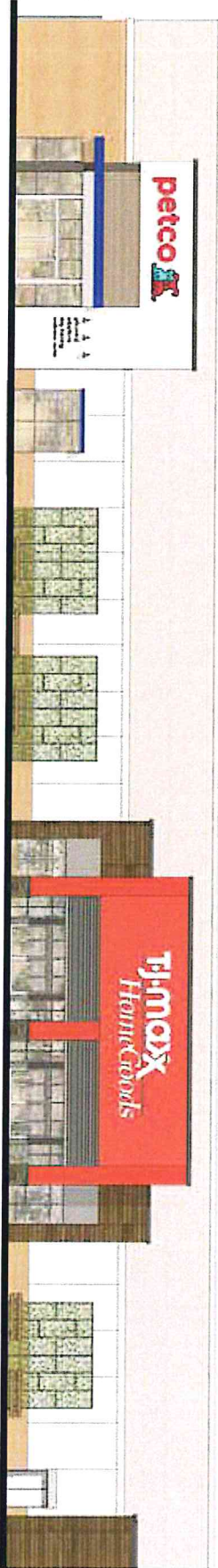
Adapt

Note:

Maximum Letter Height 5 feet.

The signage location and configuration are conceptual in nature, subject to change based on the final signage permit submission.

SEARS AT CAPITOLA MALL
CAPITOLA, CA.



SOUTH ELEVATION

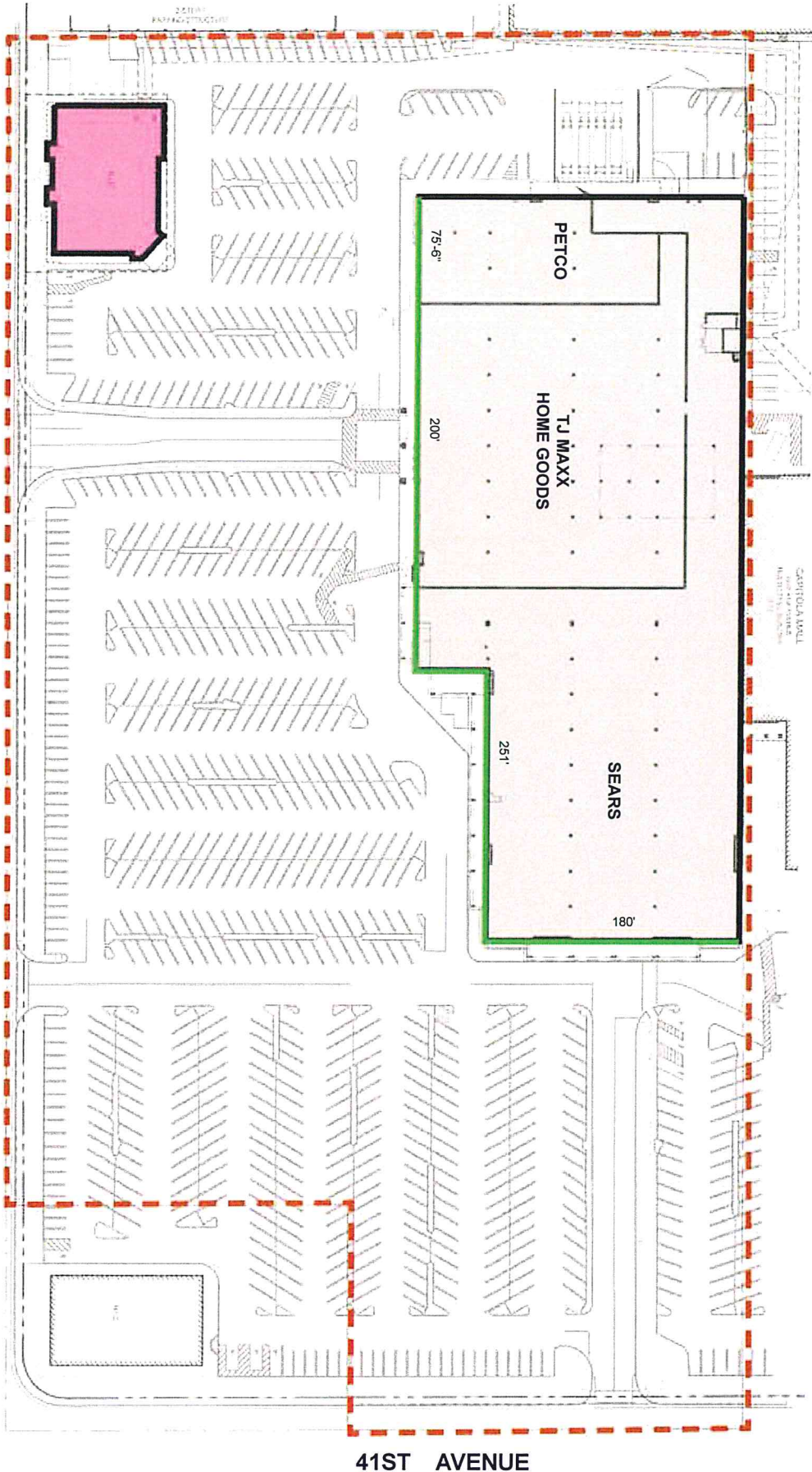
	TJX	PETCO
BUILDING FRONTAGE (LF)*:	200'	75'-6"
ALLOWABLE SIGN AREA:	200 SF	75.6 SF
	<i>Proposed</i>	<i>Add</i>
		<i>Alter</i>

Note:

Maximum Letter Height 5 feet.

The signage location and configuration are conceptual in nature, subject to change based on the final signage permit submission.

SEARS AT CAPITOLA MALL
CAPITOLA, CA.



CAPITOLA ROAD

41ST AVENUE

- MASTER SIGN CRITERIA AREA OF INFLUENCE
- STREET FACING ELEVATION
- EXISTING TENANT SIGNAGE EXCLUDES FROM THIS APPLICATION

• EXISTING DIRECTIONAL SIGNAGE NOT INCLUDED



N.T.S

SEARS AT CAPITOLA MALL
CAPITOLA, CA.

APPENDIX A

SEARS AT CAPITOLA MALL
CAPITOLA, CA.

OBJECTIVES:

The purpose of this sign criteria is to establish standards that assure tenant signage is harmonious, integrates with shopping center architecture, and provides coordinated proportional exposure for all tenants. This sign criteria also describes the responsibilities of the tenants with respect to sign review, approval, and installation. All work shall meet or exceed the minimum design intent and fabrication requirements shown in this document. Conformance will be enforced. A diversity of sign types within the parameters of these criteria is encouraged to allow for creative tenant signage. However, any non-conforming or disapproved signs will be brought into conformance at the expense of the tenant.

REQUIREMENTS FOR SIGNAGE IMPLEMENTATION:

Each Tenant shall provide a minimum of one primary identification wall sign in accordance with the approved Master Sign Plan herein provided:

Tenant shall be responsible for the following expenses relating to signage for tenant's store:

- Plan check, permit processing and application fees.
- Fabrication and installation of signage, and final electrical connections.
- Maintenance and repair, to include: all costs relating to signage removal, including repair of any damage to the building, or any portion of the shopping center.

There is a formal process for the creation, review and approval of Tenant signs (see "Submittals and Approvals" section of this document). The tenant shall provide the following information: store name, logo image and colors, intended sign dimensions, materials, colors, finishes and electrical connections.

Only those sign types provided for and specifically approved in writing by the Landlord and City of Capitola will be allowed. The Tenants will be required, at their expense, to correct, replace or remove any sign that is installed without City of Capitola or Landlord's approval and/or that is deemed not to be in conformance with the plans as submitted and with requirements and documents referenced herein.

SEARS AT CAPITOLA MALL
CAPITOLA, CA.**SIGN DESIGN CRITERIA**

The following are general guidelines to be used in the development of all signage and graphic elements.

- Signs shall be designed in a manner that is not only imaginative but also of high graphic quality. In addition, signs should be compatible with and complementary to adjacent facades.
- Notwithstanding the maximum square footages specified for copy area allowances, signs and typography in all cases shall appear balanced and in scale within the context of the sign space and the building as a whole. Signs shall be centered horizontally and vertically over each Tenant space unless otherwise directed by Owner/Developer and approved by the City of Capitola.
- Signage and environmental graphics should be conceived as an integral part of the design, and not applied as an afterthought.
- Primary storefront identification shall be limited to Tenant's trade name, as approved in the lease, or as otherwise approved in writing.
- All signs should fit comfortably into their storefront architecture, leaving sufficient margins and negative space on all sides. Thickness, height, and colors of sign lettering and graphics should be visually balance and in proportion to other signs on the building. Signs shall be centered over tenant's entry whenever possible.
- Location of sign placement shall be designated by Owner/Developer.
- All illuminated signs must be controlled by Owner/Developer house panel and time clock, illuminated during general operating hours as defined by the Owner/Developer unless otherwise agreed.
- All signs shall be presented to the Owner/Developer for approval prior to commencement of fabrication.
- All signage should be placed out of reach.
- All signage lighting should be baffled or concealed. Light leaks will not be permitted.

SEARS AT CAPITOLA MALL
CAPITOLA, CA.*Sign Design Criteria (Cont.)*

- Exposed signage lamps and fixtures are subject to approval by the owner/Developer and their architect.
- Tenant signs that incorporate logos, business identities and /or images denoting the type of business, shall be encouraged. Logo design and color to be approved by Owner/Developer.
- Wall signs shall be pegged from wall 1/2" minimum to allow for drainage.
- Signs shall be mounted without visible means of attachment, unless attachments make intentional statement.
- All logo images and type-styles shall be accurately reproduced. Lettering that approximates type-styles will not be accepted. The Owner/ Developer reserves the right to reject any fabrication work deemed to be below standard.

Sign Construction and Maintenance

- All signs and their installation shall comply with all applicable City building and electrical codes, and bear the UL label.
- Tenant's sign contractor shall completely install and connect sign display and primary wiring at sign location per Landlord's approval, unless otherwise directed. Signs are to be connected to the J-box provided by the Landlord.
- All penetrations of exterior fascia are to be sealed watertight, and finished to match adjacent material.
- All signs shall be kept in good condition, free of corrosion, be legible, adequately repaired, maintained, and painted by the Tenant thereof at all times. All repairs shall be equal in quality and design to the original signs. The standards for maintenance and repair of signs shall be that which will assure the highest visual quality.

Prohibited Sign Approaches & Types

In addition to as indicated in the City of Capitola Sign Ordinance, the following types of signs are prohibited:

- Internally illuminated boxed or cabinet type signs. Cabinet signs will not be considered unless they are less than 10% of the total sign area, and one part of tenant's logo only.
- Animated signs: signs consisting of anything swinging, rotating, flashing, blinking, strobing, including any moving electronic message boards or centers, or temporary lighting, such as but not limited to search, flood, or fluorescent gel lights.

SEARS AT CAPITOLA MALL
CAPITOLA, CA.*Sign Design Criteria (Cont.)*

- Signs mounted directly to a raceway.
- Cloth, paper, cardboard, foamcore, gatorboard, stickers, or decals.
- Temporary signs such as but not limited to banners, streamers and inflatable advertising devices or balloons (except for special sale events and grand opening signs as permitted by the City of Capitola and the Owner/Developer).
- Permanent advertising devices such as attraction boards, banners and flags, except where specifically approved by the Owner/Developer and the City of Capitola.
- Window signs except where specifically approved by the Owner/Developer and the City of Capitola.
- Exposed junction boxes, transformers, lamps, tubing, conduit, raceways or neon crossovers of any type.
- Permanent advertising devices such as attraction boards, banners and flags, except where specifically approved by the Owner/Developer and the City of Capitola.
- Window signs except where specifically approved by the Owner/Developer and the City of Capitola.
- Exposed junction boxes, transformers, lamps, tubing, conduit, raceways or neon crossovers of any type.
- Sign manufacturer's names, stamps, or decals visible from the street or normal viewing angles.
- Exposed fastening devices, unless integral to the sign's design intent.
- Simulated materials (i.e. wood grained plastic laminates) or wall covering.
- Any type of banner with a tenant listing or advertisement.
- Any sign that is not in conformance with this Program

SEARS AT CAPITOLA MALL
CAPITOLA, CA.*Sign Design Criteria (Cont.)***Acceptable Sign Approaches and Types**

The following list is a broad suggestion of sign design solutions. All signs designs are subject to the approval of Owner/Developer.

- Individual channel letters with light transmitting acrylic faces.
- Mixed media signs incorporating multi-dimensional forms and combinations of colors, shapes, materials, and lighting.
- Application of materials, finishes and colors as culled from the immediately adjacent architecture.
- Application of innovative technologies.
- Dimensional letter forms with seamless edge treatments.
- Reverse channel lettering.
- Cut or fabricated steel, painted or unfinished.
- Etched metal or glass, sandblasted glass.
- Dimensional shapes and forms of metal, hardwood, glass, or other material with a permanent appearance.
- Glazed ceramic tile work forming patterns and/or fields, subject to height and area restrictions.
- Silhouette or halo illumination
- Front lighting, i.e. billboard or gooseneck lighting.
- Open face channel letters or logo with exposed neon.

SEARS AT CAPITOLA MALL
CAPITOLA, CA.

GENERAL PROVISIONS:

1. All sign types will require written approval of the Owner/Developer and the City of Capitola. Sign permits from both entities are required prior to installation. Prior to manufacture of any sign in the center, the Tenant shall submit to Owner/Developer for approval, two (2) copies of detailed shop drawings. These drawings shall include the building elevations to which the signs are to be attached, sign materials, dimensions, graphics, location, colors, and method of attachment. Drawings are to be submitted via e-mail in PDF format.
2. All signs shall be reviewed for conformance with this criteria and overall design quality. Approval or disapproval of sign submittals based on aesthetics of design shall remain the right of the Owner/Developer.
3. Each Tenant shall pay all costs for its signs including design, manufacture, installation, maintenance, and County permits.
4. Each Tenant shall be fully responsible for and repair any damage to any surface caused by the signage or its installation.
5. Owner/Developer reserves the right to periodically hire an independent electrical engineer, at Tenant's sole expense, to inspect the installation of all Tenant's signs. Tenants will be required to have any discrepancies and/or code violations corrected at Tenant's expense. Any code violations, requests for sign removals, or discrepancies not corrected within fifteen (15) days of notice, may be corrected by the Owner/ Developer at Tenant's expense.
6. Tenant's sign contractor shall carry workman's compensation and public liability insurance against all damage suffered or done by any and all persons and/or property while engaged in the construction and erection of signs in the amount of \$1,000,000 per occurrence. Evidence of this insurance must be provided to Owner/Developer prior to installation naming Name Realty Group LP, or other party as may be required, as additionally insured.
7. Upon vacancy, Tenant shall remove sign and restore fascia to original condition at Tenant's sole cost and expense within fifteen (15) days of expiration of term or earlier termination of Tenant's lease.

SEARS AT CAPITOLA MALL
CAPITOLA, CA.

SIGN AREA MEASUREMENT

The following exhibits illustrate the methods of determining maximum square footages for the allowable sign area categories that follow in this document. Sign area shall be formulated by calculating the area contained within not more than (8) eight straight lines surrounding the outermost extents of the finished sign. Details and exceptions are illustrated in the exhibits below. The letter "h" represents the overall height of the sign, often expressed as a "not to exceed" number as described in each category on the following pages.

EXHIBIT B



EXHIBIT F

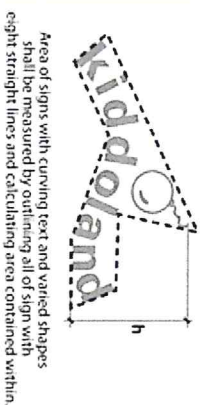


EXHIBIT C



EXHIBIT G

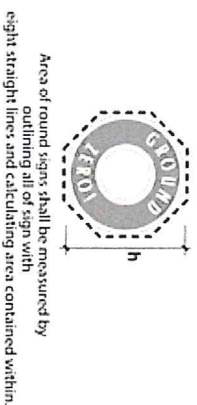


EXHIBIT A



EXHIBIT E



EXHIBIT D

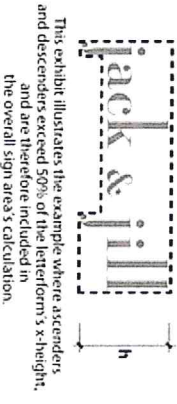
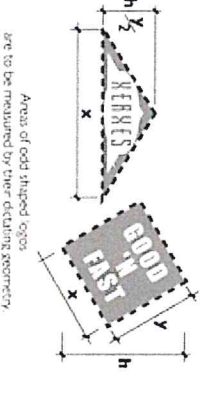
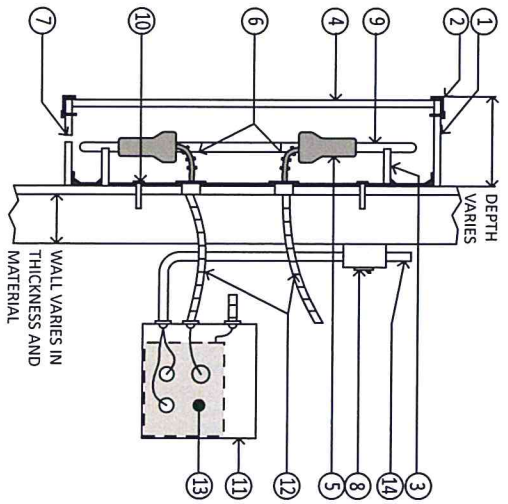


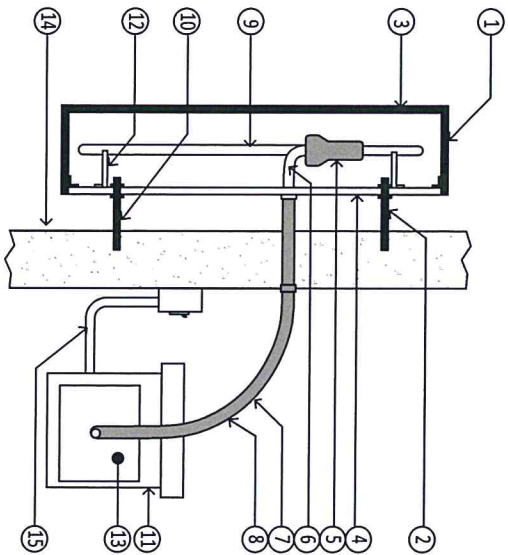
EXHIBIT H



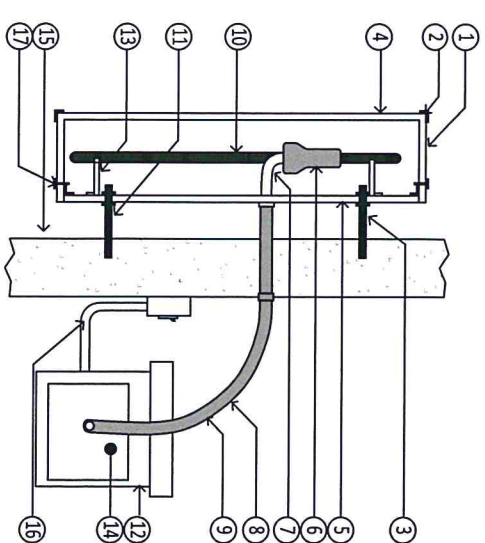
SEARS AT CAPITOLA MALL
CAPITOLA, CA.



- ① CUSTOM FABRICATED ALUMINIUM CHANNEL, FULLY STAPLED SEAMS & SOLID ALUMINIUM BACK
- ② 1/2" WEEP HOLES AT BOTTOMS OF LETTERS, 2 PER LETTER
- ③ 3/4" TRIMCAP RETAINER WITH ALUMINIUM SCREWS
- ④ NEON TUBE SUPPORT
- ⑤ TRANSFLUENT ACRYLIC LETTER FACE
- ⑥ ELECTROBITS HIGH VOLTAGE SS3/5 U.L. APPROVED CONNECTOR & INSULATING BOOT
- ⑦ GTO INSULATING SLEEVING
- ⑧ DRAIN HOLES 1/4" DIA.
- ⑨ SAFETY DISCONNECT SWITCH, ON WALL OR FIRST TRANSFORMER BOX
- ⑩ NEON TUBE
- ⑪ FASTENER TO WALL (2.5 PER LETTER)
- ⑫ GALVANIZED, VENTED TRANSFORMER BOX LISTED FLEX (METAL SHOWN) AND LISTED GTO CABLE (SECONDARY SIDE ONLY)
- ⑬ 30ma TRANSFORMER, U.L. LISTED
- ⑭ PRIMARY ELECTRICAL SOURCE



- ① CUSTOM FABRICATED ALUMINIUM CHANNEL
- ② 3/16" DIAMETER x 3" THREADED ROD WITH CLEAR ACRYLIC SPACERS
- ③ ALUMINIUM LETTER FACE
- ④ 3/16" CLEAR LEXAN BACK LENS
- ⑤ ELECTROBITS HIGH VOLTAGE SS3/5, U.L. APPROVED CONNECTOR
- ⑥ #3830 GTO SLEEVING
- ⑦ 1/2" METAL FLEXIBLE CONDUIT
- ⑧ GTO WIRE
- ⑨ NEON TUBE
- ⑩ FASTENER TO WALL (2.5 PER LETTER)
- ⑪ GALVANIZED, VENTED TRANSFORMER BOX
- ⑫ NEON TUBE SUPPORT
- ⑬ 30ma TRANSFORMER, U.L. LISTED
- ⑭ WALL/SUPPORT STRUCTURE
- ⑮ SAFETY DISCONNECT SWITCH ON WALL OR FIRST TRANSFORMER



- ① CUSTOM FABRICATED ALUMINIUM CHANNEL
- ② 1/4" TRIMCAP RETAINER WITH 1/2" ALUMINIUM SCREWS
- ③ 3/16" DIAMETER X 3" THREADED ROD WITH CLEAR ACRYLIC SPACERS
- ④ TRANSFLUENT ACRYLIC LETTER FACE
- ⑤ 3/16" CLEAR LEXAN BACK LENS
- ⑥ ELECTROBITS HIGH VOLTAGE SS3/5 U.L. APPROVED CONNECTOR
- ⑦ #3830 GTO SLEEVING
- ⑧ 1/2" METAL FLEXIBLE CONDUIT
- ⑨ GTO WIRE
- ⑩ NEON TUBE
- ⑪ FASTENER TO WALL (2.5 PER LETTER)
- ⑫ GALVANIZED, VENTED TRANSFORMER BOX
- ⑬ NEON TUBE SUPPORT
- ⑭ 30ma TRANSFORMER, U.L. LISTED
- ⑮ WALL/SUPPORT STRUCTURE
- ⑯ SAFETY DISCONNECT SWITCH ON WALL OR FIRST TRANSFORMER
- ⑰ FASTENER: Sheet Metal Screw

PAN - CHANNEL LETTER SECTION DETAIL:

HALO ILLUMINATED REVERSE PAN - CHANNEL LETTER SECTION DETAIL:

FRONT & HALO ILLUMINATED PAN-CHANNEL LETTER SECTION DETAIL:

SEARS AT CAPITOLA MALL
CAPITOLA, CA.**SIGN CRITERIA:**

Sign criteria is compiled with the provisions of City of Capitola Code except for the following:

1) **Wall Sign.**

a) Major Tenants

i) Signs on Front Building Elevation: One (1) square feet of sign area per one (1) lineal foot of building frontage. Architectural background, if any, not included in sign area.

ii) Signs on Side & Rear Building Elevations: No more than three (3) wall signs for each primary building face (no building shall be deemed to have more than four (4) primary building faces). Addition ancillary signs allowed. Maximum size of signs is one (1) square feet of sign area (excluding architectural backgrounds) per one (1) lineal foot of building frontage.

iii) Maximum 5' high or as agreed with the City of Capitola.

2) **Pole signs shall be prohibited.**3) **Incidental business signs**, shall be permitted in commercial zones, except that:

i) Number. One per business.

ii) Locations. Wall mounted, below the roofline.

iii) Area. Two (2) feet square maximum.

4) **Non-conforming Signs.** All nonconforming signs shall remain at the site after the adoption of this Community Standards District provide that:

i) They are safe and well maintained.

ii) The type of business the advertise does not change.

iii) If the business does change, the new business is a gas station, food or lodging establishment.

iv) Though the copy of existing sign may be changed, structures are not altered and no new signs are added to the existing structures.

Signage Design, Materials, Attachment:

Creativity and quality are encouraged in the design of tenant wall signs.

Sign design will be evaluated on the basis of compatibility with the overall project architectural theme. However, at a minimum tenant wall signs will be internally illuminated individual pan-channel letters (Raceways not permitted). Minimum .040 aluminum with 3/16" plastic face; no cross-over neon or wiring permitted.

Sign canisters may be allowed for tenant logos only when any such logo constitutes a registered trademark. However, "Can Like" signs are typically discouraged.

All signs colors, lettering styles, graphics treatments, and mounting attachments will be considered against overall compatibility with the development and architectural theme. Specialty background panels are encouraged and will not be calculated as part of sign area.

The final design and size of signs will be approved or disapproved at the discretion of the Landlord and must be approved by the City. All decisions will be based on architectural compatibility.

SEARS AT CAPITOLA MALL
CAPITOLA, CA.

Miscellaneous Tenant Building Signage:

Each tenant shall be permitted to place upon each entrance of its store (inside storefront glass) not more than 144 square inches of gold leaf or decal application lettering not to exceed 2 inches in height, indicating hours of business, emergency telephone numbers, etc. (see page 21)

No advertising place cards, banners, pennants, names, insignias, trademarks, or other descriptive material shall be affixed or maintained upon the glass panels and supports of the show windows and doors, or upon the exterior walls of buildings without the written previous approval of the Architect, Landlord and the City of Capitola, and must be in compliance with City of Capitola Codes. No permitted banners shall be affixed to the front, rear or sides of the buildings unless approved by Landlord and the City of Capitola. A maximum twenty percent (20%) of interior window area may be used for temporary promotional and sales signage, subject to Landlord and City of Capitola review and approval.

Receiving doors may have a two inch (see page 22) high block letter sign identifying the Tenant's name. Landlord shall install address above the door in six (6) inch high block letters. Letters shall be Dark Bronze applied directly to the door. No white or other background color allowed.

Landlord shall install addresses numbers for each building on the front building wall, 12 inches clear to the parapet or cornice and top-right of the main building wall. Letter style to be Helvetica Regular, height to be six (6") inches, securely mounted to the wall, and approved by the Building and Fire Departments.

Signage Construction and Installation:

Letter fastening and clips are to be concealed and be galvanized, stainless steel, aluminum, brass or bronze metals.

SEARS AT CAPITOLA MALL
CAPITOLA, CA.

Prior to submittal to the City of Capitola for plan check and Tenant's sign fabrication, Tenant or his sign contract shall submit for Landlord approval three (3) sets of complete and fully dimensioned and detailed sign drawings. These drawings shall include:

- Elevation of storefront showing design, location, size and layout of sign, drawn to scale, indicating materials, colors, and dimensions, attachment devices and construction detail.
- Section through letter and/or sign panel showing the dimensioned projection of the face of the letter and/or sign panel and the illumination.

Drawings (3 sets) should be mailed to:

Seritage Growth Properties
10960 Wilshire Blvd., Suite 1420, Los Angeles, CA 90024
Tel (424)901-7656
Attn: Brian Walsh

All Tenant sign submittals shall be reviewed by Landlord and/or its agent for conformance with the provisions of the Sears Building approved Master Sign Program Plan. Within ten (10) business days after receipt of Tenant's drawings Landlord shall either approve the submittal, contingent upon any required modifications, or disapprove Tenant's sign submittal. Approval or disapproval shall remain at the sole right and discretion of Landlord & the architect. A full set of final plans must be approved in writing by Landlord & the Architect, prior to permit application to the City of Capitola or sign fabrication.

Following Landlord's approval of proposed signage, Tenant or his agent shall submit to the City of Capitola sign plans signed by the Landlord, City of Carson, and applications for all permits for fabrication and installation by sign contractor. Tenant shall be solely responsible for the cost of City of Carson plan check fees and permits, and shall furnish Landlord with a copy of said permits prior to installation of Tenant's sign(s).

Fabrication and installation of all signs shall be performed in accordance with standards and specifications outlined in these criteria and in the final plans and shop drawings approved by Landlord and the architect. Any work deemed unacceptable shall be rejected and shall be promptly corrected or modified at Tenant's expense as required by the City of Capitola, Landlord or its agent.

SEARS AT CAPITOLA MALL
CAPITOLA, CA.

The Tenant sign contractor is responsible to do the following:

- Provide to the Landlord, prior to commencing sign fabrication and installation, an original certificate of insurance naming the Landlord as 'Additional Insured'.
- Submit to Landlord and City of Capitola for approval prior to fabrication complete and fully-dimensioned shop drawings.
- Obtain approved sign permits (stamped as approved by City of Capitola) prior to sign fabrication and deliver copies of same to Landlord.
- Repair and/or replace any damage or destruction to any portion of the shopping center (i.e., buildings and site improvements caused by contractor, its employees, or agents during the installation, repair, or removal of tenants sign(s)).
- Promptly remove any equipment, debris, and unused sign materials after installation, repair, or removal of tenants sign(s).



420 Capitola Avenue
Capitola, California 95010
Telephone: (831) 475-7300
FAX: (831) 479-8879
Website: www.ci.capitola.ca.us

March 9, 2017

Charles Fisher, Cypress Equities
8343 Douglas Avenue
Suite 200
Dallas, TX 75225

Subject: 4015 Capitola Road, Design Permit and Master Sign Permit, #17-019

Dear Charles Fisher:

The City of Capitola Community Development Department has completed its review of your application for a design permit and master sign permit at the existing SEARS retail business location at 4015 Capitola Road, and is providing you with the following information as a guide for further processing of your application.

PROJECT DESCRIPTION

Below is the project description that staff has developed based on the information submitted in your application package. Please review this project description carefully. If the description is inaccurate or incomplete, please contact your assigned planner immediately to correct the information.

This is a request for a Design Permit and Master Sign Program to renovate the existing SEARS into 3 tenant spaces with new exterior facades and new signs at 4015 Capitola Road. The applicant is proposing a master sign program for the three tenants for visibility from Capitola Road and 41st Avenue. The new configurations will convert the site from a single Sears retail and automotive shop into three tenant spaces including Sears retail, TJ Maxx/Homegoods, and PetSmart. The property is located at the corner of Capitola Road and 41st Avenue, within the CC (Community Commercial) zoning district.

APPLICATION COMPLETENESS DETERMINATION

The Community Development Department has completed its review of your application and has found it incomplete pursuant to Section 65943 of the California Government Code. As detailed herein, additional information and/or corrections need to be submitted for staff to continue processing your application.

PROJECT ISSUES/CORRECTIONS

The following project issues and/or corrections to submitted plans and documents must be completed prior to scheduling your project for public hearings before the Architecture and Site Review Committee, and subsequently, the Planning Commission.

Project Issues

The following project issue(s) were identified during review of your application. These issue(s) may require a substantial redesign of the project or, if not resolved, may result in the Department recommending denial of your project. These issues were identified based upon information presently available to the City and are subject to change upon submittal of further information or studies:

Attachment: First completeness letter (03.09.2017) (Appeal of Application 17-019, 4015 Capitola Road)

1. The existing Sears auto repair center is proposed to convert to retail space. This site has been used for decades to perform auto repair services which involves the routine use of petroleum products and other potentially hazardous materials. Consequently, a Phase I Environmental Site Assessment (ESA) must be prepared to research and document historic uses of the site and to determine if further testing, analysis, or remediation is necessary prior to construction or use of the area as retail space. The City of Capitola will select a qualified consultant to prepare the ESA. The applicant shall be responsible for all costs to prepare the ESA plus a 21% City administration fee. Please be aware that a Phase II ESA may be subsequently required based on the findings of the Phase I report.
2. During the conceptual review of the project, the Planning Commission emphasized that the applicant should closely coordinate with Merlone Geier to develop a comprehensive mall redevelopment project which advances the City's General Plan goals for the site. The application did not include any other mall properties nor any information about how the proposal would complement a future comprehensive mall redevelopment project. Please submit additional information demonstrating that the proposal has been coordinated with other mall property owners and explain how the redeveloped Sears would complement and enhance a comprehensive mall redevelopment project.

In addition, the application did not respond to several Planning Commission comments and requests. Please submit additional information which specifically responds to the following Planning Commission comments:

- Include a phasing plan with development pads for future development.
 - High quality architecture desired rather than minor entryway modifications. Break up long, uninteresting facades and utilize high quality materials. Additional in-line tenants would be supported.
 - Circulation improvements for pedestrian, cyclist, and automobiles in following locations:
 - 40th Avenue
 - 41st Avenue entrance
 - Between Sears and Target
 - Improve placemaking and visitor experience.
 - Building and public realm should relate to Capitola.
 - Concern for mix-matched design and lack of aesthetic experience,
 - Improve public realm and pedestrian experience. Add opportunities for people to gather and interact. Note: This is difficult to gauge in the current plan set. The landscape concept plan includes public realm examples but they are not shown on the site plan. Update site plan to show exact location of public improvements.
 - Public Art – Include public art on the premise rather than donation off-site.
 - Shared parking on the site is appropriate.
3. The application includes a request for a master sign program; however, it is unclear if the intent is to receive sign permits concurrently with the design permit, or if the intent is to provide guidelines for tenants to obtain their own sign permits in the future. If it's the desire to obtain sign permits now, additional details are necessary to allow staff to evaluate the proposal. Similarly, more refined design standards would be necessary for a master sign program. Staff will contact you to better understand your sign plans next week and has provided guidance below on additional submittal requirements for both a master sign program and a sign permit:

- Information needed for a master sign program: Master sign program must be updated to include:
 - Proposed sign area on pages 4, 5, and 6
 - Master sign program should include all businesses onsite. Include existing restaurant.
 - As drafted, clarify that all signs require Planning Commission approval OR modify master sign program to set more defined standards with predictable outcome.
 - Page 17. Add linear frontage for each tenant and maximum area for wall sign per tenant.
 - Define incidental wall sign.
 - Define ancillary signs. Note that the addition of allowing ancillary signs (in addition to wall signs) at a maximum size of one square foot per lineal foot of building (page 17) doubles the current Capitola maximum. Staff suggests decreasing this standard.
 - Information needed for a sign permit:
 - Specifications for the proposed signs for each individual tenant. There are discrepancies between the master sign program, the conceptual images, and the elevations that include signs. Include specific sign sheets for each tenant for all proposed signs specifying sign area, materials, illumination, height and width, letter height, and location in color.
 - Include incidental wall signs and ancillary signs.
 - If signs exceed the limitations of the sign code, a variance may be required. Due to the incomplete nature of the sign submittal staff is unable to determine if a variance is required at this time.
4. The site is located along 41st Avenue and the design permit is subject to the 41st Avenue design guidelines (http://www.cityofcapitola.org/sites/default/files/fileattachments/community_development/page/1458/41st_avenue_design_guidelines.pdf). The design as proposed is not aligned with the following underlined guidelines as further explained by staff in *italics*:
- Separate pedestrian and vehicular traffic patterns shall be provided. Linkages between adjoining commercial developments shall be provided as well as distinct pedestrian access from parking areas to activity areas. The use of specialty paving materials shall be encouraged to dress up and direct pedestrian movement. *Sheet C1.1 notes sidewalk replacement. There are no details of new sidewalk material. A sidewalk plan should be submitted to show the location and width of sidewalk. Three areas suggested during the conceptual review for improved pedestrian and vehicular flow include 40th Avenue, the 41st Avenue entrance, and the connection to Target. These areas have not been addressed within the plans.*
 - Easily identifiable bicycle parking shall be incorporated in all developments. On-site bicycle circulation is encouraged for large developments, coordinated with the City's bicycle plan. Bicycle parking shall be located close to the building entrance, but should not interfere with pedestrian traffic. *Bicycle lockers are encouraged due to wet climate and providing adequate shelter for employee bikes for longer periods of time. Bicycle parking should be incorporated on both the east and south elevations close to entrances. Plans should include bicycle circulation plan.*

- Develop sites in cooperation with owners of adjoining properties to improve the overall development patterns of the area by providing coordinated access, shared parking areas and enhanced traffic flow. See #2 above regarding cooperation with owners of adjoining properties to improve overall development patterns. Two areas that could be improved include the connection between Target and Sears for automobile and pedestrian circulation, as well as the 40th Avenue access.
- Buildings shall use design elements in public areas which provide a sense of human scale (insets, overhangs). Elements of pedestrian interest shall be included at ground floor levels (courtyard, display windows). The PetSmart and TJ Maxx/Homegoods façade changes by the entryways are large and not human scale. There is no articulation between the tenant spaces. More transparency through the introduction of windows and/or additional inline stores would assist in breaking break up the long façade and create a better pedestrian experience. The location of improvements to the public realm, such a sidewalk, courtyards, stone seat wall, benches, etc., should be identified on plans. They are shown in the landscape conceptual design but not identified in a site plan. Consistency in public realm adds to the customer aesthetic experience. Collaborative efforts with owners throughout the mall property to identifying a style for public realm improvements will assist in placemaking efforts.
- Projects containing many buildings of single large structures shall provide variety in building shape, height, roof lines and setbacks. Front of buildings shall provide variety and interest. The Sears design does a nice job of creating an authentic style that differentiates the Sears from the new tenants. The PetSmart and TJ Maxx façade improvements are dramatic entryways with large backgrounds for the signs, rather than defining architecture. Each tenant should have a unique architectural style.
- Distinctive “trademark” buildings are discouraged. The proposed PetCo and TJ Maxx designs could be categorized as anywhere USA design. Incorporate architectural materials or features that relate to Capitola through a specific architectural style within the design.
- Note: When updating the landscape plan, incorporate applicable guidelines into design.

The submitted plans are missing additional necessary information. The plans must be updated to include the necessary information detailed below prior to the application being brought before the Architecture and Site Review Committee or the Planning Commission.

Plan Corrections/Additional Information

The following corrections or additional information is necessary to continue processing your application.

1. Stamped survey of existing conditions by licensed surveyor. Include locations of all existing features, buildings, trees and shrubs, and location of structures on adjacent lots.
2. Exterior elevations must include existing and proposed for each elevation. The proposed Sears elevations are not included in the plan set, only existing elevations were included on page A4.2. Included existing and proposed for each elevations on the same sheet for easy comparison.
3. Landscape plan only addresses 38th Avenue entrance. Plan should include improvements to entire site. Landscape plan must show plant type, size, and quantity of plants and trees. Exact location should be shown on the landscape plan. Include irrigation plan. Indicate any trees to be removed and the size of trunk. A tree removal permit may be required.

4. Third party technical deposit of \$5,000 for preparation and review of Phase 1 Environmental Site Assessment.
5. Location of existing and proposed on-site lighting, height, and hooding devices.
6. Parking. Parking Calculation on page T0.0 does not include existing restaurant on site. Also, the first page of the applications states that 10 spaces are removed and the application states 6 spaces are removed. If less than required by code are available, the city can hire a 3rd party to evaluate shared parking funded by applicant.
7. Sheet C1.1 notes sidewalk replacement. Sheet 1 suggests new pavers within the sidewalk but hardscape details are not labeled or described. Add hardscape plan that include details of hardscape including materials. Widths of sidewalks should be identified.
8. Circulation plan delineating pedestrian, bicycle, and automobile circulation.
9. Additional information required by Public Works as outlined in the attached memo from Danielle Uharriet.

Please resubmit the above listed information by May 4th, 2017. Please note that any delays in providing revised documents to the City may also result in your tentative public hearing date being postponed.

ESTIMATED PROCESSING COST

Based upon our preliminary review of your application, we estimate that your initial deposit will not be adequate to complete the processing of your application. Accordingly, please submit an additional \$5,000 deposit for 3rd party technical review and \$3,231.90 fee for storm water development review fee to allow continued processing of your application. Please note that this cost estimate is only for your planning applications and does not include building permit costs, outside agency fees, or private engineering, architecture, or contractor costs.

ESTIMATED PROCESSING TIMELINE

Based upon your application status and remaining application processing steps, we estimate that your project will be scheduled for an Architecture and Site Review Committee in the late summer or fall of 2017 followed by Planning Commission hearing. Please note this estimate assumes a timely and complete resubmittal of all information noted in this letter.

Task/Activity	Estimated Duration (Days)	Estimated Completion Date
Application submitted	-	February 10, 2017
City sends incomplete letter	30	March 10, 2017
Applicant resubmits	30	April 10, 2017
Preparation and review of Phase I ESA	60*	May 10, 2017
Release of CEQA document	14	May 24, 2017
Public review of CEQA document	30	June 25, 2017
Response to public comments	14	July 9, 2017
Architecture and Site Review Committee meeting	15	July 12, 2017
Planning Commission hearing	21	August 3, 2017
Appeal period	10 working days	August 17, 2017
*Dependent upon consultant availability. Additional time may be necessary if study determines need for Phase II report.		

If you have any questions or require additional information, please contact me at 831.475.7300 or by email at kherlihy@ci.capitola.ca.us.

Attachment: First completeness letter (03.09.2017) (Appeal of Application 17-019, 4015 Capitola Road)

OTHER REQUIRED PERMITS

Please be aware that in addition to a design permit and master sign program, you may also be required to obtain other permits/approvals as listed below prior to initiating construction. These permits/approvals typically require additional fees which are not covered by your planning applications.

- Building Permit from the City of Capitola (bvanson@ci.capitola.ca.us)
- Will-serve letter from the Santa Cruz Water Department (831-420-5200)
- Will-serve letter (or plan approval) from the Central Fire Protection District (831-479-6843)
- Approval from County of Santa Cruz Sanitation District (831-454-2160)
- Approval from County of Santa Cruz Department of Environmental Health (831-454-2022)

Respectfully,



Katie Herlihy, AICP
Senior Planner

Herlihy, Katie (kherlihy@ci.capitola.ca.us)

From: Herlihy, Katie (kherlihy@ci.capitola.ca.us)
Sent: Wednesday, April 19, 2017 9:51 AM
To: Brian Walsh; Grunow, Rich (rgrunow@ci.capitola.ca.us)
Cc: Goldstein, Jamie (jgoldstein@ci.capitola.ca.us); Chas Fisher Jr.
Subject: RE: Sears Redevelopment

Hi Brian and Chas,

I created two list for you for the pending items to assist in your update of the proposal.

Let me know if you have questions.

Regards,

Katie Herlihy, AICP
 Senior Planner

City of Capitola
 420 Capitola Avenue
 Capitola, CA 95010
 (831) 475-7300



Incomplete Items

- 1) The existing Sears auto repair center is proposed to convert to retail space. This site has been used for decades to perform auto repair services which involves the routine use of petroleum products and other potentially hazardous materials. Consequently, a Phase I Environmental Site Assessment (ESA) must be prepared to research and document historic uses of the site and to determine if further testing, analysis, or remediation is necessary prior to construction or use of the area as retail space. The City of Capitola will select a qualified consultant to prepare the ESA. The applicant shall be responsible for all costs to prepare the ESA plus a 21% City administration fee. Please be aware that a Phase II ESA may be subsequently required based on the findings of the Phase I report.
- 2) The application includes a request for a master sign program; however, it is unclear if the intent is to receive sign permits concurrently with the design permit, or if the intent is to provide guidelines for tenants to obtain their own sign permits in the future. If it's the desire to obtain sign permits now, additional details are necessary to allow staff to evaluate the proposal. Similarly, more refined design standards would be necessary for a master sign program. Staff has provided guidance below on additional submittal requirements for both a master sign program and a sign permit:
 - a) Information needed for a master sign program: Master sign program must be updated to include:
 - i) Proposed sign area on pages 4, 5, and 6
 - ii) Master sign program should include all businesses onsite. Include existing restaurant.
 - iii) As drafted, clarify that all signs require Planning Commission approval OR modify master sign program to set more defined standards with predictable outcome.
 - iv) Page 17. Add linear frontage for each tenant and maximum area for wall sign per tenant.
 - v) Define incidental wall sign.

- vi) Define ancillary signs. Note that the addition of allowing ancillary signs (in addition to wall signs) at a maximum size of one square foot per lineal foot of building (page 17) doubles the current Capitola maximum. Staff suggests decreasing this standard.
- b) Information needed for a sign permit:
 - i) Specifications for the proposed signs for each individual tenant. There are discrepancies between the master sign program, the conceptual images, and the elevations that include signs. Include specific sign sheets for each tenant for all proposed signs specifying sign area, materials, illumination, height and width, letter height, and location in color.
 - ii) Include incidental wall signs and ancillary signs.
 - iii) If signs exceed the limitations of the sign code, a variance may be required. Due to the incomplete nature of the sign submittal staff is unable to determine if a variance is required at this time.
- 3) Sheet C1.1 notes sidewalk replacement. There are no details of new sidewalk material. A sidewalk plan should be submitted to show the location and width of sidewalk.
- 4) Stamped survey of existing conditions by licensed surveyor. Include locations of all existing features, buildings, trees and shrubs, and location of structures on adjacent lots.
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- 8) Location of existing and proposed on-site lighting, height, and hooding devices.
- 9) Parking. Parking Calculation on page T0.0 does not include existing restaurant on site. Also, the first page of the applications states that 10 spaces are removed and the application states 6 spaces are removed. If less than required by code are available, the city can hire a 3rd party to evaluate shared parking funded by applicant.
- 10) Sheet C1.1 notes sidewalk replacement. Sheet 1 suggests new pavers within the sidewalk but hardscape details are not labeled or described. Add hardscape plan that include details of hardscape including materials. Widths of sidewalks should be identified.
- 11) Circulation plan delineating pedestrian, bicycle, and automobile circulation.
- 12) Additional information required by Public Works as outlined in the memo from Danielle Uharriet.
- 13) \$3,231.90 fee for storm water development review fee

Advisory Items

- 1) During the conceptual review of the project, the Planning Commission emphasized that the applicant should closely coordinate with Merlone Geier to develop a comprehensive mall redevelopment project which advances the City's General Plan goals for the site. The application did not include any other mall properties nor any information about how the proposal would complement a future comprehensive mall redevelopment

project. Please submit additional information demonstrating that the proposal has been coordinated with other mall property owners and explain how the redeveloped Sears would complement and enhance a comprehensive mall redevelopment project.

- 2) High quality architecture desired rather than minor entryway modifications. Break up long, uninteresting facades and utilize high quality materials. Additional in-line tenants would be supported.
- 3) Include a phasing plan with development pads for future development
- 4) Circulation improvements for pedestrian, cyclist, and automobiles in following locations:
 - a) 40th Avenue
 - b) 41st Avenue entrance
 - c) Between Sears and Target
- 5) Improve public realm and pedestrian experience. Add opportunities for people to gather and interact. Note: This is difficult to gauge in the current plan set. The landscape concept plan includes public realm examples but they are not shown on the site plan. Update site plan to show exact location of public improvements.
- 6) Improve placemaking and visitor experience.
 1. Building and public realm should relate to Capitola.
 2. Concern for mix-matched design and lack of aesthetic experience,
- 7) Public Art – Include public art on the premise rather than donation off-site.
- 8) Shared parking on the site is appropriate.
- 9) The site is located along 41st Avenue and the design permit is subject to the 41st Avenue design guidelines (http://www.cityofcapitola.org/sites/default/files/fileattachments/community_development/page/1458/41st_avenue_design_guidelines.pdf). The design as proposed is not aligned with the following underlined guidelines as further explained by staff in *italics*:
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 - Develop sites in cooperation with owners of adjoining properties to improve the overall development patterns of the area by providing coordinated access, shared parking areas and enhanced traffic flow. *See #2 above regarding cooperation with owners of adjoining properties to improve overall development patterns. Two areas that could be improved include the*

connection between Target and Sears for automobile and pedestrian circulation, as well as the 40th Avenue access.

- Buildings shall use design elements in public areas which provide a sense of human scale (insets, overhangs). Elements of pedestrian interest shall be included at ground floor levels (courtyard, display windows). *The PetSmart and TJ Maxx/Homegoods façade changes by the entryways are large and not human scale. There is no articulation between the tenant spaces. More transparency through the introduction of windows and/or additional inline stores would assist in breaking break up the long façade and create a better pedestrian experience. The location of improvements to the public realm, such a sidewalk, courtyards, stone seat wall, benches, etc., should be identified on plans. They are shown in the landscape conceptual design but not identified in a site plan. Consistency in public realm adds to the customer aesthetic experience. Collaborative efforts with owners throughout the mall property to identifying a style for public realm improvements will assist in placemaking efforts. _*
- Projects containing many buildings of single large structures shall provide variety in building shape, height, roof lines and setbacks. Front of buildings shall provide variety and interest. *The Sears design does a nice job of creating an authentic style that differentiates the Sears from the new tenants. The PetSmart and TJ Maxx façade improvements are dramatic entryways with large backgrounds for the signs, rather than defining architecture. Each tenant should have a unique architectural style.*
- Distinctive “trademark” buildings are discouraged. *The proposed PetCo and TJ Maxx designs could be categorized as anywhere USA design. Incorporate architectural materials or features that relate to Capitola through a specific architectural style within the design.*
- Note: When updating the landscape plan, incorporate applicable guidelines into design.

From: Brian Walsh [mailto:bwalsh@seritage.com]

Sent: Thursday, April 13, 2017 1:20 PM

To: Grunow, Rich (rgrunow@ci.capitola.ca.us) <rgrunow@ci.capitola.ca.us>

Cc: Herlihy, Katie (kherlihy@ci.capitola.ca.us) <kherlihy@ci.capitola.ca.us>; Goldstein, Jamie (jgoldstein@ci.capitola.ca.us) <jgoldstein@ci.capitola.ca.us>

Subject: Re: Sears Redevelopment

Thank you

Brian T. Walsh
VP, Development
Seritage Growth Properties

Sent from my iPhone

On Apr 13, 2017, at 1:10 PM, Grunow, Rich (rgrunow@ci.capitola.ca.us) <rgrunow@ci.capitola.ca.us> wrote:

Mr. Walsh:

Sure...we'll segregate the information necessary for a completeness determination from the advisory requests and comments. We'll provide this info to you next week.

Thanks, Rich

Richard Grunow

Community Development Director
City of Capitola
831-475-7300
rgrunow@ci.capitola.ca.us

From: Brian Walsh [<mailto:bwalsh@seritage.com>]

Sent: Thursday, April 13, 2017 12:02 PM

To: Grunow, Rich (rgrunow@ci.capitola.ca.us) <rgrunow@ci.capitola.ca.us>; Herlihy, Katie (kherlihy@ci.capitola.ca.us) <kherlihy@ci.capitola.ca.us>

Subject: Sears Redevelopment

Rich and Katie- During a recent conversation I had with Jamie Goldstein he recommended that I ask you the planning staff to separate the technical deficiencies from the advisory deficiencies contained within the completeness letter staff issued to Seritage on March 9, 2017. As such, I ask that you please do so and send back to me so we can better evaluate where we stand. Thanks

Brian T. Walsh
VP Development
Seritage Growth Properties
10960 Wilshire Blvd- Suite 1420 | Los Angeles, California 90024
Office: (424) 901-7656
Cell: (203) 313-6990

Herlihy, Katie (kherlihy@ci.capitola.ca.us)

From: Herlihy, Katie (kherlihy@ci.capitola.ca.us)
Sent: Wednesday, February 07, 2018 4:43 PM
To: 'Craig Chinn'
Cc: 'Blake Carroll'; 'Ban Potrus'; 'Steve Carter'; 'Mark Rone'; 'Nikhil Gera'; Uharriet, Danielle (duharriet@ci.capitola.ca.us)
Subject: RE: Seritage Capitola-Update

Hi All,

I am going to have to push out my comments one more week. Not sure if you are aware that we just adopted a new zoning code. It should not have any major impacts on your development proposal but I need to do a second review with all the new standards. They will be applied 30 days from adoption of the new code (January 25th) so I figure I'll add that analysis to the review as well

I met with Public Works. They are working on the storm water calculations with the new phase II pads. I will be back in the office on Tuesday February 13th. I plan to have a letter to you that week.

Regards,

Katie Herlihy, AICP
 Senior Planner

City of Capitola
 420 Capitola Avenue
 Capitola, CA 95010
 (831) 475-7300



Planning Counter Hours: 1 - 4 p.m., Monday - Friday

From: Herlihy, Katie (kherlihy@ci.capitola.ca.us)
Sent: Friday, February 02, 2018 3:50 PM
To: 'Craig Chinn' <cchinn@adcollaborative.com>
Cc: Blake Carroll <Blake.Carroll@cyressequities.com>; Ban Potrus <Bpotrus@adcollaborative.com>; Steve Carter <Steve.Carter@cyressequities.com>; Mark Rone <Mark.Rone@cyressequities.com>; Nikhil Gera <nikhil@gera.in>
Subject: RE: Seritage Capitola-Update

Hi All,

Quick update. Thank you for the updated plans and addressing many of the City's concerns. I plan to send out a letter next week with all Planning and Public Works comments on the updated set of plans. Also, we have a third party that will do the technical review of the phase I and phase II ESA. I will forward an electronic copy of the letter once it is finalized.

Regards,

Katie Herlihy, AICP
Senior Planner

City of Capitola
420 Capitola Avenue
Capitola, CA 95010
(831) 475-7300



Planning Counter Hours: 1 - 4 p.m., Monday - Friday

From: Craig Chinn [<mailto:cchinn@adcollaborative.com>]
Sent: Wednesday, January 24, 2018 3:31 PM
To: Herlihy, Katie (kherlihy@ci.capitola.ca.us) <kherlihy@ci.capitola.ca.us>
Cc: Blake Carroll <Blake.Carroll@cypressequities.com>; Ban Potrus <Bpotrus@adcollaborative.com>; Steve Carter <Steve.Carter@cypressequities.com>; Mark Rone <Mark.Rone@cypressequities.com>
Subject: Seritage Capitola-Update
Importance: High

Hi Katie,

I understand that you are out sick. I hope that you feel better soon. When you have a moment can you please provide us with an update on where the resubmittal stands as well as the environmental review. Please feel free to respond via email or call me on my cell phone to discuss. Take care and talk to you soon.

Craig Chinn, AIA
Principal
architecture design collaborative
www.adcollaborative.com
23231 South Pointe Drive
Laguna Hills, CA 92653
cchinn@adcollaborative.com
cell 949.677.7165
ph 949.267.1660 ext 201

"Fastest Growing Private Companies"
-Awarded by Orange County Business Journal

CONFIDENTIALITY: The information contained in this e-mail, including any accompanying documents or attachments, is from architecture design collaborative, Inc. (adc), is intended only for the use of the individual or entity named above, and is privileged and confidential. If you are the intended recipient of this e-mail, then by utilizing the information contained in this e-mail, you agree that such information may not be compatible with your software and/or may have been modified or damaged during transfer; further, you agree to use such information only for the purpose or project for which it was intended, and, to the full extent provided by California law, agree to release and indemnify adc and its affiliated entities and individuals for all damages arising out of any such misuse of the information. If you are not the intended recipient of this e-mail, be aware that any disclosure, dissemination, distribution, copying or use of the contents of this message is strictly prohibited. If you have received this e-mail in error, please return the e-Mail message and destroy (delete) the original.

Herlihy, Katie (kherlihy@ci.capitola.ca.us)

From: Herlihy, Katie (kherlihy@ci.capitola.ca.us)
Sent: Thursday, February 15, 2018 4:04 PM
To: 'Craig Chinn'
Cc: 'Blake Carroll'; 'Ban Potrus'; 'Steve Carter'; 'Mark Rone'; 'Nikhil Gera'; Uharriet, Danielle (duharriet@ci.capitola.ca.us); Grunow, Rich (rgrunow@ci.capitola.ca.us)
Subject: RE: Seritage Capitola-Update

Dear Mr. Chinn,

I have been reviewing your updated plans and have generated comments based on the current code. On February 28th, our new zoning code takes effect. The application will be subject to the new code. I am currently drafting a list of comments based on the new code. I recall prior to the holiday your questions regarding timing and my response being that I could not provide you with an estimate on a hearing date until I receive the pending documentation.

The City contracted Weber-Hayes and Associates to review the recently submitted ESA documents (Phase I dated December 19, 2014, Phase II dated April 6, 2016). He informed me this week that based on information from the County of Santa Cruz Department of Environmental Health, the facility closure work has not been completed as there are still hoists and tanks on site. Since the new tenants will not be utilizing the infrastructure, the hoists and tanks are required to be removed under the oversight of a County Health permit. The facility closure permit is a requirement for businesses managing hazardous materials, prior to shutting the business. According to the County Website, the last action was an inspection dated November 2016, when it was still an active service center.

Unfortunately, this is going to set the review back considerably. Your application cannot be considered by the Planning Commission until the Phase I and Phase II and CEQA process are complete. It is anticipated that a Negative Declaration or Mitigated Negative Declaration will be necessary depending on the results of the ESA.

According to the consultant, the next step for you is to hire a qualified HAZMAT contractor to remove the hoists and tanks, flush floor drains, and pump out/clean the oil/water separator and to obtain necessary permits from the County DEH.

Following completion of the closure process, the City's ESA consultant will perform soil testing and analysis and prepare necessary documentation. Note – this work must be completed by a City-commissioned contractor. The applicant will be responsible for the consultants cost. This work is estimated to cost approximately \$2,300 for Phase I ESA and \$10,000 to \$12,000 for the limited Phase II confirmation soil/vapor sampling to document conditions. This will take an estimated 6-8 weeks to complete.

I will continue to work on the zoning review under the new code. Once the adopted version of the code is published, I will provide you with a copy.

Regards,

Katie Herlihy, AICP
 Senior Planner

City of Capitola
 420 Capitola Avenue
 Capitola, CA 95010
 (831) 475-7300

Attachment: KH email to Craig Chinn regarding ESA inadequacies (02.15.2018) (Appeal of Application 17-019, 4015 Capitola Road)



Planning Counter Hours: 1 - 4 p.m., Monday - Friday

From: Craig Chinn [<mailto:cchinn@adcollaborative.com>]
Sent: Wednesday, February 14, 2018 10:07 PM
To: Herlihy, Katie (kherlihy@ci.capitola.ca.us) <kherlihy@ci.capitola.ca.us>
Cc: Blake Carroll <Blake.Carroll@cypressequities.com>; Ban Potrus <Bpotrus@adcollaborative.com>; Steve Carter <Steve.Carter@cypressequities.com>; Mark Rone <Mark.Rone@cypressequities.com>; Nikhil Gera <nikhil@gera.in>; Uharriet, Danielle (duharriet@ci.capitola.ca.us) <duharriet@ci.capitola.ca.us>
Subject: RE: Seritage Capitola-Update

Hi Katie,

Just following up on your email and checking in on your comments as well as the date for our hearing. We are still expecting to be on for early March as previously discussed. Please let us know and thanks for your help. We appreciate your help.

Craig Chinn, AIA
 Principal

architecture design collaborative

www.adcollaborative.com

23231 South Pointe Drive

Laguna Hills, CA 92653

cchinn@adcollaborative.com

cell 949.677.7165

ph 949.267.1660 ext 201

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From: Herlihy, Katie (kherlihy@ci.capitola.ca.us) [<mailto:kherlihy@ci.capitola.ca.us>]
Sent: Wednesday, February 7, 2018 4:43 PM
To: Craig Chinn <cchinn@adcollaborative.com>
Cc: Blake Carroll <Blake.Carroll@cypressequities.com>; Ban Potrus <Bpotrus@adcollaborative.com>; Steve Carter <Steve.Carter@cypressequities.com>; Mark Rone <Mark.Rone@cypressequities.com>; Nikhil Gera <nikhil@gera.in>; Uharriet, Danielle (duharriet@ci.capitola.ca.us) <duharriet@ci.capitola.ca.us>
Subject: RE: Seritage Capitola-Update

Hi All,

I am going to have to push out my comments one more week. Not sure if you are aware that we just adopted a new zoning code. It should not have any major impacts on your development proposal but I need to do a second review with

all the new standards. They will be applied 30 days from adoption of the new code (January 25th) so I figure I'll add that analysis to the review as well

I met with Public Works. They are working on the storm water calculations with the new phase II pads. I will be back in the office on Tuesday February 13th. I plan to have a letter to you that week.

Regards,

Katie Herlihy, AICP
Senior Planner

City of Capitola
420 Capitola Avenue
Capitola, CA 95010
(831) 475-7300



Planning Counter Hours: 1 - 4 p.m., Monday - Friday

From: Herlihy, Katie (kherlihy@ci.capitola.ca.us)
Sent: Friday, February 02, 2018 3:50 PM
To: 'Craig Chinn' <cchinn@adcollaborative.com>
Cc: Blake Carroll <Blake.Carroll@cypressequities.com>; Ban Potrus <Bpotrus@adcollaborative.com>; Steve Carter <Steve.Carter@cypressequities.com>; Mark Rone <Mark.Rone@cypressequities.com>; Nikhil Gera <nikhil@gera.in>
Subject: RE: Seritage Capitola-Update

Hi All,

Quick update. Thank you for the updated plans and addressing many of the City's concerns. I plan to send out a letter next week with all Planning and Public Works comments on the updated set of plans. Also, we have a third party that will do the technical review of the phase I and phase II ESA. I will forward an electronic copy of the letter once it is finalized.

Regards,

Katie Herlihy, AICP
Senior Planner

City of Capitola
420 Capitola Avenue
Capitola, CA 95010
(831) 475-7300



Planning Counter Hours: 1 - 4 p.m., Monday - Friday

From: Craig Chinn [<mailto:cchinn@adcollaborative.com>]
Sent: Wednesday, January 24, 2018 3:31 PM
To: Herlihy, Katie (kherlihy@ci.capitola.ca.us) <kherlihy@ci.capitola.ca.us>
Cc: Blake Carroll <Blake.Carroll@cyressequities.com>; Ban Potrus <Bpotrus@adcollaborative.com>; Steve Carter <Steve.Carter@cyressequities.com>; Mark Rone <Mark.Rone@cyressequities.com>
Subject: Seritage Capitola-Update
Importance: High

Hi Katie,

I understand that you are out sick. I hope that you feel better soon. When you have a moment can you please provide us with an update on where the resubmittal stands as well as the environmental review. Please feel free to respond via email or call me on my cell phone to discuss. Take care and talk to you soon.

Craig Chinn, AIA
 Principal
 architecture design collaborative
www.adcollaborative.com
 23231 South Pointe Drive
 Laguna Hills, CA 92653
cchinn@adcollaborative.com
 cell 949.677.7165
 ph 949.267.1660 ext 201

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Attachment: KH email to Craig Chinn regarding ESA inadequacies (02.15.2018) (Appeal of Application 17-019, 4015 Capitola Road)



420 Capitola Avenue
 Capitola, California 95010
 Telephone: (831) 475-7300
 FAX: (831) 479-8879
 Website: www.ci.capitola.ca.us

February 28, 2018

Mark Rone, Cypress Equities
 8343 Douglas Avenue
 Suite 200
 Dallas, TX 75225

Subject: 4015 Capitola Road, Design Permit, #17-019

Dear Mark Rone:

The City of Capitola Community Development Department has completed its review of your application for a design permit and master sign permit at the existing SEARS retail business location at 4015 Capitola Road, and is providing you with the following information as a guide for further processing of your application.

PROJECT DESCRIPTION

Below is the project description that staff has developed based on the information submitted in your application package. Please review this project description carefully. If the description is inaccurate or incomplete, please contact your assigned planner immediately to correct the information.

This is a request for a Design Permit to renovate the existing SEARS into 3 tenant spaces with new exterior facades and new signs at 4015 Capitola Road. The applicant is proposing new signs for the three tenants for visibility from Capitola Road and 41st Avenue. The new configurations will convert the site from a single Sears retail and automotive shop into three tenant spaces including Sears retail, TJ Maxx/Homegoods, and PetSmart. The property is located at the corner of Capitola Road and 41st Avenue, within the CC (Community Commercial) zoning district. Phase 2 of the project is to develop two commercial pads, one 4,000 square foot pad along the frontage of Capitola Road and a second 4,000 square foot pad on the frontage of 41st Avenue.

APPLICATION COMPLETENESS DETERMINATION

The Community Development Department has completed its review of your application and has found it incomplete pursuant to Section 65943 of the California Government Code. As detailed herein, additional information and/or corrections need to be submitted for staff to continue processing your application.

PROJECT ISSUES/CORRECTIONS

The following project issues and/or corrections to submitted plans and documents must be completed prior to scheduling your project for public hearings before the Architecture and Site Review Committee, and subsequently, the Planning Commission.

Project Issues

The following project issue(s) were identified during review of your application. These issue(s) may require a substantial redesign of the project or, if not resolved, may result in the Department recommending denial of your project. These issues were identified based upon information presently available to the City and are subject to change upon submittal of further information or studies:

1. During the conceptual review of the project, the Planning Commission emphasized that the applicant should closely coordinate with Merlone Geier to develop a comprehensive mall redevelopment project which advances the City's General Plan goals for the site. The application did not include any other mall properties nor any information about how the proposal would complement a future comprehensive mall redevelopment project. Please submit additional information demonstrating that the proposal has been coordinated with other mall property owners and explain how the redeveloped Sears would complement and enhance a comprehensive mall redevelopment project.

The submitted plans are missing additional necessary information. The plans must be updated to include the necessary information detailed below prior to the application being brought before the Architecture and Site Review Committee or the Planning Commission.

Plan Corrections/Additional Information

The following corrections or additional information is necessary to continue processing your application.

1. Parking Plan. Staff is having difficulty matching the parking in the site plan to the parking breakdown on sheet T0.0. Provide a parking sheet that identifies the available parking, City required parking (Table to show: Each retail/restaurant space floor area and required parking: retail 1 space per 300 sf, Restaurant dining 1 space per 60 all other restaurant 1 space per 300 sf), and REA shared parking agreements. Number parking spaces. Provide parking plan for phase 1 and phase 2.
2. Location of existing and proposed on-site lighting, height, and hooding devices.
3. Bicycle Racks shall be identified on the plans. The new zoning code (17.76.080) requires:
 - a. Short-term spaces: 10% of required automobile spaces. Must be within 100 feet of primary entrance.
 - b. Long term bicycle parking spaces: 1 space per 20 automobile spaces for uses 10,000 square feet or greater.
 - c. See 17.76.080 A – H for specific bicycle rack regulations.
4. Additional information required by Public Works as outlined in the attached memo from Danielle Uharriet.
 - a. Submit a revised storm water permit project application form. Calculations are for the entire project (Phase 1 and Phase 2).
 - b. Based on a review of the current plans, the project may be a Tier 3 or 4 project and will require compliances with the Post-Construction Stormwater Management requirements. Refer to the attached Tier 3 and 4 Storm Water Technical Guide and the California Regional Water Quality Control Board Central Coast Region Resolution No. R3-2013-0032 pertaining to post-construction requirements (PCRs).
5. Phase I/Phase II ESA – to be completed by third party contractor hired by the City.

Please resubmit the above listed information by March 30th, 2018. Please note that any delays in providing revised documents to the City may also result in your tentative public hearing date being postponed.

Advisory Items

The following advisory items, are advisory and are not required prior to processing your application.

1. Increase architectural differentiation between Petco and TJ Maxx facades. The Sears façade creates the aesthetic of a separate entity through defined contemporary finishes. The Petco and TJ Maxx both utilize the existing exterior brick veneer and stucco and are not of a specific architectural style other than defined large entryways. Suggest clear delineation between the two entities with a specific architectural style.
2. Modernize proposed bench and planters to complement updated design.

3. The City would condition the project to provide an Irrevocable Offer of Dedication (IOD) to provide a through street at 40th Avenue in line with the General Plan as a condition of approval.
4. Modify bicycle circulation to create internal circulation throughout the property. Specifically, bike lanes should be added in both directions on the 38th Avenue, 40th Avenue, Entrance off of 41st Avenue, and within the internal drive connecting around the structure from Target to northern connection of 40th Avenue. Within the updates for 2040 Regional Transportation Plan Project List the plan includes Separated bicycle facility through Capitola Mall parking lot to connect 38th Avenue bike lanes and 40th Avenue.
5. Add a crosswalk between Target and Sears.
6. Internal pedestrian connection between the mall and new tenants at 4015 Capitola Road. City suggest checkout near internal mall entrances to maintain established internal pedestrian circulation patterns.

ESTIMATED PROCESSING COST

Based upon our preliminary review of your application, we estimate that your initial deposit will not be adequate to complete the processing of your application. Accordingly, please submit an additional deposit of \$26,844.65 for the third party ESA, technical review of stormwater, and additional planner cost recovery funds. The estimated breakdown of the costs are as follows: (1) \$18,513 for third party technical deposit of for completion of Phase 1/Phase 2 Environmental Site Assessment (\$15,300) and 21% director fee (\$3,213); and (2) \$3331.65 for the storm water development review fee (\$3,173.00) and 5% tech fee (\$158.65); and (3) \$5,000 additional planner cost recovery deposit to allow continued processing of your application. Please note that this cost estimate is only for your planning applications and does not include building permit costs, outside agency fees, or private engineering, architecture, or contractor costs.

ESTIMATED PROCESSING TIMELINE

As stated in my February 15, 2018 email, the City contracted Weber-Hayes and Associates to review the recently submitted ESA documents (Phase I dated December 19, 2014, Phase II dated April 6, 2016). Weber-Hayes and Associates informed the City that the facility closure work has not been completed as there are still hoists and tanks on site. According to the consultant, the next step for you is to hire a qualified HAZMAT contractor to remove the hoists and tanks, flush floor drains, and pump out/clean the oil/water separator and to obtain necessary permits from the County DEH.

Following completion of the closure process, the City's ESA consultant will perform soil testing and analysis and prepare necessary documentation. Note – this work must be completed by a City-commissioned contractor. The applicant will be responsible for the consultants cost. This work is estimated to cost approximately \$2,300 for Phase I ESA and \$10,000 to \$12,000 for the limited Phase II confirmation soil/vapor sampling to document conditions. This will take an estimated 6-8 weeks to complete.

Your application cannot be considered by the Planning Commission until the Phase I and Phase II and CEQA process are complete. It is anticipated that a Negative Declaration or Mitigated Negative Declaration may be necessary depending on the results of the ESA.

Based upon your application status and remaining application processing steps, we estimate that your project will be scheduled for an Architecture and Site Review Committee in the summer of 2018 followed by Planning Commission hearing. Please note this estimate assumes a timely and complete resubmittal of all information noted in this letter.

Task/Activity	Estimated Duration (Days)	Estimated Completion Date
Applicant resubmits	30	March 30, 2018
Third party review of Phase I/II ESA	60*	May 30, 2018

Release of CEQA document	14	June 14, 2018
Public review of CEQA document	30	July 16, 2018
Response to public comments	14	July 31, 2018
Architecture and Site Review Committee meeting	15	August 22, 2018
Planning Commission hearing	21	October 4, 2018
Appeal period	10 working days	October 18, 2018
*Dependent upon consultant availability. Additional time may be necessary if study determines need for Phase II report.		

If you have any questions or require additional information, please contact me at 831.475.7300 or by email at kherlihy@ci.capitola.ca.us.

OTHER REQUIRED PERMITS

Please be aware that in addition to a design permit and master sign program, you may also be required to obtain other permits/approvals as listed below prior to initiating construction. These permits/approvals typically require additional fees which are not covered by your planning applications.

- Building Permit from the City of Capitola (bvanson@ci.capitola.ca.us)
- Will-serve letter from the Santa Cruz Water Department (831-420-5200)
- Will-serve letter (or plan approval) from the Central Fire Protection District (831-479-6843)
- Approval from County of Santa Cruz Sanitation District (831-454-2160)
- Approval from County of Santa Cruz Department of Environmental Health (831-454-2022)

Respectfully,

Katie Herlihy, AICP
Senior Planner

Seritage SRC Finance LLC, Blake Carrol, Mark Rone, Nikhil Gera, Steve Carter, Brian Walsh

Attachment: Second Completeness Letter 2.28.2018 (Appeal of Application 17-019, 4015 Capitola Road)



Cox, Castle & Nicholson LLP
 2029 Century Park East, Suite 2100
 Los Angeles, California 90067-3284
 P: 310.284.2200 F: 310.284.2100
 David P. Waite
 310.284.2218
 dwaite@coxcastle.com

May 9, 2018

VIA E-MAIL KHERLIHY@CI.CAPITOLA.CA.US AND FEDEX

Katie Herlihy
 Senior Planner
 City of Capitola
 420 Capitola Avenue
 Capitola, CA 95010

Re: 4015 Capitola Road Design and Master Sign Permit Application #17-019
 (“Application”)

Dear Ms. Herlihy:

This office represents the owner of the above-referenced property, Seritage SRC Finance LLC (“Seritage”). By this letter, we request that the City of Capitola (the “City”) comply with its legal obligation to process the above-referenced Application, which is complete by operation of law, to hearing without further delay. The pending Application was initially submitted to the City over *eighteen months ago*. As a result of the extreme delays caused by the City’s refusal to process the Application, Seritage has and will continue to incur substantial financial losses through the termination of a lease and loss of leasing opportunities. Seritage requests that the City promptly agendaize the Application for hearing as soon as possible, but in any event within the next 30 days. Seritage’s positions and responses to the City’s comments on the Application are set forth in Sections I and II below.

I. THE APPLICATION HAS BEEN PENDING FOR OVER EIGHTEEN MONTHS AND IS COMPLETE BY OPERATION OF LAW

The Application was initially submitted for conceptual review by the City in September 2016, over *eighteen months ago*. In its initial conceptual review application to the City, Seritage sought Design Review and Sign Permit approvals related to limited façade and exterior improvements, to accommodate leases it had entered into with TJ Maxx and Petco for portions of the Property, which is located in the Capitola Mall.

Many months of protracted meetings, discussions and processing delays by the City followed, including an April 6, 2017 staff proposal to declare a moratorium on development of the Capitola Mall that was rejected by the Planning Commission. On January 8, 2018, fully responding to City staff’s requests for additional information regarding the Application, Cypress Equities, on behalf of Seritage, submitted a revised Application for Design Permit and Master Sign Permit,

Attachment: CC&N Letter to City (05.09.2018) (Appeal of Application 17-019, 4015 Capitola Road)

Katie Herlihy
 May 9, 2018
 Page 2

#17-019 to the City that met all of the City’s requirements and specifications. The Application proposes to split the existing Sears building at 4015 Capitola Road (the “Property”) into three separate tenant spaces and to make certain minor exterior improvements to the building and its frontage to accommodate new tenants (the “Project”). Those tenant uses are permitted *by right* at the Property; the City has no discretion other than with respect to the simple design review of minor exterior changes to the existing building at the Property.¹

On February 15, 2018, over a week after the Application was deemed complete by operation of law, Seritage received correspondence from the City indicating that the City will not process the pending Application. On February 28, 2018, Seritage received further correspondence from the City improperly declaring the already-complete Application “incomplete” and requesting still more information.

The City’s correspondence of February 28 was issued in error and is mooted by the Application’s completeness under California law. Pursuant to the Permit Streamlining Act, Cal. Gov. Code § 65920 *et seq.*, a public agency has 30 calendar days after it receives an application for a development project to determine in writing whether the application is complete. Cal. Gov. Code § 65943(a). If the public agency does not make a completeness determination within 30 days, the application is deemed complete by operation of law. Cal. Gov. Code § 65943(b). The agency and applicant may mutually agree to an extension of the 30-day timeframe, but no application may be deemed incomplete for lack of a waiver of the time periods set by the Act. Cal. Gov. Code §§ 65943(d); 65940.5.

The Application was submitted to the City on January 8, 2018; accordingly, a written completeness determination was due to Seritage on February 7, 2018.² Prior to February 7, the City was required to provide a completeness determination, or to seek an extension or waiver of the February 7 deadline through a mutual agreement with Seritage. It did neither. Thus, pursuant to the Act, the Application is considered complete by operation of law, and the City is required to move forward with processing the Application.

We hereby request that the City properly discharge its legal duty under California law and the City’s own code to timely process the pending Application.

¹ At the City’s request, the Application also included for informational purposes a description of eventual planned buildings and a parking reconfiguration that are independent and unrelated to Seritage’s request to modify the Property’s existing tenant spaces.

² Even the City’s new zoning code update recognizes a 30-day window as the required timeframe for a completeness determination. Capitola Municipal Code Update, 17.112.040.A.3. The zoning code update does not even give the City an option to request a waiver or extension of the 30-day window for completeness determination—the City is simply required to make a determination within 30 days.

Katie Herlihy
 May 9, 2018
 Page 3

II. RESPONSES TO COMMENTS BY THE CITY

A. Seritage Has Cooperated With Merlone Geier Throughout

At the inception of the Application process and many times thereafter, the City has improperly instructed Seritage to coordinate with the majority owner of the Capitola Mall, Merlone Geier. This instruction was given even though Seritage's request to permit minor façade improvements has no bearing on the Mall's redevelopment. Nonetheless, Seritage has already coordinated with Merlone Geier and received its consent to the Application. Specifically, Seritage executed an agreement with Merlone Geier *over a year ago* in which Merlone Geier agreed to "all reasonable and necessary changes to the Common Area" at the Seritage property, as well as all of the modifications described in the Application and even Seritage's design plans. That agreement is attached hereto as Attachment A.

B. No Additional Environmental Remediation or Documentation is Needed

The Property has been significantly investigated and no additional environmental assessment is warranted, as described in detail below. In correspondence of February 15, 2018, the City asserted that "facility closure work has not been completed as there are still hoists and tanks on site." This statement is inaccurate. As documented and as demonstrated to the City, the hydraulic lift system was entirely removed from the property in two phases, beginning in 2014 under the oversight of the County of Santa Cruz Department of Environmental Health ("DEH").

An automotive service center formerly operated at the Property. This service center was the subject of a Phase I Environmental Site Assessment ("ESA") prepared in December 2014, attached hereto as Attachment B, and a Phase II ESA prepared in April 2015, attached hereto as Attachment C. The City has been in possession of and aware of these documents since at least January 2018. The Phase I ESA contained a discussion of remediation work undertaken in 1996 in connection with removal of two of the lifts and an underground storage tank, and identified the remaining in-ground hydraulic lifts as environmental conditions. The Phase II ESA presented the results of extensive sampling in connection with both the previously-removed lifts and all the lifts remaining in place at the time of the Phase I ESA in 2014. Those sampling results confirmed that there were no contaminants of concern identified in the vicinity of the previously-removed lifts, but did identify contaminants at actionable levels near one of the remaining lifts (which contamination has been remediated as described below). Deeper soil and soil near all of the other remaining lifts did not contain elevated concentrations of contaminants of concern.

Based on the results of the Phase II ESA, and under the oversight of DEH, remediation work was undertaken on December 16, 2015 to remove the one leaking hydraulic lift and soils in the vicinity of that lift, and to properly dispose of those materials. A hydraulic lift system closure report, attached hereto as Attachment D, was prepared on June 24, 2016 and was provided to DEH for review. PID screening that occurred during the removal activities for the lift detected

Katie Herlihy
 May 9, 2018
 Page 4

negligible levels of vapor. In a June 29, 2016 closure letter, attached hereto as Attachment E, DEH confirmed the satisfactory completion of this work, concluding that DEH did not require any further assessment of conditions relating to the hydraulic lift system. Subsequently, in February 2017, work was undertaken to deactivate and remove the remaining in-ground lifts—which, as documented in the Phase II ESA, were not a source of contamination on the property— independently, as additional DEH oversight was not required for the work. All remaining components of the hydraulic lift system were removed over a year ago, on February 16, 2017. Certification of that removal work is attached hereto as Attachment F. Based on the field indications at the time of removal of the only leaking lift requiring additional environmental remediation, as well as the DEH case closure, there is no vapor intrusion concern at the Property.

At present, no hoists or tanks remain at the property; the existing oil-water separator is double-walled, equipped with cathodic protection, and regularly serviced; and closure has been issued by DEH, the agency that properly held responsibility to oversee the environmental work that was performed to remove lift-related contamination. The City is in possession of a Phase I and a Phase II ESA, both of which extensively describe the conditions associated with the hydraulic lift system, as well as documentation demonstrating that those conditions no longer exist at the property. In sum, there are no remaining components of the hydraulic lift system at the property, there are no vapor intrusion concerns or issues with the oil-water separator, and no additional environmental work or environmental documentation is needed.³ Processing of the Application cannot be delayed on this account.

C. The Zoning Code Updates Are Illegal and Do Not Apply to the Application

On January 9, 2018, *just one day* after Seritage submitted the revised Application for consideration to the City, the City proposed new amendments to the zoning code update to specifically target the Application. *See* Capitola Municipal Code Update, 17.24.030.F. As an initial matter, this amended language cannot be used to upset Seritage's development plans. The zoning code update, including the language aimed at the Application, was not adopted until the City Council meeting on January 25, 2018, nearly three weeks after the revised Application was submitted, and took effect on February 25, 2018, eighteen months after the Application's original conceptual review, a year after its first formal submission, and over two weeks after the revised Application was deemed complete by operation of law on February 7, 2018. As such, the Application is subject to the law in effect at the time of the completeness determination, and must be reviewed for consistency with the pre-February 25 zoning code.

³ It is unclear whether the City is also asserting that CEQA review would be required for either: (1) the preparation of additional Phase I/Phase II documentation or (2) additional remedial work. Setting aside the fact that this work is unnecessary, the preparation of Phase I/Phase II reports does not involve any discretionary approval subject to CEQA. Furthermore, the lead agency overseeing any future remedial work would properly be DEH, not the City, and, even if additional remedial work were to be required, it would be categorically exempt from CEQA. *See* 14 Cal. Code Regs. § 15330.

Katie Herlihy
 May 9, 2018
 Page 5

D. The Proposed Exterior Improvements are Exempt from CEQA

The minor improvements to the building's façade and adjustments to signage do not warrant CEQA review. While the Application does require discretionary approvals by the City, the proposed exterior improvements and signage are categorically exempt from CEQA. Even if CEQA applies to the façade improvements, which it clearly does not, the City never raised this issue at the outset, and cannot raise it now.

The Application requests Design Review for its proposal to "split the existing Sears building into 3 separate tenant spaces and provide exterior improvements to the building..." The proposed partitioning of the existing building is covered by the "Existing Facilities" categorical exemption, which exempts from CEQA the negligible modification of an existing use such as "interior or exterior alteration involving such things as interior partitions" and additions to existing structures of less than 10,000 square feet. 14 Cal. Code Regs., § 15301. Also applicable is the "Replacement or Reconstruction" categorical exemption, which covers activities including the "replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity." 14 Cal. Code Regs., § 15302.

It is Seritage's expectation that the City will promptly move forward to schedule a hearing as no additional CEQA documentation is required and, per the Permit Streamlining Act, the City must approve Seritage's application within 60 days from determining the project's exemption from CEQA. Cal. Gov. Code § 65950. Accordingly, Seritage looks forward to the diligent, timely and expedient processing of its Application and to the City's forthcoming public hearing on this matter.

III. CONCLUSION

The City has improperly delayed acting on Seritage's straightforward permit application for well over a year. As a result, Seritage has experienced substantial financial losses, now totaling in the many millions of dollars and continuing to escalate each and every day the Application stands unapproved.

The City has a legal duty to timely process the Application; therefore, we request that the Application be set for public hearing at the earliest opportunity, and within 30 days at the latest. Seritage remains open to discussing this matter with the City, and is available to discuss any questions you may have.

Katie Herlihy
May 9, 2018
Page 6

We look forward to a swift resolution of this matter.

Sincerely,



David P. Waite

cc: Tony Condotti, City Attorney
Richard Grunow, Community Development Director
Jamie Goldstein, City Manager

Attachment: CC&N Letter to City (05.09.2018) (Appeal of Application 17-019, 4015 Capitola Road)

February 10, 2017

Seritage SRC Finance LLC
489 Fifth Avenue, 18th Floor
New York, New York 10017
Attn: Mr. James E. Bry

Re: Capitola Mall – Capitola, California (the “Shopping Center”)

Third Amendment to and Restatement of Declaration of Establishment of Restrictions and Covenants Affecting Land, dated April 29, 1987, by and among MGP XI Capitola Mall, LLC, a Delaware limited liability company (“Developer”) (as successor-in-interest to Capitola Mall Associates, a California limited partnership, and Capitola Mall Associates II, a California limited partnership, collectively, and Mervyn’s, a California corporation), Seritage SRC Finance LLC, a Delaware limited liability company (“Seritage”) (as successor-in-interest to Sears, Roebuck and Co., a New York corporation); Macy’s West Stores, Inc. (“Macy’s”) (as successor-in-interest to J.C. Penny Properties, Inc., a Delaware corporation); and Target Corporation (“Target”), as successor-in-interest to Samuel Leask & Sons, a California limited partnership (as amended and supplemented, the “REA”)

Dear Mr. Bry:

Reference is made to your letter dated October 24, 2016, in which Seritage, as the owner of certain property and improvements located in the Shopping Center (the “Seritage Tract”, which is defined in the REA as the “Sears Tract”), as shown on the existing partial site plan attached hereto as Exhibit A, described its plans to redevelop and repurpose the existing Sears building (the “Store”) and automotive service building (the “Auto Center Building”) at the Shopping Center for retail, restaurant and related uses. All capitalized terms used herein, unless otherwise defined, shall have the meanings ascribed to them in the REA.

The purpose of this letter is to memorialize the agreement of Developer and Seritage regarding the approval of the proposed changes to the Store, the Auto Center Building, the Common Areas on the Seritage Tract and exterior signage on the Store and Auto Center Building.

Subject to Seritage: (a) obtaining all required governmental approvals and permits prior to the commencement of the work described herein below, (b) obtaining all necessary third-party approvals, including without limitation, the prior approval of Macy’s, Target and Kohl’s, and (c) complying with all requirements, terms, obligations and conditions of the REA (collectively, the “Conditions”), Developer consents to the following:

(i) all reasonable and necessary changes to the Common Area located on the Seritage Tract required to redevelop the Store and Auto Center Building, including modifications to the loading areas located on the Seritage Tract, all in accordance with the depictions shown on the proposed partial site plan attached hereto as Exhibit A-1 (the “Proposed Partial Site Plan”);

(ii) the modifications to the exterior of the Store and the Auto Center Building, including the installation of prototypical signage for Petco and TJX/HomeGoods, depicted on the elevations attached hereto as Exhibit B; and

(iii) the installation of exterior signs of any future national or regional tenants occupying the Store or the Auto Center Building, provided such signs are the prototypical signs of such respective national or regional tenants.

If requested by either party, Developer and Seritage agree to formalize Developer's consents to items (i) through (iii) through a mutually-agreed upon recordable supplemental agreement or amendment to the REA.

Developer also acknowledges that Seritage plans to do the following:

(iv) construct one (1) out building on the Seritage Tract (which Seritage has no obligation to construct, but may construct at any time in the future), consisting of not more than 2,656 square feet of floor area (the "**Pad Building**"), in the location shown on the Proposed Partial Site Plan; and

(v) make all reasonable and necessary changes to the Common Area located on the Seritage Tract required to develop the Pad Building.

Developer consents to (iv) and (v) above, subject to the Conditions, and to the parties to the REA entering into an amendment to the REA (the "**REA Amendment**") prior to any work associated with (iv) and/or (v) commencing, that addresses the addition of the Pad Building and any resulting loss of parking in the Common Area; provided that should the minimum parking ratio in the REA (as amended by the REA Amendment) be reduced, Seritage may increase the size of the Pad Building accordingly. Notwithstanding the foregoing, Seritage shall not increase the total square footage of the Pad Building beyond 5,000 square feet without obtaining the prior written consent of Developer.

Both of the parties hereto, from time to time and at the request of the other party, shall execute and deliver to the other party such other instruments and shall take such other action as may be reasonably required to effectively carry out the terms of this Letter Agreement.

This Letter Agreement (i) contains the entire agreement between the parties hereto and supersedes all prior agreements, oral or written, with respect to the terms and conditions contained in this Letter Agreement; (ii) cannot be modified or amended except by a writing signed by both parties; (iii) shall be interpreted pursuant to the laws of the State of California without regard to conflicts of law; and (iv) shall not be interpreted on the basis of authorship. This Letter Agreement shall inure to the benefit of and be binding upon the parties hereto and their heirs, personal representatives, successors and assigns, and upon any person or entity acquiring the Developer Tract or Seritage Tract, or any portion thereof, or any interest therein, by operation of law or otherwise.

The parties understand and agree that Developer will be irreparably damaged in the event that this Letter Agreement is not specifically enforced. Accordingly, in the event of any breach

or default in or of this Letter Agreement or any of the terms or provisions hereof by Seritage, Developer shall have, in addition and without prejudice to any right or remedy available at law or in equity, the right to demand and have specific performance of this Letter Agreement.

If either party initiates or defends any legal action or proceeding to enforce or interpret any of the terms of this Letter Agreement, the prevailing party in any such action or proceeding shall be entitled to recover from the non-prevailing party in any such action or proceeding its reasonable costs and attorneys' fees (including its reasonable costs and attorneys' fees on any appeal). All such costs and attorneys' fees shall be deemed to have accrued on commencement of any legal action or proceeding and shall be enforceable whether or not such legal action or proceeding is prosecuted to judgment.

Please acknowledge your agreement with the foregoing provisions by having Seritage sign and date this Letter Agreement where indicated below and returning at least one fully executed counterpart to Developer. This Letter Agreement may be executed in counterparts, and said counterparts shall together constitute one and the same agreement. Executed counterparts of this Letter Agreement may be delivered by facsimile or other electronic means (for example, PDF or TIF attachments to an e-mail) to Developer and Seritage and shall be valid and effective to bind the party so signing.

The exhibits attached hereto are incorporated herein by reference.

Sincerely,

DEVELOPER:

MGP XI CAPITOLA LLC,
a Delaware limited liability company

By: Merlone Geier XI, LLC,
a California limited liability company,
its Manager

By: _____
Name: SCOTT MCPHERSON
Title: EXECUTIVE MANAGING DIRECTOR

Seritage's signature on following page.

Attachment: CC&N Letter to City (05.09.2018) (Appeal of Application 17-019, 4015 Capitola Road)

ACKNOWLEDGED AND AGREED:

SERITAGE SRC FINANCE LLC,
a Delaware limited liability company



Name: James E. Bry
Title: Vice President

Attachment: CC&N Letter to City (05.09.2018) (Appeal of Application 17-019, 4015 Capitola Road)

Exhibit A

Existing Partial Site Plan

[Attached.]

Attachment: CC&N Letter to City (05.09.2018) (Appeal of Application 17-019, 4015 Capitola Road)


 OFFICE OF THE CITY MANAGER
 2005 LAMAR AVENUE, SUITE 100
 SANTA CRUZ, CALIFORNIA 95060
 TEL: 831.286.2000
 WWW.SANTACRUZ.CA.GOV

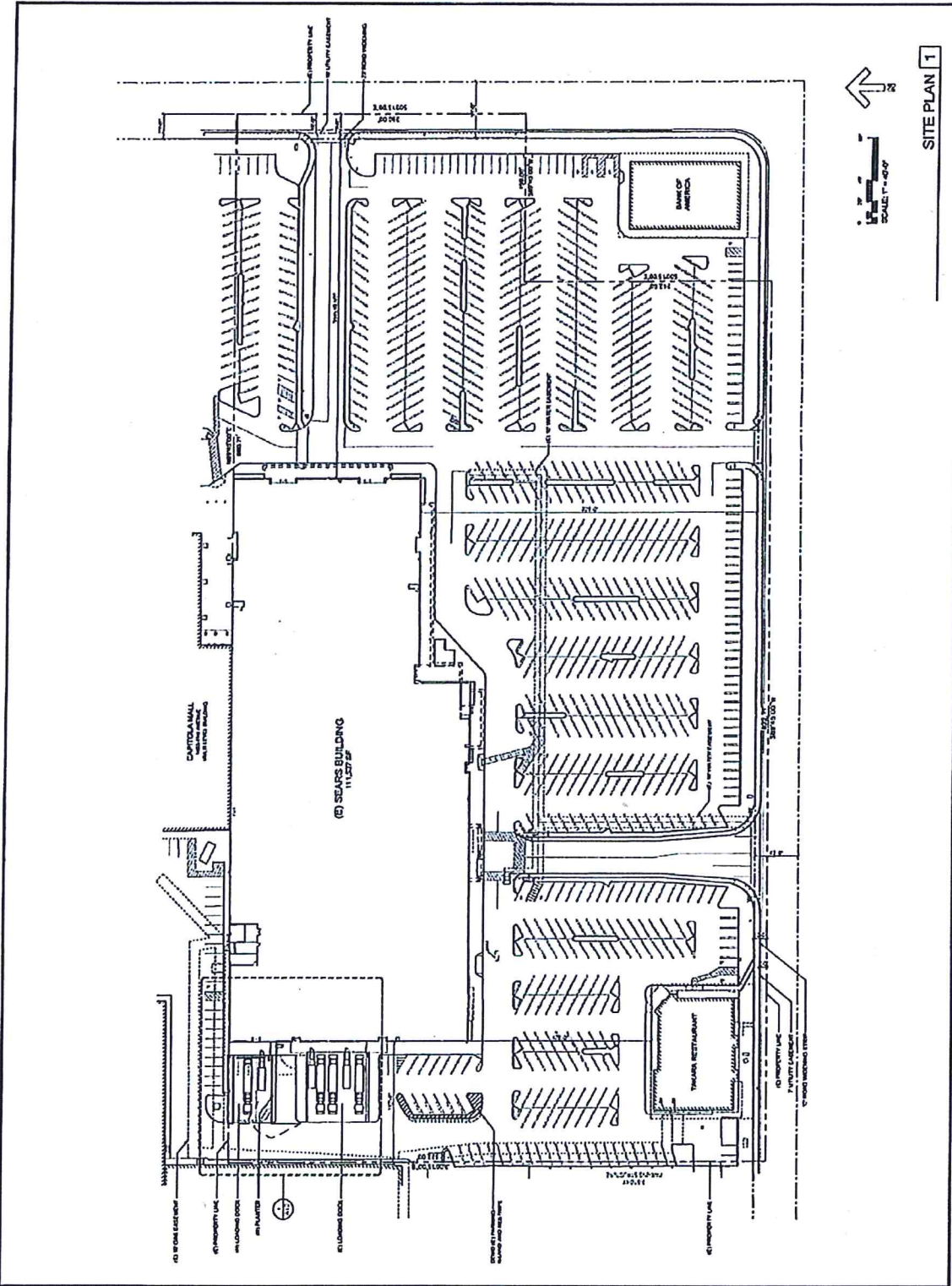
ADC PROJECT NO: 160040
 Project Contact: Kevin Lee
 Email: Kevin@seritageproperties.com
 Proprietary: Craig Chen
 Project Manager: Kevin Lee
 Client:

SERITAGE GROWTH PROPERTIES
 Company: Seritage Growth Properties
 Address: 480 Bow Avenue, 10th Floor
 New York, NY 10017
 Phone No. 212-355-7800

SERITAGE-SANTA CRUZ

4015 CAPITOLA RD
SANTA CRUZ, CA 95062

10/07/2016



SITE PLAN 1

SITE PLAN

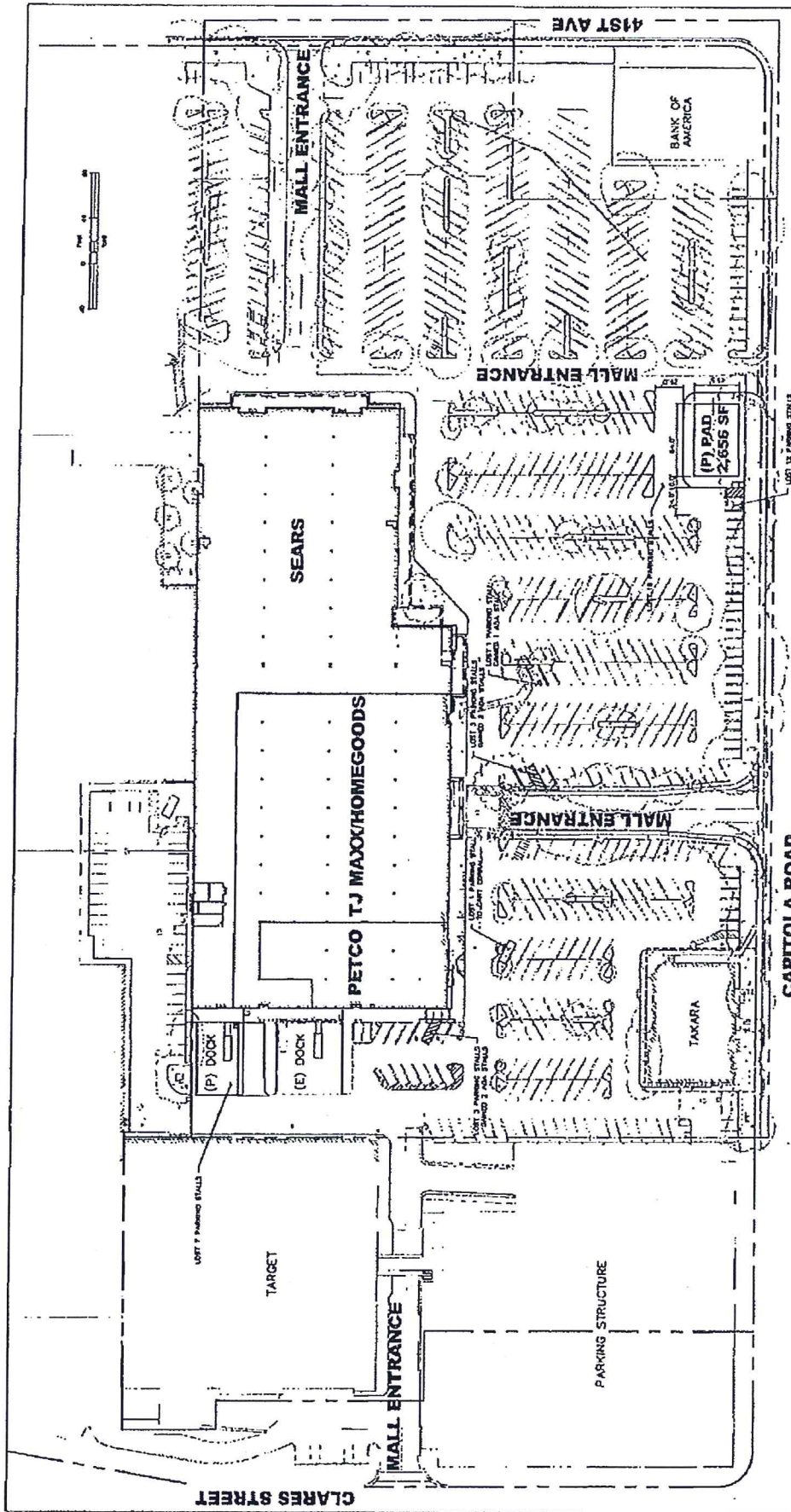
A1.1

Exhibit A-1

Proposed Partial Site Plan

[Attached.]

Attachment: CC&N Letter to City (05.09.2018) (Appeal of Application 17-019, 4015 Capitola Road)



SERITAGE - SANTA CRUZ
2,656 SF PAD SITE PLAN
 OCTOBER 11, 2018

PSOMAS

PARKING COUNT

TYPE	COUNT
REGULAR SPACES	14
ACCESSIBLE SPACES	15
BIKE SPACES	17
TRUCK SPACES	17

NOT ALL SPACES INDICATED BY PLAN
 DATE: 10/11/18

Attachment: CC&N Letter to City (05.09.2018) (Appeal of Application 17-019, 4015 Capitola Road)

Exhibit B

Elevations

[Attached.]

Attachment: CC&N Letter to City (05.09.2018) (Appeal of Application 17-019, 4015 Capitola Road)

STRUCTURE DESIGN COLLABORATIVE
 10000 Wilshire Blvd, Suite 1000
 Los Angeles, CA 90024
 Tel: 310.206.1000
 www.structure-collaborative.com

ADDC PROJECT INC. 160040
 Project Contact: Kevin Lee
 kevin@addec.com
 Project: 4015 Capitolola Rd
 Project Manager: Kevin Lee

CLIENT
SERRITAGE
GRDWITH PROPERTIES
 Company: Serritage Growth Properties
 Address: 4015 Capitolola Rd
 Santa Cruz, CA 95062
 Phone No. 214-333-7000

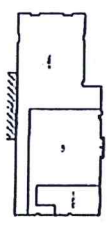
SERRITAGE-SANTA CRUZ
 4015 CAPITOLA RD.
 SANTA CRUZ, CA 95062

Sheet Date: 10-07-2018

EXTERIOR ELEVATIONS

A4.1

KEY PLAN

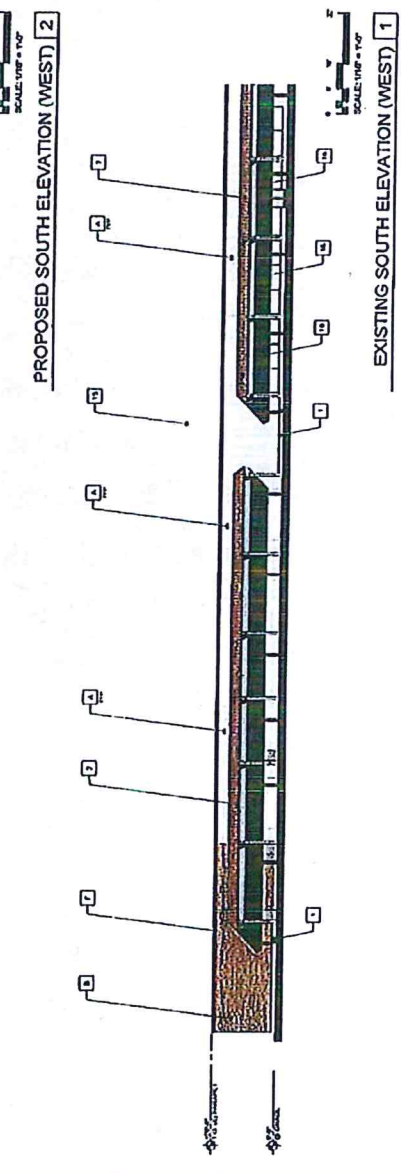
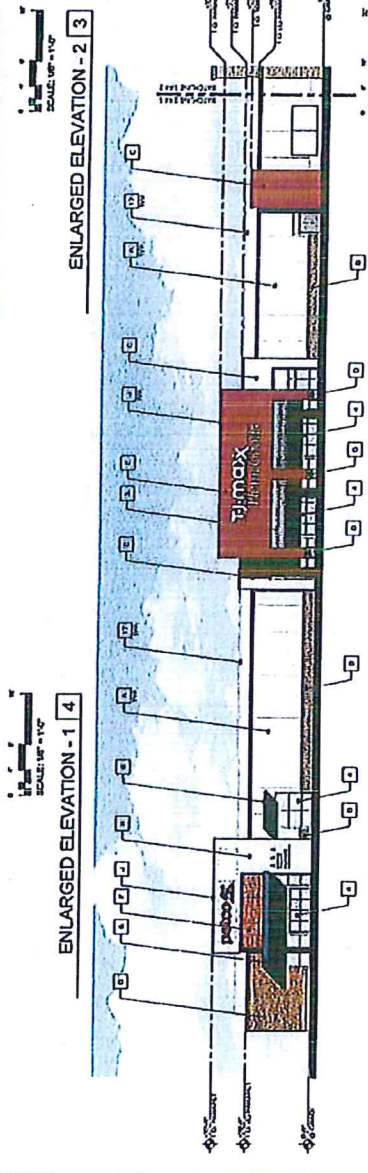
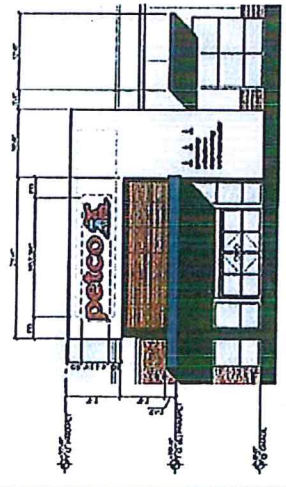
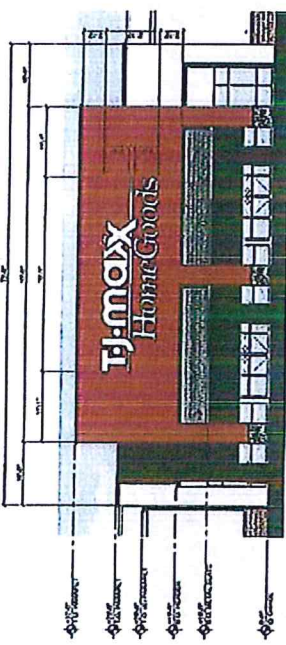


KEYNOTES

- 01 BRICK MASONRY
- 02 STUCCO OVER GYPSUM BOARD
- 03 STUCCO OVER GYPSUM BOARD
- 04 STUCCO OVER GYPSUM BOARD
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- 50 STUCCO OVER GYPSUM BOARD

MATERIAL LEGEND

- 01 BRICK MASONRY
- 02 STUCCO OVER GYPSUM BOARD
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- 50 STUCCO OVER GYPSUM BOARD





 ONSTRUCTURE GROUP COLLABORATIVE
 200 Central Ave, 8th Fl, New York, NY 10014
 Tel: 212-279-1978
 www.onstructuregroup.com

AOC Project No: 1600040
 Project Contact: Kevin Lee
 Email: kee@onstructure.com
 Project Manager: Greg Chin
 Client:

SERITAGE
 GROWTH PROPERTIES
 Company: Seritage Growth Properties
 Address: 400 7th Avenue, 18th Floor
 New York, NY 10017
 Phone No. 212-434-1600

SERITAGE-SANTA CRUZ

SANTA CRUZ, CA 95062

Name: John
10-07-2018

PERSPECTIVE
RENDERINGS

A5.0



Please note. The entire letter with all attachments is 646 pages. The full document including attachments B through F are available at Capitola City Hall's Community Development Department at 420 Capitola Avenue and available at the Community Development Webpage at <http://www.cityofcapitola.org/communitydevelopment>.

February 10, 2017

Seritage SRC Finance LLC
489 Fifth Avenue, 18th Floor
New York, New York 10017
Attn: Mr. James E. Bry

Re: Capitola Mall – Capitola, California (the “**Shopping Center**”)

Third Amendment to and Restatement of Declaration of Establishment of Restrictions and Covenants Affecting Land, dated April 29, 1987, by and among MGP XI Capitola Mall, LLC, a Delaware limited liability company (“**Developer**”) (as successor-in-interest to Capitola Mall Associates, a California limited partnership, and Capitola Mall Associates II, a California limited partnership, collectively, and Mervyn’s, a California corporation), Seritage SRC Finance LLC, a Delaware limited liability company (“**Seritage**”) (as successor-in-interest to Sears, Roebuck and Co., a New York corporation); Macy’s West Stores, Inc. (“**Macy’s**”) (as successor-in-interest to J.C. Penny Properties, Inc., a Delaware corporation); and Target Corporation (“**Target**”), as successor-in-interest to Samuel Leask & Sons, a California limited partnership (as amended and supplemented, the “**REA**”)

Dear Mr. Bry:

Reference is made to your letter dated October 24, 2016, in which Seritage, as the owner of certain property and improvements located in the Shopping Center (the “**Seritage Tract**”, which is defined in the REA as the “**Sears Tract**”), as shown on the existing partial site plan attached hereto as Exhibit A, described its plans to redevelop and repurpose the existing Sears building (the “**Store**”) and automotive service building (the “**Auto Center Building**”) at the Shopping Center for retail, restaurant and related uses. All capitalized terms used herein, unless otherwise defined, shall have the meanings ascribed to them in the REA.

The purpose of this letter is to memorialize the agreement of Developer and Seritage regarding the approval of the proposed changes to the Store, the Auto Center Building, the Common Areas on the Seritage Tract and exterior signage on the Store and Auto Center Building.

Subject to Seritage: (a) obtaining all required governmental approvals and permits prior to the commencement of the work described herein below, (b) obtaining all necessary third-party approvals, including without limitation, the prior approval of Macy’s, Target and Kohl’s, and (c) complying with all requirements, terms, obligations and conditions of the REA (collectively, the “**Conditions**”), Developer consents to the following:

(i) all reasonable and necessary changes to the Common Area located on the Seritage Tract required to redevelop the Store and Auto Center Building, including modifications to the loading areas located on the Seritage Tract, all in accordance with the depictions shown on the proposed partial site plan attached hereto as Exhibit A-1 (the “**Proposed Partial Site Plan**”);

(ii) the modifications to the exterior of the Store and the Auto Center Building, including the installation of prototypical signage for Petco and TJX/HomeGoods, depicted on the elevations attached hereto as Exhibit B; and

(iii) the installation of exterior signs of any future national or regional tenants occupying the Store or the Auto Center Building, provided such signs are the prototypical signs of such respective national or regional tenants.

If requested by either party, Developer and Seritage agree to formalize Developer's consents to items (i) through (iii) through a mutually-agreed upon recordable supplemental agreement or amendment to the REA.

Developer also acknowledges that Seritage plans to do the following:

(iv) construct one (1) out building on the Seritage Tract (which Seritage has no obligation to construct, but may construct at any time in the future), consisting of not more than 2,656 square feet of floor area (the "**Pad Building**"), in the location shown on the Proposed Partial Site Plan; and

(v) make all reasonable and necessary changes to the Common Area located on the Seritage Tract required to develop the Pad Building.

Developer consents to (iv) and (v) above, subject to the Conditions, and to the parties to the REA entering into an amendment to the REA (the "**REA Amendment**") prior to any work associated with (iv) and/or (v) commencing, that addresses the addition of the Pad Building and any resulting loss of parking in the Common Area; provided that should the minimum parking ratio in the REA (as amended by the REA Amendment) be reduced, Seritage may increase the size of the Pad Building accordingly. Notwithstanding the foregoing, Seritage shall not increase the total square footage of the Pad Building beyond 5,000 square feet without obtaining the prior written consent of Developer.

Both of the parties hereto, from time to time and at the request of the other party, shall execute and deliver to the other party such other instruments and shall take such other action as may be reasonably required to effectively carry out the terms of this Letter Agreement.

This Letter Agreement (i) contains the entire agreement between the parties hereto and supersedes all prior agreements, oral or written, with respect to the terms and conditions contained in this Letter Agreement; (ii) cannot be modified or amended except by a writing signed by both parties; (iii) shall be interpreted pursuant to the laws of the State of California without regard to conflicts of law; and (iv) shall not be interpreted on the basis of authorship. This Letter Agreement shall inure to the benefit of and be binding upon the parties hereto and their heirs, personal representatives, successors and assigns, and upon any person or entity acquiring the Developer Tract or Seritage Tract, or any portion thereof, or any interest therein, by operation of law or otherwise.

The parties understand and agree that Developer will be irreparably damaged in the event that this Letter Agreement is not specifically enforced. Accordingly, in the event of any breach

or default in or of this Letter Agreement or any of the terms or provisions hereof by Seritage, Developer shall have, in addition and without prejudice to any right or remedy available at law or in equity, the right to demand and have specific performance of this Letter Agreement.

If either party initiates or defends any legal action or proceeding to enforce or interpret any of the terms of this Letter Agreement, the prevailing party in any such action or proceeding shall be entitled to recover from the non-prevailing party in any such action or proceeding its reasonable costs and attorneys' fees (including its reasonable costs and attorneys' fees on any appeal). All such costs and attorneys' fees shall be deemed to have accrued on commencement of any legal action or proceeding and shall be enforceable whether or not such legal action or proceeding is prosecuted to judgment.

Please acknowledge your agreement with the foregoing provisions by having Seritage sign and date this Letter Agreement where indicated below and returning at least one fully executed counterpart to Developer. This Letter Agreement may be executed in counterparts, and said counterparts shall together constitute one and the same agreement. Executed counterparts of this Letter Agreement may be delivered by facsimile or other electronic means (for example, PDF or TIF attachments to an e-mail) to Developer and Seritage and shall be valid and effective to bind the party so signing.

The exhibits attached hereto are incorporated herein by reference.

Sincerely,

DEVELOPER:

MGP XI CAPITOLA LLC,
a Delaware limited liability company

By: Merlone Geier XI, LLC,
a California limited liability company,
its Manager

By: _____
Name: SCOTT MCPHERSON


Title: EXECUTIVE MANAGING DIRECTOR

Seritage's signature on following page.

Attachment: Merlone Geier Letter 02.10.2017 (Appeal of Application 17-019, 4015 Capitola Road)

ACKNOWLEDGED AND AGREED:

SERITAGE SRC FINANCE LLC,
a Delaware limited liability company



Name: James E. Bry
Title: Vice President

Attachment: Merlone Geier Letter 02.10.2017 (Appeal of Application 17-019, 4015 Capitola Road)



County of Santa Cruz

8.A.14

HEALTH SERVICES AGENCY

701 OCEAN STREET, ROOM 312, SANTA CRUZ, CA 95060-4073

(831) 454-2022 FAX: (831) 454-3128

<http://www.co.santa-cruz.ca.us/>

ENVIRONMENTAL HEALTH

May 17, 2018

Seritage SRC Finance, LLC
489 Fifth Avenue, 18th Floor
New York, NY 10017

Re: Notice of Violation for Former Sears Auto Service Center # 6461 Located at 4015 Capitola Rd, Capitola, California.

Dear Sir or Madam,

It has been brought to my attention that on February 16th, 2017, ServAll “deactivated” 10 underground hydraulic lifts at the Former Sears Service Station #6461, located at 4015 Capitola Road in Capitola, California. Under Santa Cruz County Ordinance, Santa Cruz County Environmental Health Division (SCCEHD) requires permits to remove underground lifts. The SCCEHD has found underground lifts can leak oil and pose potential long term environmental and possible human health problems. There is now evidence that some of the oil in these lift systems contain Polychlorinated Biphenyls (PCBs), which are probable human carcinogens. Sears was aware of our agency’s permit requirement because a permit was obtained from our agency to remove a leaking underground lift from this site in 2015.

The 10 underground lifts that were removed in 2017 were done in violation of Santa Cruz County Code 7.100.060, and without the required sampling under SCCEHD oversight, to determine if the systems leaked. Therefore, by June 29, 2018, you are hereby directed to apply for and obtain a permit retroactively for the closure of the underground storage lifts that were removed.

Here is a link to our website for the permit that is required:

http://sccch.com/Portals/6/Env_Health/hazardous_materials/UST_Closure_Packet.pdf.

Failure to obtain the necessary closure permit for this site and conduct the required testing may result in further enforcement action, including forwarding this issue to the District Attorney’s Office.

Please contact the inspector for the area, Mr. John Gerbrandt, at (831) 454-2731, or at his email address of: john.gerbrandt@santacruzcounty.us, if you have any questions.

Sincerely,

Rebecca Supplee, R.E.H.S.
Hazardous Materials Program Manager

Cc: Katie Herlihy, City of Capitola Kherlihy@ci.capitola.ca.us
Mark Rone, mark.rone@cypressecurities.com
John Gerbrandt, john.gerbrandt@santacruzcounty.us

Attachment: County of Santa Cruz Notice of Violation 05.17.2018 (Appeal of Application 17-019, 4015 Capitola Road)


ATCHISON, BARISONE & CONDOTTI, APC

P.O. BOX 481
 SANTA CRUZ, CALIFORNIA 95061-0481
 P: (831)423-8383; F: (831)576-2269
 WEBSITE: WWW.ABC-LAW.COM

JOHN G. BARISONE
 ANTHONY P. CONDOTTI
 BARBARA H. CHOI
 LAUREN VALK WILLS
 CASSIE M. BRONSON
 REED W. GALLOGLY
 HEATHER J. LENHARDT
 STEPHANIE Y. HALL
 AMY E. B. KAPP

May 18, 2018

*Via Electronic Mail (dwaite@coxcastle.com)
 And United States Mail*

David P. Waite
 Cox, Castle & Nicholson, LLP
 2029 Century Park East, Suite 2100
 Los Angeles, CA 90067-3284

Re: 4015 Capitola Road Design and Master Sign Permit Application #17-019

Dear Mr. Waite:

I am in the process of reviewing the issues raised in your correspondence to Katie Herlihy, Capitola Community Development Director, and separate letter to myself dated May 9, 2018, and materials submitted therewith. Unfortunately, however, I've not had an opportunity to complete my review and confer with my client prior to my departure tomorrow for a family vacation, from which I will be returning the week of May 28th. I anticipate that I or the City will provide a formal response shortly thereafter.

In the meantime, thank you for your patience.

Sincerely,

Tony Condotti
 Capitola City Attorney

Attachment: City Attorney Letter to Applicant (05.18.2018) (Appeal of Application 17-019, 4015 Capitola Road)


ATCHISON, BARISONE & CONDOTTI, APC

P.O. BOX 481
 SANTA CRUZ, CALIFORNIA 95061-0481
 P: (831)423-8383; F: (831)576-2269
 WEBSITE: WWW.ABC-LAW.COM

JOHN G. BARISONE
 ANTHONY P. CONDOTTI
 BARBARA H. CHOI
 LAUREN VALK WILLS
 CASSIE M. BRONSON
 REED W. GALLOGLY
 HEATHER J. LENHARDT
 STEPHANIE Y. HALL
 AMY E. B. KAPP

May 23, 2018

*Via Electronic Mail (dwaite@coxcastle.com)
 And United States Mail*

David P. Waite
 Cox, Castle & Nicholson, LLP
 2029 Century Park East, Suite 2100
 Los Angeles, CA 90067-3284

Re: 4015 Capitola Road Design and Master Sign Permit Application #17-019

Dear Mr. Waite:

After further review Planning Department staff have determined that the above-referenced application can proceed to hearing at the June 7th meeting of the Planning Commission as has been requested. Formal public notice will be completed by the City.

Sincerely,

Tony Condotti
 Capitola City Attorney

Attachment: City Attorney letter to CC&N (05.23.2018) (Appeal of Application 17-019, 4015 Capitola Road)

17.120.010(A-S)

To obtain Design Permit approval, projects must satisfy the criteria of §17.120.010(A-S), to the extent they apply.

- A. Community Character.** The overall project design including site plan, height, massing, architectural style, materials, and landscaping contribute to Capitola's unique coastal village character and distinctive sense of place.
- B. Neighborhood Compatibility.** The project is designed to respect and complement adjacent properties. The project height, massing, and intensity is compatible with the scale of nearby buildings. The project design incorporates measures to minimize traffic, parking, noise, and odor impacts on nearby residential properties.
- C. Historic Character.** Renovations and additions respect and preserve existing historic structure. New structures and additions to non-historic structures reflect and complement the historic character of nearby properties and the community at large.
- D. Sustainability.** The project supports natural resource protection and environmental sustainability through features such as on-site renewable energy generation, passive solar design, enhanced energy efficiency, water conservation measures, and other green building techniques.
- E. Pedestrian Environment.** The primary entrances are oriented towards and visible from the street to support an active public realm and an inviting pedestrian environment.
- F. Privacy.** The orientation and location of buildings, entrances, windows, doors, decks, and other building features minimizes privacy impacts on adjacent properties and provides adequate privacy for project occupants.
- G. Safety.** The project promotes public safety and minimizes opportunities for crime through design features such as property access controls (e.g., placement of entrances, fences), increased visibility and features that promote a sense of ownership of outdoor space.
- H. Massing and Scale.** The massing and scale of buildings complement and respect neighboring structures and correspond to the scale of the human form. Large volumes are divided into small components through varying wall planes, heights, and setbacks. Building placement and massing avoids impacts to public views and solar access.
- I. Architectural Style.** Buildings feature an architectural style that is compatible with the surrounding built and natural environment, is an authentic implementation of appropriate established architectural styles, and reflects Capitola's unique coastal village character.
- J. Articulation and Visual Interest.** Building facades are well articulated to add visual interest, distinctiveness, and human scale. Building elements such as roofs, doors, windows, and porches are part of an integrated design and relate to the human scale. Architectural details such as trim, eaves, window boxes, and brackets contribute to the visual interest of the building.

- K. Materials.** Building facades include a mix of natural, high-quality, and durable materials that are appropriate to the architectural style, enhance building articulation, and are compatible with surrounding development.
- L. Parking and Access.** Parking areas are located and designed to minimize visual impacts and maintain Capitola's distinctive neighborhoods and pedestrian-friendly environment. Safe and convenient connections are provided for pedestrians and bicyclists.
- M. Landscaping.** Landscaping is an integral part of the overall project design, is appropriate to the site and structures, and enhances the surrounding area.
- N. Drainage.** The site plan is designed to maximize efficiency of on-site drainage with runoff directed towards permeable surface areas and engineered retention.
- O. Open Space and Public Places.** Single-family dwellings feature inviting front yards that enhance Capitola's distinctive neighborhoods. Multi-family residential projects include public and private open space that is attractive, accessible, and functional. Non-residential development provides semi-public outdoor spaces, such as plazas and courtyards, which help support pedestrian activity within an active and engaging public realm.
- P. Signs.** The number, location, size, and design of signs complement the project design and are compatible with the surrounding context.
- Q. Lighting.** Exterior lighting is an integral part of the project design with light fixtures designed, located, and positioned to minimize illumination of the sky and adjacent properties.
- R. Accessory Structures.** The design of detached garages, sheds, fences, walls, and other accessory structures relate to the primary structure and are compatible with adjacent properties.
- S. Mechanical Equipment, Trash Receptacles, and Utilities.** Mechanical equipment, trash receptacles, and utilities are contained within architectural enclosures or fencing, sited in unobtrusive locations, and/or screened by landscaping.

Memo

Sacramento • Berkeley • Concord • San Jose

To: Danielle Uharriet, Environmental Projects Manager, and Steve Jesberg, PE,
Public Works Director, City of Capitola

From: Leonard Osborne, PE, HydroScience

Subject: Subject: Seritage - Capitola Project
4015 Capitola Road
Planning Permit No.17-019

Date: May 24, 2018

HydroScience has reviewed the plans submitted by the Seritage Growth Properties design team for the subject project. Based on the documents submitted, the project is not in compliance with the Capitola Municipal Code Section 13.16 Stormwater Pollution Prevention and Protection and the Post Construction Requirements (PCRs) as specified in Resolution No. R3- 2013-0032 issued by the California Regional Water Quality Control Board for the Central Coast Region in July 2013.

Based on our review, the project does not address the performance standards for site design and runoff reduction, water quality treatment, runoff retention, peak runoff management as specified in Appendix 1 of the above Regional Water Quality Control Board resolution.

Please call me or Alexandra Watson at 925-332-5221 if you have any questions.

Attachment: HydroScience Memo re Stormwater 05.24.2018 (Appeal of Application 17-019, 4015 Capitola Road)



Cox, Castle & Nicholson LLP
 50 California Street, Suite 3200
 San Francisco, California 94111
 P: 415.262.5100 F: 415.262.5199
 David P. Waite
 310.284.2218
 dwaite@coxcastle.com

File No. 076979

October 18, 2018

VIA E-MAIL

Katie Herlihy
 Community Development Director
 City of Capitola
 420 Capitola Avenue
 Capitola, CA 95010

Re: Request for Continuance and Confirmation of Proposed Project for 4015 Capitola Road Design and Master Sign Permit Application #17-019 ("Application")

Dear Ms. Herlihy:

As discussed on our telephone conference on October 17, 2018, Seritage SRC Finance LLC ("Seritage") respectfully requests a continuance of the City Council's appeal hearing for the Application to January 24, 2018. We believe a continuance of approximately three months would provide the City, Seritage, and other stakeholders in the Capitola Mall the necessary time to develop a framework for a specific plan entitlement effort for the Capitola Mall. Seritage will continue to work with the City during this time to complete a draft memorandum of understanding related to Seritage's participation in a future specific plan for the Capitola Mall.

In response to your email sent approximately 11:30 a.m. today, Seritage will make good faith efforts to submit to the City no later than December 15, 2018:

1. Plans that remove the two illustrative retail pads;
2. Updated conceptual stormwater plans;
3. Any completed environmental site analysis for facility closure; and

Also, if costs exceed the \$3,000 deposit recently made, Seritage will review any additional deposit request for the cost of staff time, 3rd party review of stormwater, and 3rd party review of environmental site analysis, and submit such additional deposit if reasonable.

As we also discussed yesterday, Seritage would like to confirm that it does not seek any approval or authorization through the Application related to the illustrative retail pads shown on certain sheets of the Application packet. Also, as you are aware, the Sears store within

Katie Herlihy
October 18, 2018
Page 2

the Sears building is closing. Seritage's Application seeks authorization to refresh the façade of the Sears tenant space for beautification purposes but does not include any request for signage or other tenant specific changes to the Sears tenant space. A future tenant of that space would be required to submit its own sign permit application and any other development application required to make its desired improvements to the tenant space.

Please let me know if you have any questions regarding the above. Seritage looks forward to continuing to work with the City on the future of the Capitola Mall.

Sincerely,



David P. Waite

DPW
076979\10145962v3

Attachment: Request for Continuance 10.18.2018 (Appeal of Application 17-019, 4015 Capitola Road)



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF OCTOBER 25, 2018

FROM: Public Works Department

SUBJECT: Consider a Resolution in Support of the Citizens' Climate Lobby Carbon Fee and Dividend Policy Proposal

RECOMMENDED ACTION: Council discretion.

BACKGROUND: The Citizens' Climate Lobby (CCL) is a non-profit, non-partisan organization focused on federal passage of a carbon "fee and dividend program." Local members made a presentation to the Commission on the Environment at the August 22, 2018, Commission meeting. The Commission received the report but took no action. At the September 13, 2018, City Council meeting, Council Member Petersen requested a resolution of support be placed on a future agenda.

DISCUSSION The proposed fee and dividend program would put a federal tax on carbon-based fuels so the consumer cost reflects the true costs to society. Currently, the price of fossil fuels does not reflect their impact on the global climate resulting in climate change, sea level rise, and other impacts. A carbon fee and dividend program would place a steadily rising fee on coal, oil, and gas production and give 100 percent of the net fees back to American households. The program would include a border adjustment on resources imported into the country.

Information on the CCL's program is included as Attachment 1.

The attached resolution in support of the Citizens' Climate Lobby Carbon Free and Dividend federal policy calls for the implementation of a carbon fee on all fossil fuels and other greenhouse gases at the point they first enter the economy, with collected fees placed in a Carbon Fee Trust Fund and rebated to American households.

FISCAL IMPACT: None, although adoption of such a program could increase the City's fuel and utility costs.

ATTACHMENTS:

1. CCL Information Packet (PDF)

Report Prepared By: Steve Jesberg
Public Works Director

Citizens Climate Lobby Carbon Fee and Dividend Policy
October 25, 2018

Reviewed and Forwarded by:

A handwritten signature in blue ink, appearing to be 'JG', is written above a horizontal line.

Jamie Goldstein, City Manager

10/18/2018

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
 IN SUPPORT OF CITIZENS' CLIMATE LOBBY CARBON FEE
 AND DIVIDEND POLICY PROGRAM**

WHEREAS, the City of Capitola's Climate Action Plan recognizes the city's responsibility to reduce greenhouse gas emissions from residents, businesses, and government agencies; and

WHEREAS, research on global warming indicates that coastal regions are highly vulnerable to climate change and that local plans are being developed to prepare for impacts such as increased coastal erosion, sea level rise, droughts, severe storms, and salt water intrusion into drinking water aquifers; and

WHEREAS, the City of Capitola and other municipalities throughout the state are implementing climate action plans to reduce the emission of greenhouse gases to 1990 levels by 2030; and

WHEREAS, the carbon fee and dividend program principles proposed by the Citizens' Climate Lobby would provide an efficient approach for developing incentives to reduce the dependence on fossil fuels and contribute to the development of cleaner energy alternatives; and

WHEREAS, the carbon fee and dividend approach would be fair to everyone and would protect middle- and low-income households because the revenue neutral dividend would, on average, exceed the increased energy costs for two-thirds of all households during the transition to cleaner energy; and

WHEREAS, it is estimated that the adoption of the Citizens' Climate Action policy program would grow the economy by adding more than 2 million new jobs.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Capitola that:

1. The United State Federal Government should immediately enact legislation for a fee on carbon-based fuels at the point of entry into our economy; and
2. That the fee should be, as proposed by the Citizens' Climate Lobby, \$15 per ton of carbon dioxide emitted when burned, and rise by \$10 per ton annually to achieve the goal of reducing carbon dioxide emissions to 10 percent of 1990 levels by 2050; and
3. All fee revenue should be returned to households as a dividend to protect low- and middle-income households from the impact of rising prices due to the fee; and
4. The international competitiveness of the United States businesses should be protected by using carbon content-based border tariffs and refunds; and
5. The response in combating climate change to mitigate its worst effects should be implemented with the speed appropriate to the urgency of the situation.

I HEREBY CERTIFY that the above and foregoing resolution was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the 25th day of October, 2018, by the following vote:

Citizens' Climate Lobby
Santa Cruz California Chapter

Michael Termini
Mayor, City of Capitola
420 Capitola Avenue
Capitola, CA 95010

February 14, 2018

Dear Mayor Termini,

As members of the Citizens' Climate Lobby Santa Cruz, we very much appreciate the opportunity to share with you our local efforts to address the impacts of climate change.

Our national organization presses for federal legislation that establishes a price on carbon dioxide emissions which result from the burning of fossil fuels. These emissions are the dominant cause of global warming. A price on carbon will encourage the use of CO₂-free energy sources, discourage the continued burning of fossil fuels, and help mitigate global warming.

Carbon based energy is a crucial component in our economy and in our standard of living. It has given us many beneficial developments and eased the burden of daily living. But now, at the beginning of the twenty first century, we are faced with the downside of all those benefits. The rapid heating of the planet is increasingly a threat to our very existence. Because of entrenched political and business interests, communities and citizens should lead in creating a new path forward.

Putting a price on carbon with a revenue neutral dividend is the single most effective solution for addressing climate change:

- It is market based and stimulates alternative, sustainable energy development
- It is socially equitable and protects low and moderate income families
- It attracts buy-in from Americans because they receive a dividend every month
- It has bipartisan support

As part of our advocacy, we seek resolutions from municipalities supporting a movement away from fossil fuels and toward renewable energy. These resolutions are vital in supporting our congress members in pursuing legislation that places a price on carbon. We look forward to hearing your thoughts.

Thank you,
Lynda Marin, Chapter Leader
Nancy Drinkard
Robert Kibrick
Christine Barrington
Mary Nelson
Donna Ramos
Alex Yasbek

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Citizens' Climate Lobby

Citizens' Climate Lobby is a non-profit, non-partisan, grassroots organization focused on federal passage of Carbon Fee and Dividend.

In order to generate the political will necessary for passage of our [Carbon Fee and Dividend proposal](#) we train and support volunteers to engage elected officials, the media and the public.

What we do

- We lobby in support of our Carbon Fee and Dividend proposal by building helpful, friendly relationships with our federally elected representatives, with respect, appreciation and gratitude for their service.
- We write letters to the editor and op-eds, and meet with editorial boards to gain their editorial endorsement. Additionally, we work with digital media, radio, TV and all forms of social media.
- We give presentations and do outreach at events to promote CCL and introduce others to our Carbon Fee and Dividend proposal.
- We support our volunteer chapters with monthly conference calls, and we support the leaders of those chapters with weekly conference calls.

What we believe

- Politicians don't create political will, they respond to it.
- We believe citizens, organized by Congressional district, who are well-trained and have a good system of support, can more than influence the political process.
- In respect for all viewpoints, even for those who would oppose us.
- Based on what both climate scientists and economist tell us, we believe that Carbon Fee and Dividend is the best first step to reduce greenhouse gas emissions and to mitigate the impacts of a changing climate.



Citizens' Climate Lobby

What is Carbon Fee and Dividend?

Carbon Fee and Dividend is the policy proposal created by Citizens' Climate Lobby (CCL) to put a federal price on carbon-based fuels so that their consumer cost reflects their true costs to society.

It's the policy that both climate scientists and economists say is the best first-step to reduce the likelihood of catastrophic climate change from global warming.

Why Carbon Fee and Dividend?

Currently, the price of fossil fuels does not reflect their true costs—including their impact on global climate. Correcting this market failure will require that their price account for the true social costs.

As long as fossil fuels remain artificially inexpensive, their use will rise. Correcting this market failure requires a federal price on carbon that accounts for their true costs.

What Will Carbon Fee and Dividend Do?

Carbon Fee and Dividend will do four things:

1. Account for the cost of burning fossil fuels in the price consumers pay.
2. Cut emissions enough to stay below the 2C threshold for “dangerous” warming.
3. Grow jobs and GDP without growing government one bit.
4. Recruit global participation.

The Basics of Carbon Fee and Dividend

<div style="text-align: center; background-color: #0070C0; color: white; width: 30px; height: 30px; margin: 0 auto; border-radius: 50%; display: flex; align-items: center; justify-content: center;">1</div> <p>Place a steadily rising fee on fossil fuels (coal, oil and gas).</p> <div style="background-color: #0070C0; color: white; border-radius: 15px; padding: 5px; width: 50px; margin: 10px auto;">More</div>	<div style="text-align: center; background-color: #0070C0; color: white; width: 30px; height: 30px; margin: 0 auto; border-radius: 50%; display: flex; align-items: center; justify-content: center;">2</div> <p>Give 100% of the net fees back to households each month.</p> <div style="background-color: #0070C0; color: white; border-radius: 15px; padding: 5px; width: 50px; margin: 10px auto;">More</div>	<div style="text-align: center; background-color: #0070C0; color: white; width: 30px; height: 30px; margin: 0 auto; border-radius: 50%; display: flex; align-items: center; justify-content: center;">3</div> <p>Use a border adjustment to stop business relocation.</p> <div style="background-color: #0070C0; color: white; border-radius: 15px; padding: 5px; width: 50px; margin: 10px auto;">More</div>	<div style="text-align: center; background-color: #0070C0; color: white; width: 30px; height: 30px; margin: 0 auto; border-radius: 50%; display: flex; align-items: center; justify-content: center;">4</div> <p>It's good for the economy AND even better for the climate.</p> <div style="background-color: #0070C0; color: white; border-radius: 15px; padding: 5px; width: 50px; margin: 10px auto;">More</div>
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Legislative proposal: Carbon Fee and Dividend

Findings:

1. Causation: Whereas the weight of scientific evidence indicates that greenhouse gas emissions from human activities including the burning of fossil fuels and other sources are causing rising global temperatures,
2. Mitigation: (Return to 350 ppm or below): Whereas the weight of scientific evidence also indicates that a return from the current concentration of more than 400 parts per million (“ppm”) of carbon dioxide (“CO₂”) in the atmosphere to 350 ppm CO₂ or less is necessary to slow or stop the rise in global temperatures,
3. Endangerment: Whereas further increases in global temperatures pose imminent and substantial dangers to human health, the natural environment, the economy, national security, and an unacceptable risk of catastrophic impacts to human civilization,
4. Co-Benefits: Whereas the measures proposed in this legislation will benefit the economy, human health, the environment, and national security, even without consideration of global temperatures, as a result of correcting market distortions, reductions in non-greenhouse-gas pollutants, reducing the outflow of dollars to oil-producing countries and improvements in the energy security of the United States,
5. Benefits of Carbon Fees: Whereas phased-in carbon fees on greenhouse gas emissions (1) are the most efficient, transparent, and enforceable mechanism to drive an effective and fair transition to a domestic-energy economy, (2) will stimulate investment in alternative-energy technologies, and (3) give all businesses powerful incentives to increase their energy-efficiency and reduce their carbon footprints in order to remain competitive,
6. Equal Monthly Per-Person Dividends: Whereas equal monthly dividends (or “rebates”) from carbon fees paid to every American household can help ensure that families and individuals can afford the energy they need during the transition to a greenhouse gas-free economy and the dividends will stimulate the economy,

Therefore the following legislation is hereby enacted:

1. Collection of Carbon Fees/Carbon Fee Trust Fund: Upon enactment, impose a carbon fee on all fossil fuels and other greenhouse gases at the point where they first enter the economy. The fee shall be collected by the Treasury Department. The fee on that date shall be \$15 per ton of CO₂ equivalent

emissions and result in equal charges for each ton of CO₂ equivalent emissions potential in each type of fuel or greenhouse gas. The Department of Energy shall propose and promulgate regulations setting forth CO₂ equivalent fees for other greenhouse gases including at a minimum methane, nitrous oxide, sulfur hexafluoride, hydrofluorocarbons (HFCs), perfluorocarbons, and nitrogen trifluoride. The Treasury shall also collect the fees imposed upon the other greenhouse gases. All fees are to be placed in the Carbon Fees Trust Fund and rebated to American households as outlined in #3 below.

1. Emissions Reduction Targets: To align US emissions with the physical constraints identified by the Intergovernmental Panel on Climate Change (IPCC) to avoid irreversible climate change, the yearly increase in carbon fees including other greenhouse gases, shall be at least \$10 per ton of CO₂ equivalent each year. Annually, the Department of Energy shall determine whether an increase larger than \$10 per ton per year is needed to achieve program goals. Yearly price increases of at least \$10 per year shall continue until total U.S. CO₂-equivalent emissions have been reduced to 10% of U.S. CO₂-equivalent emissions in 1990.
2. Equal Per-Person Monthly Dividend Payments: Equal monthly per-person dividend payments shall be made to all American households (1/2 payment per child under 18 years old, with a limit of 2 children per family) each month. The total value of all monthly dividend payments shall represent 100% of the net carbon fees collected per month.
3. Border Adjustments: In order to ensure there is no domestic or international incentive to relocate production of goods or services to regimes more permissive of greenhouse gas emissions, and thus encourage lower global emissions, Carbon-Fee-Equivalent Tariffs shall be charged for goods entering the U.S. from countries without comparable Carbon Fees/Carbon Pricing. Carbon-Fee-Equivalent Rebates shall be used to reduce the price of exports to such countries. The State Department will determine rebate amounts and exemptions if any.

citizensclimatelobby.org

More at citizensclimatelobby.org and citizensclimatelobby.org/remi-report

Citizens' Climate Lobby

Financial Impact on Households of Carbon Fee and Dividend

Summary by Jerry Hinkle and Daniel Richter

Introduction

In February, 2016, Citizens' Climate Education (CCE) and Citizens' Climate Lobby (CCL) released a working paper that assessed the net financial impact on U.S. households of a \$15/ton of CO₂ carbon fee in which all proceeds are returned to households on a per-capita basis. The purpose of that working paper (see link at end to download) was to respond to enduring interest from members of Congress in how their own constituents would fare under CCL's Carbon Fee and Dividend proposal. To complete that study CCE and CCL funded Kevin Ummel, an independent researcher at the International Institute for Applied Systems Analysis and author of a separate, earlier study estimating household carbon emissions with zip-code level detail.

The analysis is “static” and does not consider the “dynamic” effects the policy and corresponding price changes would have on the general economy. It is assumed the entire pollution fee is passed through in the form of higher prices “overnight”, without changes in production or consumption in response to the price signal.

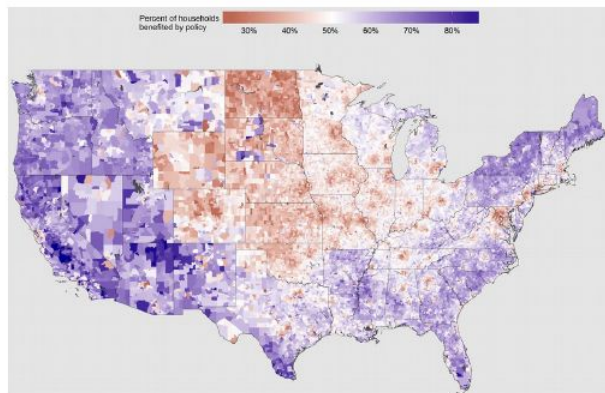


Figure 1: Map of US showing which zip codes have more (blue) or fewer (red) households benefiting with Carbon Fee and Dividend. Overall, 53% of households, and 58% of individuals benefit.

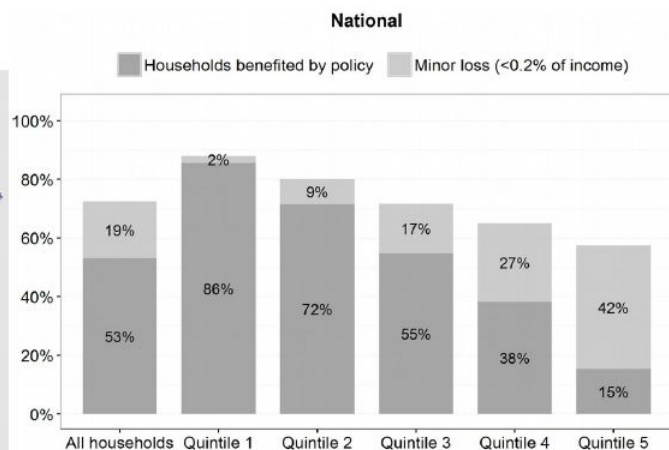


Figure 2: Percent of Households Benefited, by Income quintile. The average household in Quintile 1 sees a net gain of \$280 per year, equal to 1.78% of income. Quintile 1 has a median (or typical) income of 95% of the federal poverty level (FPL).

Study Highlights:

- 53% of US households and 58% of individuals receive a net financial benefit as the dividend exceeds the estimated increase in costs of goods purchased (Figure 1). This analysis includes none of the health and environmental benefits that come with the reduction of GHGs.
- The gains are concentrated among those considered “most vulnerable” within our society: those with lower incomes (Fig 2), the youngest and oldest (Fig 3), and minorities (Fig 4). Since the Dividend formula is not means-tested in any way, this effect stems simply from charging for pollution and returning proceeds equally per person; not any type of redistribution.
- Though households with higher incomes generally experience a net loss in this study, the impact would be minimal. 15% of households in the 5th quintile actually benefit, and an additional 42% experience only a minor loss (defined as a loss less than .2% of annual income).

Reducing Costs

How can households who experience a net loss reduce their carbon footprint, and thus their pollution costs? There are many avenues for this, from more efficient transportation (e.g., public transit), more efficient living conditions (e.g., higher household density), and careful consumer choices. Being static, with price signals passed on “overnight”, this study did not allow for or anticipate any such changes in behavior.

Conclusions

This new study provides a useful look at how every congressional district does in unprecedented detail. Though overall projections for how many households benefit are lower than some previous estimates, the overall progressivity of this policy is highlighted, especially in contrast to other options for addressing climate change.

Current working paper and additional resources available at: <http://citizensclimatelobby.org/household-impact/>
 Contact for questions: Danny Richter - daniel@citizensclimate.org.

Version 2: May 5, 2016

Citizens' Climate Lobby

Financial Impact of Carbon Fee and Dividend on Households in Congressional District 20

CCL commissioned a *Household Impact Study* of the effects of a Carbon Fee and Dividend in response to concerns expressed by members of Congress that their constituents might not benefit from the proposal. The study addressed impacts not only on the "average" household, but on different groups, including incomes. For example, concern about the effect on low-income households is common to both parties.

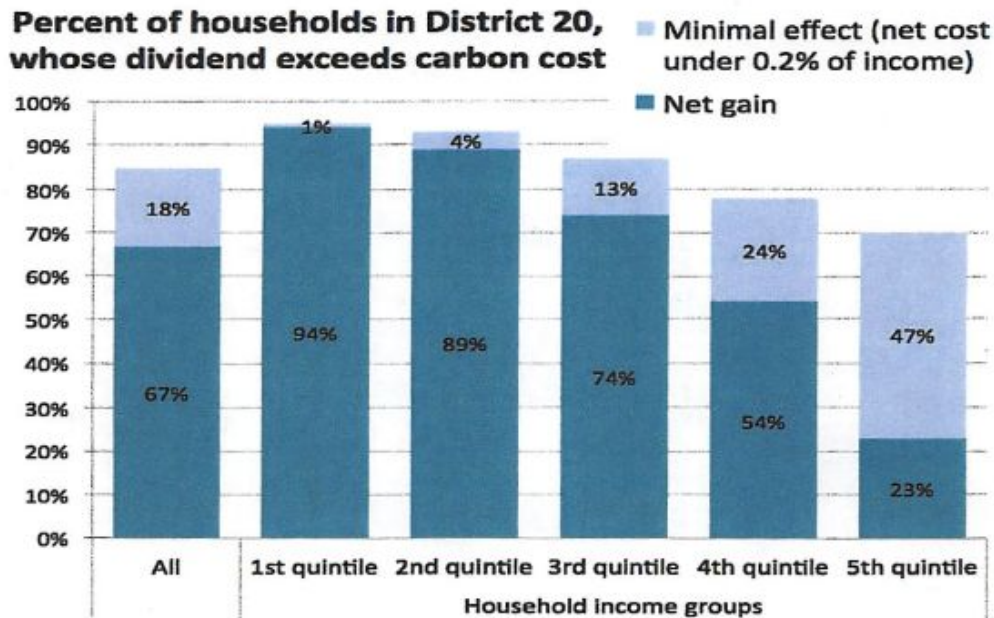
Key insights

With no dividend:

- California households would experience increased carbon costs averaging \$500/year (at a carbon price of \$25/tCO₂).
- This would be regressive: The carbon cost would be 1.8% income for low-income (1st quintile) households, and only 0.4% of income for high-income (5th quintile).

With 100% dividend:

- In District 20, 85% of households would have a net gain (dividend exceeds carbon cost) or minor loss (less than 0.2% of income).



- District 20 has a larger number of both high income (5th quintile) and low income (1st quintile) households than the US average.
- 94% of the 1st and 89% of 2nd quintiles would have a net gain or minor loss in District 20.



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF OCTOBER 25, 2018

FROM: Public Works Department

SUBJECT: Report on the Wharf Project Structural Options

RECOMMENDED ACTION: Accept the Capitola Wharf Project Alternative Report and direct Public Works to develop plans to implement a phased approach to Wharf improvements.

BACKGROUND: On June 14, 2018 Capitola City Council received a progress report on the status of the three Measure F projects located on Capitola beach. That report addressed the ongoing permitting process for the flume and jetty rehabilitation work as well as an update on the design and engineering for the wharf/building project.

To prioritize expenditures on the wharf improvements, Council directed Public Works to place the wharf building designs on hold and develop a more in-depth cost evaluation for wharf improvement alternatives. Council asked that the alternatives look at the longevity of the wharf and buildings at the current height as well as a raised height allowing for greater protection against potential increased storm surge and sea level rise. Alternative construction materials (wood vs. concrete) were also evaluated. Based on this direction the Capitola Wharf Project Alternative Report was developed (Attachment 1).

DISCUSSION: The report evaluates alternatives and provides the costs of four designs to achieve increased wharf resiliency. It should be noted the costs in the report only include reconstruction efforts for the wharf structure and new replacement buildings and do not include costs for new restrooms, replacement of the steel piles, utility upgrades, or redecking. The full project cost estimates are summarized below, and include the figures called out in the report in the "wharf report" line. A summary description of the four alternatives analyzed in the report are as follows:

Option 1: Original design presented to Council on June 14. Design involves widening of the narrow trestle section of the wharf with timber construction at the current elevation. This alternative includes replacement of the existing buildings at their current elevation.

Option 2: The same widening of the trestle section of the wharf with timber construction at the current elevation. Under alternative 2 the buildings would be raised approximately 5 feet by creating a raised concrete pad for the buildings that would be supported by wood or concrete piles underneath.

Option 3: Widening and raising the wharf by building a new raised concrete head to the wharf and rebuilding the deck of the trestle to be wider and slowly ramp up in elevation.

Wharf Project Option Report
October 25, 2018

The buildings would be replaced and built at the higher elevation at the head of the concrete wharf.

Option 4: Full replacement of both the wharf structure and buildings with new concrete piles and deck at a raised elevation for the entire structure.

	Option 1	Option 2	Option 3	Option 4
Wharf report	\$2,750,000	\$5,250,000	\$11,900,000	\$19,045,000
Utilities, steel piles, and decking	\$2,200,000	\$2,200,000	\$1,150,000	\$400,000
Restrooms	\$650,000	\$650,000	\$650,000	\$650,000
New Buildings	\$2,200,000	\$2,200,000	\$2,200,000	\$2,200,000
Total	\$7,800,000	\$10,300,000	\$15,900,000	\$22,295,000

The above estimates are based on current construction costs and preliminary designs. As the project details are advanced further through the design process these estimates will also be revised. The maximum current level of funding for the Measure F flume, jetty, and wharf projects is \$8,000,000, pending future funding decisions regarding other Measure F priorities. Staff continues to research grant opportunities to augment the wharf project.

Based on the cost estimates and funding levels staff recommends a two-phased approach to the wharf improvements be taken. Phase 1 of improvements would include Option 1 wharf improvements, which includes widening of the narrow trestle section of the wharf with timber construction at the current elevation, replacement of the steel piles, utility upgrades, replacement decking, and construction of new public restrooms. Upon completion of the first phase of the wharf improvements the City will then evaluate Phase 2 for rehabilitating the buildings based upon actual project costs and available Measure F funds. The implementation of Option 1 does not preclude the ability to implement components of Option 2 at a later date.

FISCAL IMPACT: Measure F funds:

Estimated life revenue:	\$11 million
Flume & Jetty improvements	\$1.2 million
Wharf improvements (Phase 1)	\$5.6 million
<u>Wharf building improvements (Phase 2)</u>	<u>\$2.2 million</u>
Total expenditures	\$9.0 million
Remaining Measure F funds	\$2.0 million

ATTACHMENTS:

1. Wharf Alternatives Report

Wharf Project Option Report
October 25, 2018

Report Prepared By: Kailash Mozumder

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

10/18/2018



Capitola Wharf Project Alternatives Report

October 15, 2018



moffatt & nichol

Attachment: Wharf Alternatives Report (Wharf Project Option Report)

REPORT

October 15, 2018

City of Capitola
Wharf Alternatives

This report was prepared by:



Signature: _____
Sam Tooley, P.E.

Date: 10/15/18

This report was reviewed by:



Signature: _____
Brad Porter, P.E.

Date: 10/15/2018

Attachment: Wharf Alternatives Report (Wharf Project Option Report)



REPORT

October 15, 2018

City of Capitola
Wharf Alternatives

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Attachment: Wharf Alternatives Report (Wharf Project Option Report)



REPORT

October 15, 2018

City of Capitola
Wharf Alternatives

1. EXECUTIVE SUMMARY

The purpose of this report is to provide alternatives for the Capitola Wharf Project to address the following objectives:

- **Timber Wharf Structure**
 - a. **Repairs**
 - To current damage/deterioration.
 - b. **Trestle Resiliency**
 - Existing timber trestle susceptible to ongoing wave damage.
 - Susceptible to closure due to narrow trestle (only 3 piles).
 - c. **Wharf Head Resiliency**
 - Existing timber structure susceptible to ongoing wave damage.
 - Susceptible to overtopping with projected future sea-level-rise.
- **Buildings (Bait Shop and Restaurant)**
 - a. **Useful Life**
 - Nearing the end of useful life
 - Does not meet current ADA codes
 - b. **Flood Hazard + Sea Level Rise**
 - Existing timber piles susceptible to ongoing wave damage
 - Susceptible to flooding with projected future sea-level-rise.

All project alternatives include required restoration (or replacement) of existing damage to the wharf structure and the existing buildings to extend their useful life.

Increased trestle resiliency can be achieved by either 1) adding additional timber pile elements and widening the existing trestle or 2) providing a more robust concrete trestle. Future wave damage to the Wharf head can similarly be addressed by providing a more robust concrete structure. Hazard of flood damage due to wave overtopping can be addressed by raising the finished floor elevation of the buildings (or entire wharf head); the design elevation of the wharf can provide for projected sea level rise (SLR).

The following project alternatives are identified to address these objectives with varying levels of investment:

Table 1. Wharf Alternative Projects

Alternative	Description	Construction Material	Trestle Resiliency	Wharf Head Resiliency	Building Flood Hazard and SLR	Project Area (sq.ft.)	Project Cost ($\pm 10\%$)
1. Current Design	Widen Trestle and Replace Buildings	Timber	x			7,300	\$ 4,420,000
2.a	Building Foundation Separation	Timber	x		x	10,800	\$ 6,530,000
2.b	Building Foundation Separation	Concrete	x	partial	x	10,800	\$ 7,510,000
3.	Trestle and Head Partial Replacement	Concrete	x	x	x	19,000	\$ 13,590,000
4.	Full Wharf Replacement	Concrete	x	x	x	29,500	\$ 20,800,000



2. INTRODUCTION

The Wharf is an existing timber pier structure used primarily for recreation activities and contains a bait shop, boat rentals, boat launch, restaurant, restroom facilities, and fish cleaning stations. Limited motor vehicle access is permitted and a floating dock with access onto the Wharf is available in the summer.

The Wharf has been inspected and repaired over its life. Available records go back to the early 1980s that include major repairs to the south end of the Wharf from storm damage in 1983. More recently, condition assessments have been performed by Moffatt & Nichol: 1996 Inspection and Renovation Report, 2008 Inspection Report after damage from a large wave event as well as other small investigations during this period.

The Capitola Wharf experiences damage to the supporting foundation piles in winter storms when floating logs batter the piles. The narrow trestle with only 3 supporting piles per row is the most susceptible to damage that requires Wharf closure. Deterioration of the buildings and decking has also resulted from exposure over time. A summary of the recent damage to the existing wharf is provided below.

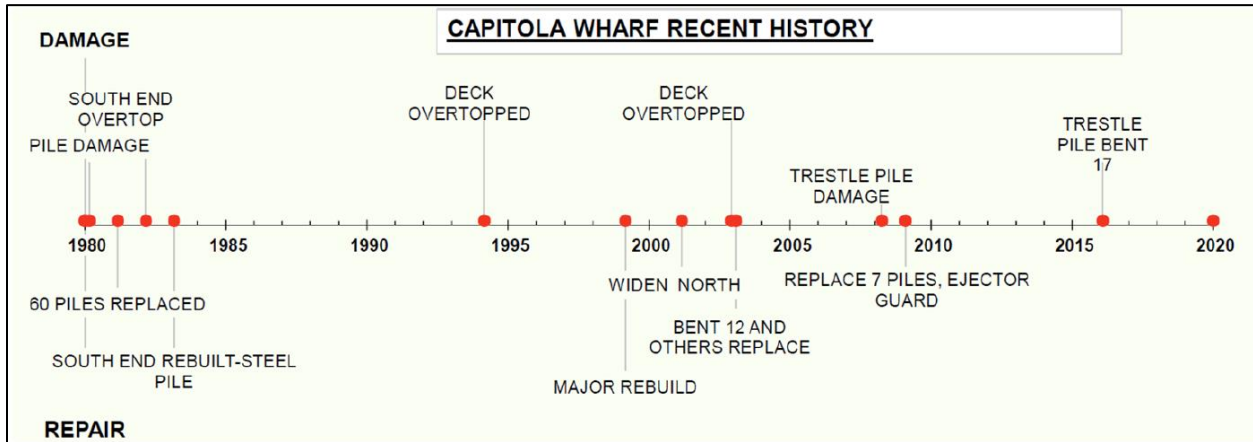


Figure 1. Wharf Damage Summary

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City of Capitola
Wharf Alternatives**3. FLOOD HAZARD & SEA LEVEL RISE**

Currently, the Wharf experiences infrequent wave overtopping during large storm events. Damage from storms, including damage from flooding/wave impact/overtopping and debris carried by waves, is mitigated on an as-needed seasonal basis.

A. Water Levels at Capitola

Currently, the existing deck elevation of the wharf is +19.3-ft (NAVD 88). The tidal levels in Capitola are listed in Table 2.

Table 2. Capitola Tidal Water Levels (NOAA)

Tide Level	Elevation (ft. NAVD 88)
Highest Astronomical Tide (HAT)	7.2
Mean Higher High Water (MHHW)	5.5
Mean Sea Level (MSL)	3.0
Mean Lower Low Water (MLLW)	0.1

Waves incident at Capitola undergo several processes of wave transformation. Currently large storm waves and swell from the Pacific Basin can periodically spill and break out at the wharf head. The maximum crest elevation of incident waves are limited by the local water depth. In turn, effects that increase the water level will enable larger waves. Such effects include high tides, storm surge, the El Niño, and Sea Level Rise (SLR).

High Tides – tides at Capitola are mixed semi-diurnal and the tidal cycle goes through two high and two low tides of different size every lunar day. The magnitude of tides follows the lunar cycle and the highest (spring) tides occur just after a new or full moon. The scientific term for the largest tides that occur three to four times a year when the moon is the closest to the earth is perigean tides, commonly termed king tides.



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Wharf Alternatives

Storm Surge – occurs when strong winds and low pressure storm systems raise the water level on the coast. Table 3 summarizes storm surge, measured as the water level above Mean Higher High Water (MHHW) tides. The increase in water level associated with a typical winter storm can be on the order of about 1 foot, and around 2 feet during storms that occur every 5 to 10 years on average.

Table 3. Monterey Bay Storm Surge (NOAA)

Recurrence Interval (Years)	Water Level Above MHHW (Feet)
1	1.1
2	1.6
5	1.9
10	2.1
25	2.3
50	2.4
100	2.6

El Niño – El Niño is a warming of Pacific Ocean temperatures, which due to heat expansion produces an increase in ocean levels. The increase in ocean levels due to El Niño can be up to one foot. El Niño cycles typically last 9 to 12 months. They often begin in June or August and reach their peak during December through April, and subsequently, decay over May through July of the following year. Their periodicity is irregular, occurring every 3 to 5 years on average.

Sea Level Rise – Sea level rise projections in California have been developed by the California Ocean Protection Council (OPC), in coordination with the California Natural Resources Agency, the Governor's Office of Planning and Research, and the California Energy Commission (State of California Sea Level Rise Guidance, 2018 Update¹). This document provides a science-based methodology for state and local governments to analyze and assess the risks associated with sea-level rise.

Sea level rise projections for Monterey Bay are summarized in Table 4. Assuming a project design life until 2080, there is a significant chance that up to 3 ft. of sea level rise will be experienced; there is less than 1% chance that greater than 4 ft. of sea level rise will occur.

Table 4. State of California Sea-Level Rise Guidance for Monterey (2018)

	Probability that sea-level rise in Monterey will meet or exceed				
	1 ft.	2 ft.	3 ft.	4 ft.	5 ft.
2030	0 - 0.1%				
2040	0 - 2.5%				
2050	0 - 24%	0 - 0.3%			
2060	34 - 55%	1.2 - 2%	0.1 - 0.2%	0 - 0.1%	
2070	52 - 77%	4 - 11%	0.5 - 1.1%	0.1 - 0.2%	0 - 0.1%
2080	64 - 88%	9 - 29%	1 - 4%	0.4 - 0.8%	0.2 - 0.3%
2090	72 - 93%	16 - 48%	3 - 12%	0.9 - 3%	0.3 - 0.8%
2100	77 - 94%	25 - 63%	6 - 25%	2 - 7%	0.7 - 2%
2150	84 - 100%	55 - 93%	26 - 73%	12 - 46%	6 - 25%

¹ http://www.opc.ca.gov/webmaster/ftp/pdf/agenda_items/20180314/Item3_Exhibit-A OPC_SLR_Guidance-rd3.pdf



B. Maximum Wave Crest Elevation

Typical Year

Maximum wave crest elevations, considering the typical year storm surge and MHHW tide levels, at the wharf head for are summarized in Table 5, and shown in Figure 2. The table shows that the present-day wave crest elevations are around El. +16.5 feet NAVD88, below the existing deck soffit El. +17.1 NAVD88.

Table 5. Wave Crest Elevation at Wharf Head (Typical Year)

Scenario	Sea Level Rise by 2080 (feet)	Water Depth (feet)	Maximum Wave Height (feet)	Maximum Wave Crest Elevation (feet NAVD88)
Present-Day	-	19.6	18.1	+16.5
Median (50%)	1.6	21.2	19.1	+18.7
1-in-20 Chance (5%)	2.9	22.5	20.0	+20.5
1-in-200 Chance (0.5%)	4.4	24.0	20.9	+22.5

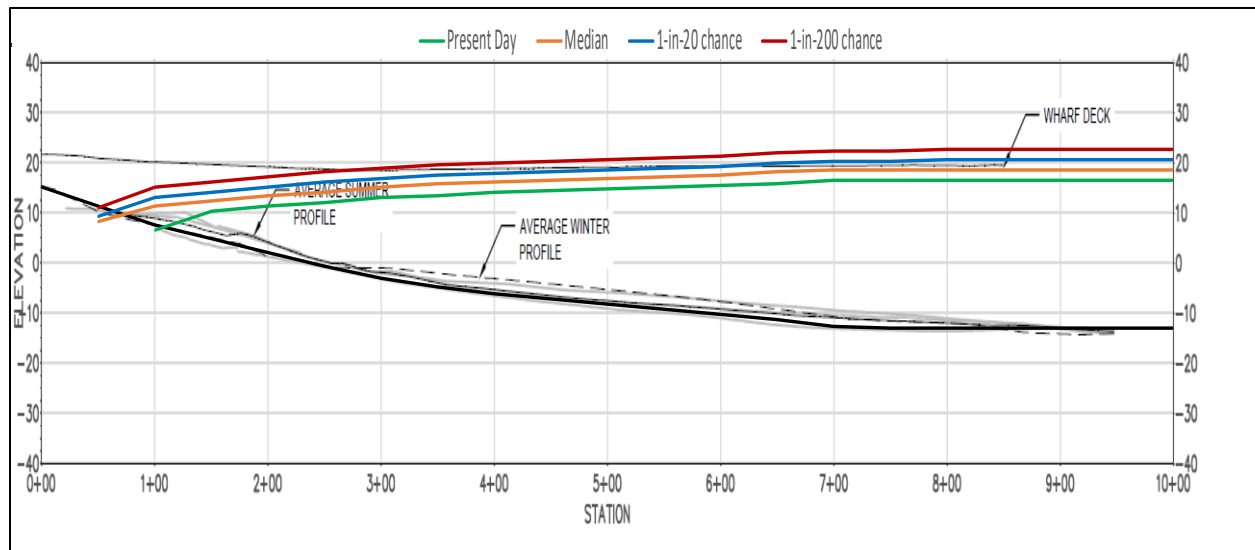


Figure 2. Wave Crest Elevation along Wharf (Typical Year)

Higher Risk Year

The maximum wave crest elevation is also evaluated considering less frequent (more extreme) conditions. The Maximum wave crest elevations, considering the 10-year storm surge and highest predicted tide levels, at the wharf head are summarized in Table 6. The table shows that the present-day wave crest elevations are around El. +20.2 feet NAVD88, which is above the existing deck soffit El. +17.1 NAVD88. This is consistent with known damage, as the wharf is known to experience overtopping during larger storm events, approximately every 20 years.

Table 6. Wave Crest Elevation at Wharf Head (Higher Risk Year)

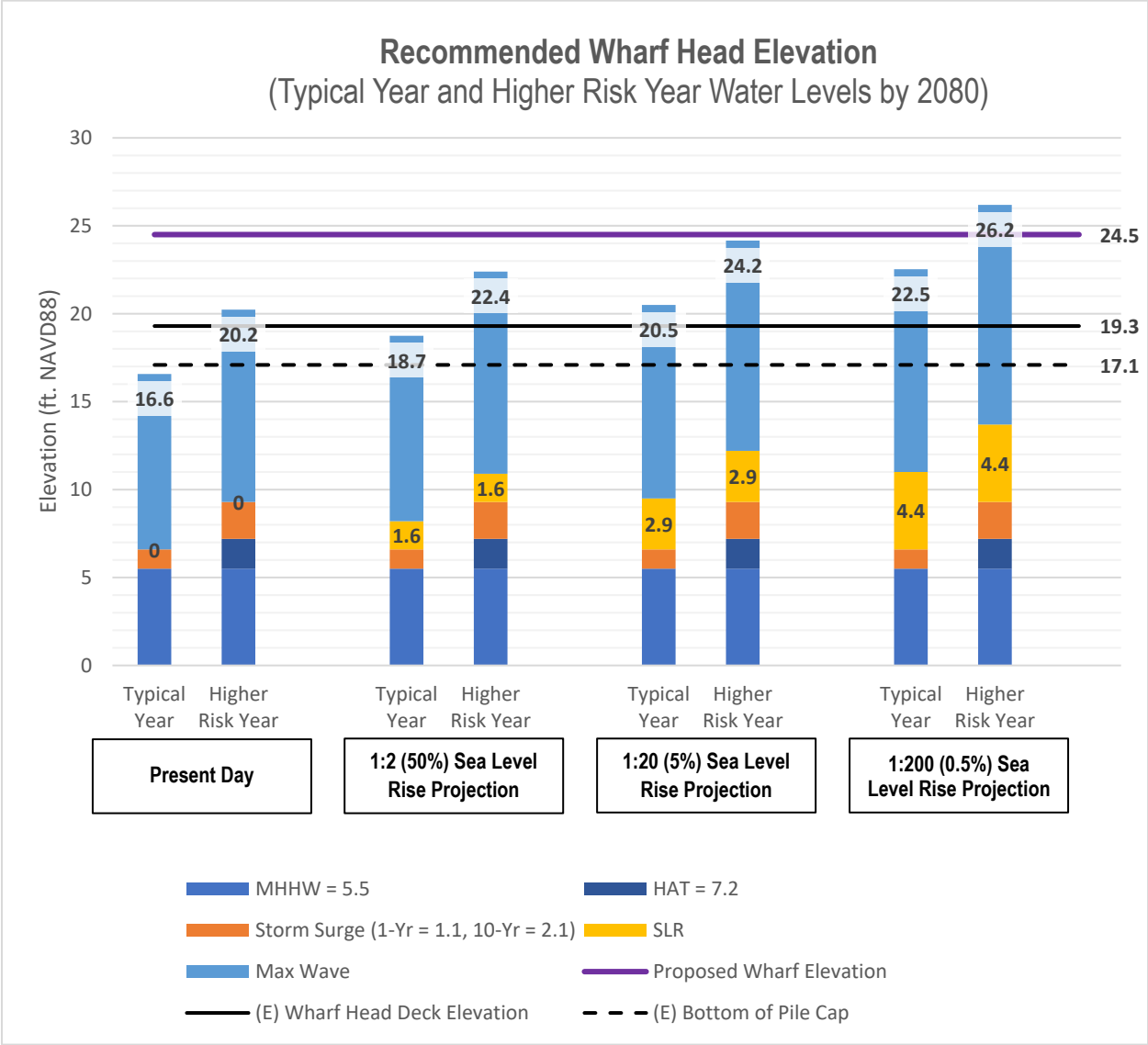
Scenario	Sea Level Rise (feet)	Water Depth (feet)	Maximum Wave Height (feet)	Maximum Wave Crest Elevation (feet NAVD88)
Present-Day	-	22.3	19.9	+20.2
1-in-2 Median (50%)	1.6	23.9	20.9	+22.4
1-in-20 Chance (5%)	2.9	25.2	21.7	+24.2
1-in-200 Chance (0.5%)	4.4	26.7	22.7	+26.2



C. Recommended Design Elevation

The recommended deck elevation, to mitigate most flooding risk including potential sea level rise, is at least El. +24.5 NAVD88 (approximately 5 ft. higher than existing, as shown in Figure 3). Elevation +24.5 is above predicted water levels including up to 2.9 ft. of Sea Level Rise for both typical year conditions and infrequent storm events. Currently, the Wharf Deck elevation is below the maximum wave crest elevation during infrequent wave events and has been overtopped as noted on Figure 1.

Figure 3. Recommended Wharf Head Elevation



Attachment: Wharf Alternatives Report (Wharf Project Option Report)

For the scenario including 4.4 ft. of Sea Level Rise (0.5% chance of occurring by 2080) the proposed wharf elevation is above the expected maximum water level during typical years, but below the maximum wave crest elevation during infrequent wave events (similar to the present-day hazard at the existing deck elevation). This condition can be mitigated as-needed in the future with additional adaptation measures.



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City of Capitola
Wharf Alternatives

4. WHARF PROJECT ALTERNATIVES

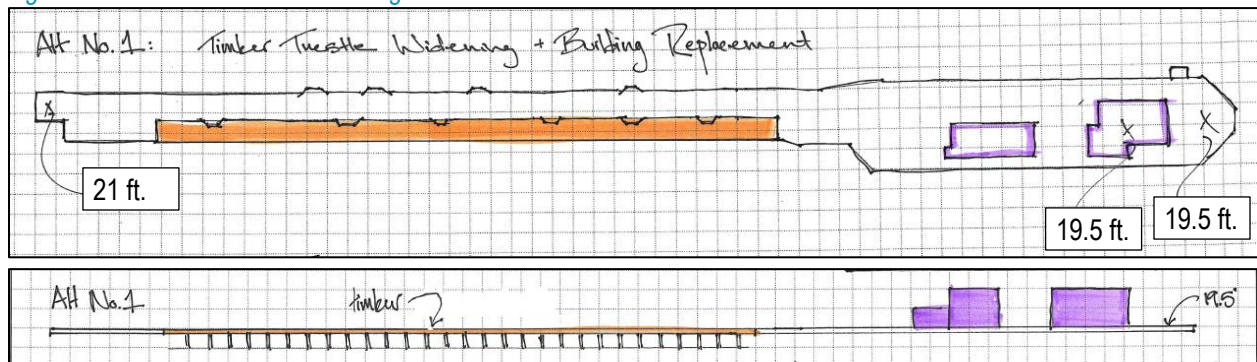
To address the project goals, four project alternatives are proposed. Illustrative figures for each alternative are included in Appendix A.

Alternative 1: Current Design

The Current Design elements are shown in Figure 4 and include:

- Trestle Widening (with additional Timber Structure) at Current Elevation
- Existing Timber Structure Repairs
- Building Replacement at Current Elevation.

Figure 4. Alternative 1: Current Design



This design includes added resiliency by adding timber foundation elements along the trestle. As damage occurs, the wharf can remain open by spreading the load between the existing and new foundation elements. Since the new piles at the widened trestle are timber, they are susceptible to the same kinds of damage (floating logs/debris carried by waves). Damaged foundation elements will be repaired/replaced in ongoing maintenance cycles. Currently, a major maintenance cycle is required approximately every 10-20 years. New timber foundations can be installed with conventional equipment working from the existing wharf deck.

This design does not include measures to mitigate future sea level rise. As sea levels rise, the height, strength, and frequency of storm events will have increased impacts on the wharf structure. This may still be mitigated with ongoing maintenance. However, the buildings at the current elevation may become subject to more frequent wave damage.

Alternative 2: Building Foundation Separation/Replacement

The elements of Alternative 2 are shown in and include:

- Trestle Widening (with additional Timber Structure) at Current Elevation
- Existing Timber Structure Repairs
- Building Foundation Separation and Replacement with:
 - a. New Timber Pile Foundation or
 - b. New Concrete Foundation
- Building Replacement at Raised Elevation.

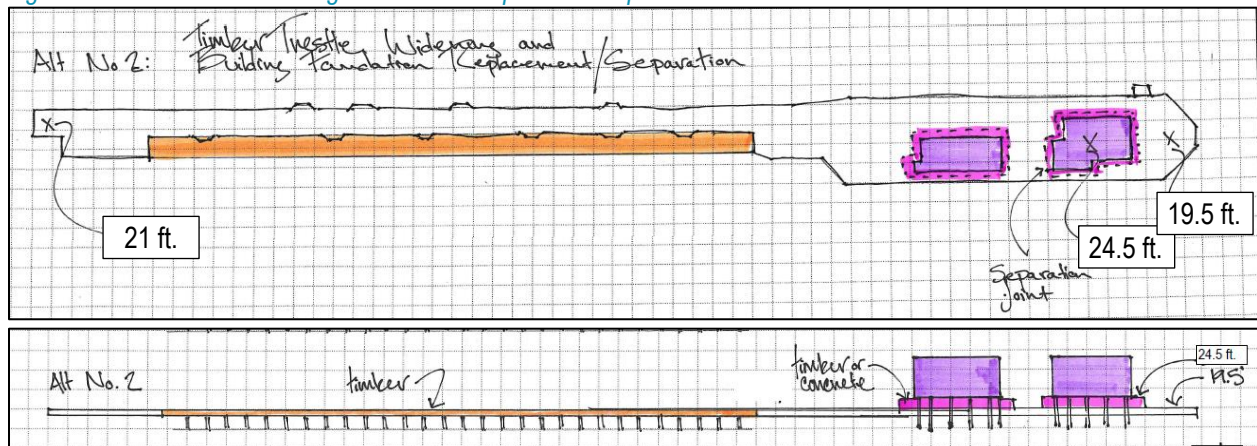


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Figure 5. Alternative 2: Building Foundation Separation/Replacement



Similar to Alternative 1, this alternative includes added resiliency by adding timber foundation elements along the trestle.

This design addressed potential flooding risks (including potential sea level rise) by increasing the floor elevation of the new buildings. This alternative does not address flooding hazards to the existing trestle or wharf head structure outside the building limits.

2.a

The building foundations could be constructed of Timber or Concrete. New Timber foundations would be less costly than concrete but are susceptible to the same kinds of damage (floating logs/debris carried by waves) and would require ongoing maintenance. New timber foundations can be installed with conventional equipment working from the existing wharf deck.

2.b

New concrete pads/foundations could be constructed to raise the building elevation including new pre-cast pre-stressed concrete pile foundations with a concrete deck. Concrete piles installed directly below the new buildings would be much more resilient than the existing timber structure and could be designed to accommodate impacts from floating logs/debris. Limited concrete construction for replacement building foundations is complicated, as the new concrete piles would likely be too heavy to be installed with equipment working from the existing deck. Therefore, it is assumed that new concrete foundations would be installed from marine based equipment (crane equipped barge).

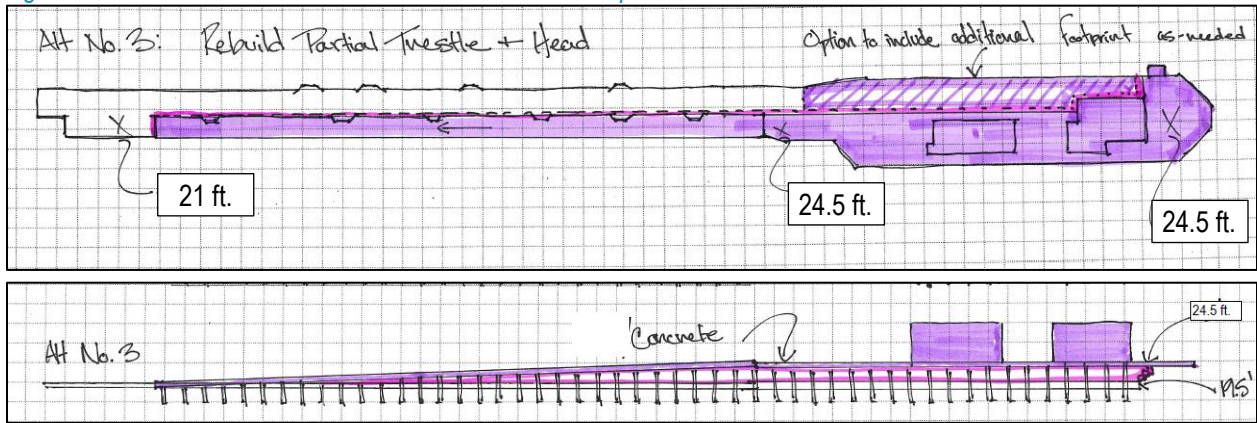
Alternative 3: Wharf Trestle and Head Partial Replacement

The elements of Alternative 3 are shown in Figure 6 and include:

- Trestle Widening with Concrete Structure to Raised Elevation
- Limited Existing Timber Structure Repairs
- Wharf Head Partial Removal and Replacement (including Building Foundations) with Concrete Structure
- Building Replacement at Raised Elevation.



Figure 6. Alternative 3: Wharf Trestle and Head Partial Replacement



Additionally, a new trestle would be built to connect the existing wharf abutment (at the existing parking lot) with a new raised head structure. A portion of the existing Wharf Head will be replaced with a new concrete structure. The new structure will be raised to account for flooding risk including potential sea level rise. Also, the concrete structure would be more resilient to damage (compared to the existing timber structure) and require much less ongoing maintenance over its useful life. The replacement wharf head could be configured to suit current needs. New concrete construction could be completed from wharf deck with conventional heavy equipment starting at the landside connection and advancing seaward on the new structure.

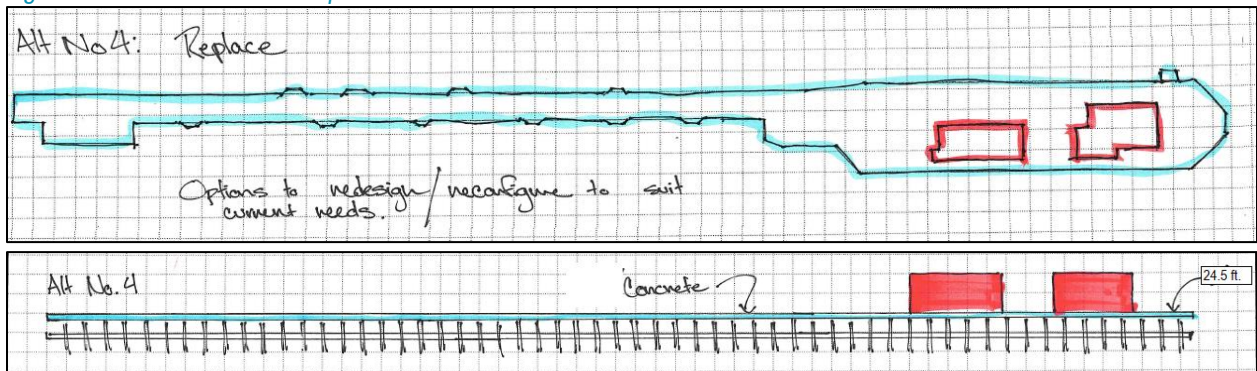
The existing timber trestle and wharf head structure can remain publicly accessible until damage from future potential sea level rise can no longer be maintained.

Alternative 4: Full Replacement

Alternative 4 is shown in Figure 7 and includes:

- Full Replacement with New Concrete Wharf Structure
- New Buildings.

Figure 7. Alternative 4: Full Replacement



This alternative would be designed to full accommodate flooding hazards including potential future sea level rise.

The new concrete structure would be designed to accommodate all marine loads and would not be likely to sustain damage.



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Wharf Alternatives

This alternative could be reconfigured to suit current needs and does not necessarily need to be constructed within the existing footprint. This alternative would be complete with conventional heavy equipment starting at the landside connection and advancing seaward on the new structure.

The new wharf could be constructed while the existing wharf remains in service. Once complete, the existing wharf could be removed.



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City of Capitola
Wharf Alternatives**5. WHARF PROJECT ALTERNATIVE COSTS**

The proposed project alternative costs range from \$4.4 to 21 million ($\pm 10\%$) and are summarized in Table 7. The range of costs are based on recent bid prices for similar projects, and cost estimate information is included in Appendix B.

Table 7. Wharf Alternative Costs

Alternative	Description	Construction Material	Trestle Resiliency	Wharf Head Resiliency	Building Flood Hazard and SLR	Project Area (sq.ft.)	Project Cost ($\pm 10\%$)
1. Current Design	Widen Trestle and Replace Buildings	Timber	x			7,300	\$ 4,420,000
2.a	Building Foundation Separation	Timber	x		x	10,800	\$ 6,530,000
2.b	Building Foundation Separation	Concrete	x	partial	x	10,800	\$ 7,510,000
3.	Trestle and Head Partial Replacement	Concrete	x	x	x	19,000	\$ 13,590,000
4.	Full Wharf Replacement	Concrete	x	x	x	29,500	\$ 20,800,000



Appendix A

Wharf Alternatives Illustrative Figures

Attachment: Wharf Alternatives Report (Wharf Project Option Report)

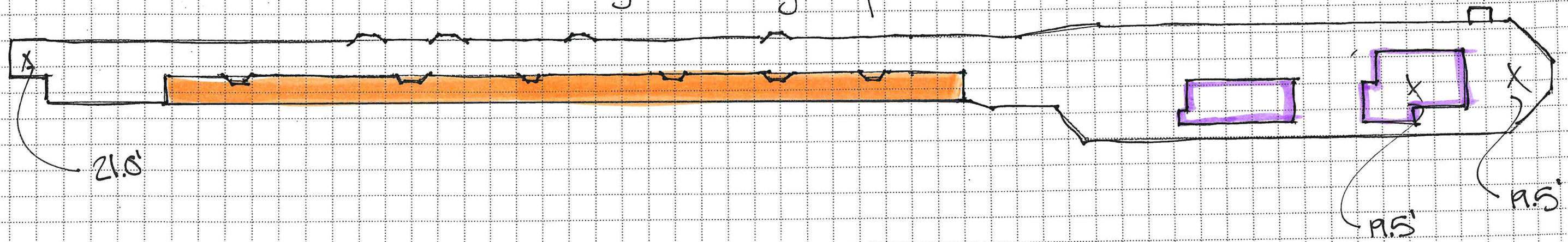




CLIENT	City of Capitola
PROJECT	Wharf
ESTIMATE FOR	

JOB NO.	9154-01
SHEET	1 OF 3
ESTIMATOR	ST
CHECKER	
DATE	7/3
DATE	

Alt No. 1: Timber Trestle Widening + Building Replacement



Alt No 2: Timber Trestle Widening and Building Foundation Replacement/Separation

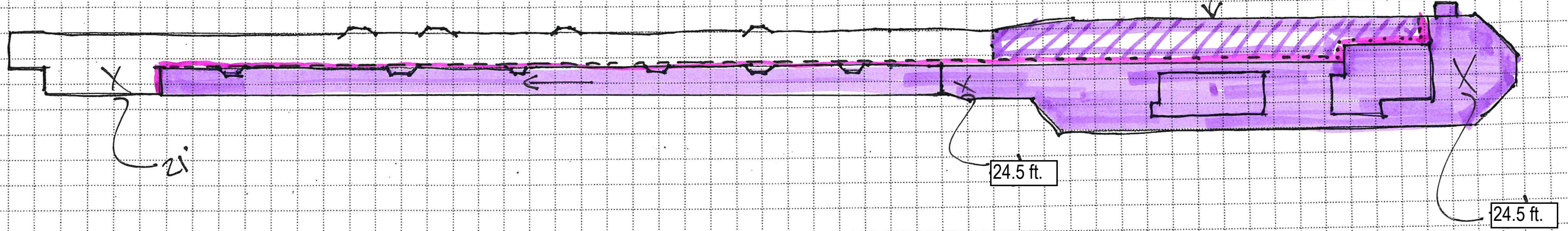


Attachment: Wharf Alternatives Report (Wharf Project Option Report)

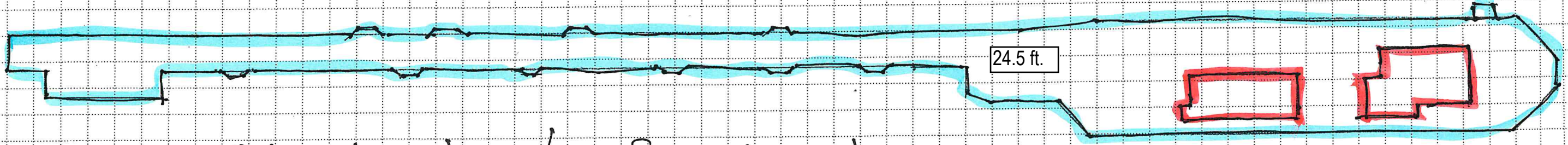


CLIENT	JOB NO. 954-01	
PROJECT	SHEET 2 OF 3	DATE
ESTIMATE FOR	ESTIMATOR	DATE
	CHECKER	DATE

Alt No. 3: Rebuild Partial Trestle + Head



Alt No. 4: Replace



Options to redesign/reconfigure to suit current needs.

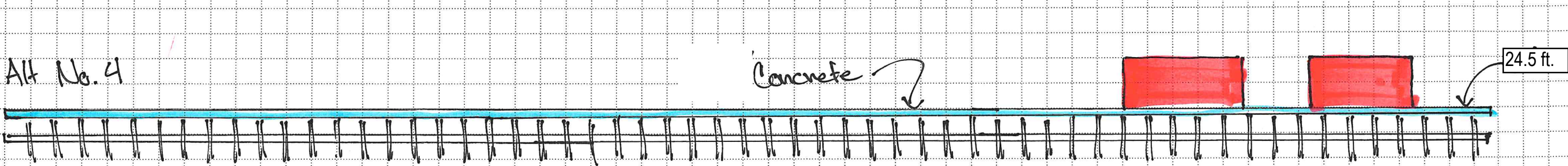
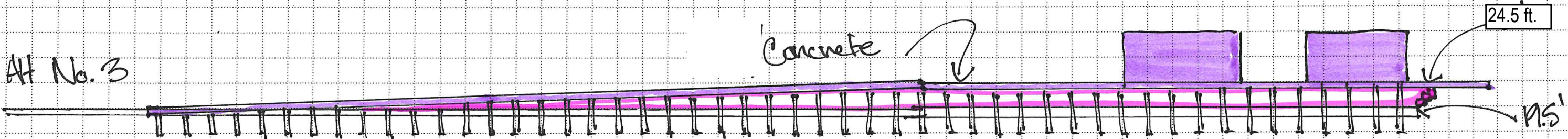
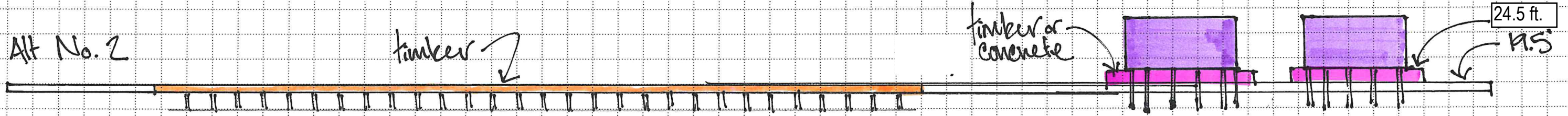
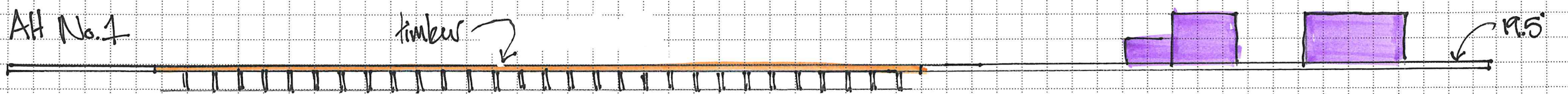
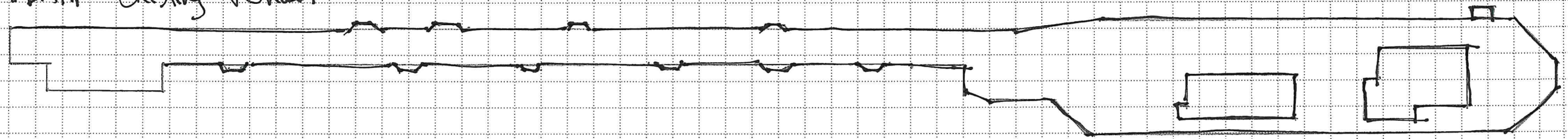
Raise Entire Wharf Deck Elevation to ± 23'

Attachment: Wharf Alternatives Report (Wharf Project Option Report)



CLIENT	JOB NO. 9154-01	
PROJECT	SHEET 3 OF 3	
ESTIMATE FOR	ESTIMATOR	DATE
	CHECKER	DATE

PLAN: Existing Wharf



Attachment: Wharf Alternatives Report (Wharf Project Option Report)

Appendix B

Wharf Alternatives Cost Estimates

Attachment: Wharf Alternatives Report (Wharf Project Option Report)



CAPITOLA WHARF PROJECT ALTERNATIVES
9154-01

Upper Estimate Contingency Factor
1.2

Alternative No. 3 - Rebuild Partial Trestle and Pier Head

	Quantity	Unit	Quantity	Unit	Unit Cost	Total	High
Mob/Demob	1	LS			\$750,000	\$750,000	\$900,000
Demo Ex. Pier Head							\$0
Demo Deck, Stringers & Cap	11724	SF			\$45	\$527,580	\$633,096
Remove Timber Piles	117	EA			\$2,250	\$263,250	\$315,900
Demo Handrail	882	LF			\$30	\$26,460	\$31,752
New Concrete Trestle							
Furnish 12" PC/PS Piles	12,300	LF			\$50	\$615,000	\$738,000
Install 12" PC/PS Piles	228	EA			\$10,000	\$2,280,000	\$2,736,000
Concrete Caps (4'x3')	1702	LF	757	CY	\$1,500	\$1,135,500	\$1,362,600
PC Deck Planks	19020	SF			\$250	\$4,755,000	\$5,706,000
Closure Pours	1,702	LF	64	CY	\$800	\$51,200	\$61,440
Demo Handrail	882	LF			\$30	\$26,460	\$31,752
F&I Galv. Steel Handrail	882	LF			\$250	\$220,500	\$264,600
Buildings							
Demo Buildings	3,458	SF			\$40	\$138,320	\$165,984
Concrete Foundation	65	CY			\$800	\$52,000	\$62,400
Construct New Bait Shop	1,626	SF			\$350	\$569,100	\$682,920
Construct New Restaurant	1,832	SF			\$560	\$1,025,920	\$1,231,104
						\$12,437,000	\$14,924,000
			SF		19,020	\$653.89	\$784.65

Alternative No. 4 - Full Replacement

	Quantity	Unit	Quantity	Unit	Unit Cost	Total	High
Mob/Demob	1	LS			\$1,000,000	\$1,000,000	\$1,200,000
Demo Ex. Pier							
Demo Deck, Stringers & Cap	29507	SF			\$45	\$1,327,815	\$1,593,378
Remove Timber Piles	348	EA			\$2,250	\$783,000	\$939,600
Demo Handrail	1831	LF			\$30	\$54,930	\$65,916
New Concrete Trestle							
Furnish 12" PC/PS Piles	17,700	LF			\$50	\$885,000	\$1,062,000
Install 12" PC/PS Piles	348	EA			\$10,000	\$3,480,000	\$4,176,000
Concrete Caps (4'x3')	2590	LF	1,152	CY	\$1,500	\$1,728,000	\$2,073,600
PC Deck Planks	29507	SF			\$250	\$7,376,750	\$8,852,100
Closure Pours	2,590	LF	96	CY	\$800	\$76,800	\$92,160
Demo Handrail	882	LF			\$30	\$26,460	\$31,752
F&I Galv. Steel Handrail	1831	LF			\$250	\$457,750	\$549,300
Buildings							
Demo Buildings	3,458	SF			\$40	\$138,320	\$165,984
Concrete Foundation	65	CY			\$800	\$52,000	\$62,400
Construct New Bait Shop	1,626	SF			\$350	\$569,100	\$682,920
Construct New Restaurant	1,832	SF			\$560	\$1,025,920	\$1,231,104
						\$18,982,000	\$22,779,000
			SF		29,507	\$643.30	\$771.99

		Pile Size	Order Length	Total Length	Size
Total Area of Rebuild	19020 sf				
Width of Extension	16 ft	Bents 9-20	35 ft piles	36 ea	40 1440 12" Sq. PC/PS
Length of Extension	456 ft	Bents 21-40	40 ft piles	18 ea	45 810 12" Sq. PC/PS
# Bents	37 ea	Bents 21-40	40 ft piles	42 ea	45 1890 12" Sq. PC/PS
# Piles @ 3/bent	111 ea	Bents 41-46	50 ft piles	15 ea	55 825 12" Sq. PC/PS
Bent Spacing (avg)	12.32 ft			111 ea	4965 lf
Area of Ex. Pier Head	11724 sf				
Length of Rebuild	323 ft	Bents 41-50	50 ft piles	12 ea	55 660 12" Sq. PC/PS
Avg. Width of Rebuild	37.00 ft	Bents 51-60	55 ft piles	30 ea	60 1800 12" Sq. PC/PS
# Bents	30 ea	Bents 61-74	60 ft piles	75 ea	65 4875 12" Sq. PC/PS
Handrail Spacing	8 ft	Boat & Bait	60 ft piles	ea	65 0 12" Sq. PC/PS
Bait Shop	1626.00 sf	Restaurant	60 ft piles	ea	65 0 12" Sq. PC/PS
Restaurant	1832.00 sf			117 ea	7335 lf

Totals 228 ea 12300 lf
Assumes 6" foundation poured on top of deck plank; pumping concrete to end of pier
Means - \$250/sf (retail/mixed use); Bump 40% for constructing on wharf
Means - \$400/sf; Bump 40% for constructing on wharf

Assumes over-the-top construction (e.g. deck planks can support weight of matted crane)
Does not include removal and replacement of sewage ejector platform
Does not include any utility removals, relocations, or new construction

		Pile Size	Order Length	Total Length	Size
Ex. Wharf is approx.	29507 sf				
# Bents	76 ea	Bents 0-9	25 ft piles	50 ea	30 1500 12" Sq. PC/PS
Overall Length	866 LF	Bents 10-20	30 ft piles	35 ea	35 1225 12" Sq. PC/PS
Avg. Width of Rebuild	34.07 ft	Bents 21-30	35 ft piles	32 ea	40 1280 12" Sq. PC/PS
Avg. # Piles/bent	4.6 ea	Bents 31-40	40 ft piles	30 ea	45 1350 12" Sq. PC/PS
Bent Spacing (avg)	11.39 ft	Bents 41-50	50 ft piles	42 ea	55 2310 12" Sq. PC/PS
Handrail Spacing	8 ft	Bents 51-60	55 ft piles	60 ea	60 3600 12" Sq. PC/PS
Bait Shop	1626.00 sf	Bents 61-74	60 ft piles	99 ea	65 6435 12" Sq. PC/PS
Restaurant	1832.00 sf			348 ea	17700 lf

Assumes 6" foundation poured on top of deck plank; pumping concrete to end of pier
Means - \$250/sf (retail/mixed use); Bump 40% for constructing on wharf
Means - \$400/sf; Bump 40% for constructing on wharf

Assumes over-the-top construction (e.g. deck planks can support weight of matted crane)
Does not include removal and replacement of sewage ejector platform
Does not include any utility removals, relocations, or new construction



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF OCTOBER 25, 2018

FROM: City Manager Department

SUBJECT: Consider Sister City Options with Bahia de Banderas, Nayarit, Mexico

RECOMMENDED ACTION: Provide direction.

BACKGROUND: Mayor Michael Termini received communications from individuals representing Bahia de Banderas, a municipality in the Mexican state of Nayarit, expressing interest in establishing a sister-city relationship. He recently received an emailed letter from Municipal President Jaime Alonso-Cuevas Tello (Attachment 1) sharing information about the area.

A Mexican municipality is roughly equivalent to a U.S. county and is the smallest autonomous political entity. The municipality of Bahia de Banderas, north of Puerto Vallarta on the Pacific Ocean, is about 300 square miles and has several small towns. Attachment 2 is information from Bahia de Banderas.

Capitola has never had a sister city, although it did explore the possibility with a city in Japan in the late 1980s. Many if not most formal sister-city relationships are assisted by Sister Cities International (SCI) and a local nonprofit chapter. Capitola is not currently a member of SCI and is unaware of a local chapter.

DISCUSSION: Communications to date have been general introductory emails and City staff has not received any information about the specifics of what Bahia de Banderas considers a sister city and what its representatives expect from the relationship.

According to SCI, a formal sister-city arrangement is a long-term commitment that involves both cities signing agreements. It usually includes exchanges and visits by representatives from various areas of interest, such as the arts, business, and/or tourism.

Another option is often called a "friendship city," which is a less formal agreement and can be the first stage toward becoming sister cities. While some friendship city relationships are coordinated through SCI, other cities have established their own versions to initiate information exchanges and generate community interest and support.

The Council may wish to authorize the mayor to respond to the recent letter with information about Capitola and potentially suggest a friendship city relationship.

FISCAL IMPACT: Unknown, but a formal sister-city exchange would potentially involve travel costs, minor gifts, and some level of staff support. No funds have been budgeted for either a

Consider Sister City Options
October 25, 2018

sister city or friendship city program in Fiscal Year 2018-19.

ATTACHMENTS:

1. Sister city introduction letter Bahia de Banderas
2. Municipal profile Bahia de Banderas

Report Prepared By: Linda Fridy
City Clerk

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

10/18/2018



Valle de Banderas, Nayarit, October 3, 2018.

MR. MICHAEL TERMINI
MAYOR OF CAPITOLA CITY
CAPITOLA CITY

I greet you with pleasure and cordiality, I am writing you today on behalf of the Municipality of Bahía de Banderas, to express our interest to twin with your city of Capitola, CA.

We believe that connectivity between our two cities would allow us more easily access to information and knowledge, even though our cities are far apart we can share common interests. Our Municipality is very interested to know the experience in Cultural, Tourism, Education in your area and any other projects that have been beneficial to your inhabitants.

Annex please find the Municipal Profile of the Municipality of Bahía de Banderas, Nayarit.

To deserve your kind approval, we will be grateful if you could supply us with the same information about the city of Capitola, CA.

We await your response and, in the meantime, if there are any queries, please do not hesitate to get in touch.

Sincerely

DR. JAIME ALONSO-CUEVAS TELLO
Municipal President

PRESIDENCIA
Calle: Morelos #12 Colonia: Centro CP: 63731
Valle de Banderas, Bahía de Banderas, Nayarit
Teléfono: (329) 29 1 18 70 ext. 101
Sitio Web: www.bahiadebanderas.gob.mx

BAHÍA DE BANDERAS, NAYARIT, PROFILE

NAME OF THE LOCALITY AND PHYSICAL PROFILE.

MUNICIPALITY OF BAHÍA DE BANDERAS, NAYARIT.



THE MUNICIPALITY OF BAHÍA DE BANDERAS WAS FOUNDED ON DECEMBER 11, 1989, THE ESTIMATED POPULATION IN THE MUNICIPAL TERRITORY IS 150,250 INHABITANTS, HAS 48 LOCALITIES, HAS A TERRITORIAL EXTENSION OF 773.3 KM², IS LOCATED IN THE COORDINATES 20 ° 38'58 "N 105 ° 22'56"W AT THE SOUTH OF THE STATE OF NAYARIT, MEXICO.

THE MUNICIPALITY OF BAHÍA DE BANDERAS HAS A WARM TYPE SUBHUMID CLIMATE WITH RAINS IN SUMMER AND THE VARIATIONS ARE PRESENTED IN THE FOLLOWING WAY:

WARM SUBHUMID WITH RAINS IN SUMMER OF HIGHER MOISTURE 49.95%, WARM SUBHUMID WITH RAINS IN SUMMER WITH AVERAGE HUMIDITY 47.78% AND SEMI-WARM SUB-HUMID WITH RAINS IN SUMMER OF HIGHER MOISTURE 2.27%.

THE AVERAGE TEMPERATURE IS LOCATED BETWEEN THE 23 AND 30 DEGREES CELCIUS.

TO THE SOUTH OF THE MUNICIPALITY IN THE LIMIT OF THE STATE, AMECA RIVER IS LOCATED, RIVER THAT SEPARATES US GEOGRAPHICALLY FROM THE MUNICIPALITY OF PUERTO VALLARTA. AND THE STATE OF JALISCO

THE WEST LIMITS OF THE MUNICIPALITY ARE MARKED BY THE PACIFIC OCEAN.

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LOCAL GOVERNANCE AND ECONOMIC OVERVIEW

GDP PER CAPITA OF THE STATE OR MUNICIPALITY.

THE ECONOMY IN THE STATE OF NAYARIT CONTRIBUTES WITH 0.7% TO THE GDP AT NATIONAL LEVEL. THE STATE HAS 27,857 KM2 WHICH REPRESENT 1.4% OF THE NATIONAL TERRITORY AND HOLDS 1% OF MEXICO'S TOTAL POPULATION. GDP IN 2012 WAS \$ 70,173 PESOS PER YEAR. IN 2015 IT WAS \$ 75,297 PESOS WHICH REPRESENTS A GROWTH OF 7.3 % IN 3 YEARS.

ON THE OTHER HAND, THE MUNICIPALITY OF BAHIA DE BANDERAS THAT BELONGS TO THE STATE OF NAYARIT BEING THE YOUNGEST MUNICIPALITY OF THE STATE, HAS A TOTAL POPULATION OF 124,209 INHABITANTS AND WITH A DENSITY OF 167.08 HAB / KM2. THE MUNICIPAL HEADBOARD IS LOCATED IN THE LOCALITY OF VALLE DE BANDERAS.

ECONOMICALLY ACTIVE POPULATION (EAP)

THE ECONOMICALLY ACTIVE POPULATION IS 549,712 PEOPLE, WHICH REPRESENT A 63.6% OF THE POPULATION WITH AGE TO WORK. OF THE TOTAL EAP, 96 % IS OCCUPIED AND 4 % IS UNEMPLOYED.

ECONOMIC SECTORS

THE KEY STRATEGIC SECTORS ARE AGRICULTURE AND TOURISM SERVICES. AND THE STRATEGIC SECTORS FOR THE FUTURE WILL BE METALMECHANICAL, LOGISTIC SERVICES AND MEDICAL SERVICES.

AMONG THE MAIN ACTIVITIES ARE FOUND: COMMERCE (16.9%), REAL ESTATE AND RENTAL SERVICES (15.5%); CONSTRUCTION (13.0%); AND, TEMPORARY ACCOMMODATION SERVICES AND PREPARATION OF FOOD AND BEVERAGES (9.1%). TOGETHER THEY REPRESENT 54.5% OF STATE GDP. (SECRETARY OF ECONOMY, 2015).

WITH REGARD TO THE MUNICIPALITY OF BAHÍA DE BANDERAS, THE MAIN ECONOMY IS CENTERED IN TOURISM AND ALSO HAS A PRESENCE IN AGRICULTURE, LIVESTOCK AND FISHING.

MAIN COMPANIES AND FOREIGN INVESTMENTS

IN 2017 THE STATE OF NAYARIT ATTRACTED A DIRECT FOREIGN INVESTMENT (DFI) OF 105.1 MILLION DOLARS (MD) WHICH PRESENTED 0.5% OF THE NATIONAL TOTAL, THE REMITTANCES, REACHED A TOTAL OF 471.3 MD DURING THE PERIOD JANUARY- DECEMBER 2017. IT MEANT A GROWTH OF 7.8% COMPARED TO THE SAME PERIOD OF THE PREVIOUS YEAR. IT OCCUPIED THE 23rd PLACE IN THE COUNTRY, SINCE IT CONCENTRATED THE 1.6% OF THE NATIONAL TOTAL.

BAHIA DE BANDERAS FOREIGN INVESTMENT HAVE MAJOR LUXURY RESORTS WORLDWIDE KNOWN, SUCH AS FOUR SEASON, GRUPO VIDANTA AND HOTEL GRAND VELAS, AS WELL AS WORLDWIDE COMPANIES IN AGRO-INDUSTRIAL AS MONSANTO, PIONNER AMONG OTHERS, THE MUNICIPALITY ACCOUNT WITH INTERNATIONAL AND NATIONAL COMPANIES TO SATISFY THE NEEDS OF THE INHABITANTS OF THE MUNICIPALITY.

SERVICES

THE MUNICIPALITY HAS THE BASIC SERVICES (DRINKING WATER, SEWERAGE, ELECTRICITY, TELEPHONE, MOBILE TELEPHONY, STREET LIGHTS, ROADS, HEALTH SERVICES, EDUCATION AMONG OTHERS) FOR THE USE AND ENJOYMENT OF THE PEOPLE AS WELL AS VISITORS.

BAHIA DE BANDERAS IS FORMED BY VARIOUS BRIDGES AND ROADS, BUT THE MAIN ROAD IS THE FEDERAL 200 ROAD THAT COMMUNICATES THE MEXICAN CITIES OF TAPACHULA CHIAPAS AND NOGALES ALONG THE PACIFIC MEXICAN COAST, IT IS AN IMPORTANT COMMUNICATIONS AXIS IN THE AREA AS IT CROSSES BY 8 STATES OF THE COAST, HAS A LENGTH OF NEAR 2,000 KM. AND THIS HAS MANY EXITS TO IMPORTANT POPULATION AND ADMINISTRATIVE CENTERS. THIS ROAD CROSSES ALL THE COASTAL STRIP OF THE MUNICIPALITY FROM THE NORTH WITH LO DE MARCOS TOWN, DOWN TO THE LIMITS WITH PUERTO VALLARTA, JALISCO TO THE SOUTH.

BAHÍA DE BANDERAS HAS THE FOLLOWING MARITIME AND MARINE PORTS:

- MARINA RIVIERA NAYARIT
- MARINA PARADISE VILLAGE
- MARINA NUEVO VALLARTA

THE BAHIA DE BANDERAS MARINAS ARE EQUIPPED TO RECEIVE VESSELS THAT GO FROM 26 TO 400 FEET

BAHÍA DE BANDERAS DOES NOT HAVE AN INTERNATIONAL AIRPORT WITHIN ITS MUNICIPAL LIMITS, BUT THE CLOSEST AIRPORT IS AIRPORT LICENCIADO GUSTAVO DÍAZ ORDAZ, IT LOCATED IN PUERTO VALLARTA, JALISCO (MEXICO). SITUATED ON THE COAST OF THE PACIFIC OCEAN, IT RECEIVES MANY TOURISTS EVERY YEAR, THAT VISIT EITHER PUERTO VALLARTA OR BAHIA DE BANDERAS, BETTER KNOWN AS RIVIERA NAYARIT.

THE INTERNATIONAL AIRPORT OF PUERTO VALLARTA IS THE 7TH MOST IMPORTANT AIRPORT IN MEXICO.

THE INTERNATIONAL AIRPORT OF PUERTO VALLARTA, IS LOCATED AT 7.5 KILOMETERS FROM THE CITY OF PUERTO VALLARTA, JALISCO AND 10 KILOMETERS OF NUEVO VALLARTA, IN BAHIA DE BANDERAS, NAYARIT.

TOURISM

THE MUNICIPALITY HAS A LARGE AMOUNT OF ATTRACTIONS, THEREFORE THE REGION IS ONE OF THE MOST DEMANDED IN MEXICO. AMONG THE ATTRACTIONS IN THE MUNICIPALITY ARE:

THE MAGIC TOWN OF SAYULITA, THE HOTEL AREA OF NUEVO VALLARTA, HOTEL AREA OF PUNTA DE MITA, DIVERSE BEACHES, AQUATIC SPORTS PRACTICE, SUCH AS SURF, WINDSURF, KITE SURF, AREAS FOR DIVING AND SNORKEL PRACTICE, NATURAL ATTRACTIONS, CERRO DEL MONO, MARIETAS ISLANDS, CERRO DE VALLEJO , LO DE PERLA ORCHID PLACE, LAGUNA DEL QUELELE AND COCODRILARIO EL CORA. PERFECT WATERS FOR SPORT FISHING, BIRD WATCHING, WHALE WATCHING, ADVENTURE TOURS AND AQUATIC TOURS

DURING THE WINTER SEASON FROM NOVEMBER TO MAY, SEASONAL MARKETS ARE INSTALLED IN DIFFERENT LOCATIONS OF THE MUNICIPALITY. MARKETS THAT OFFER A GREAT VARIETY OF LOCAL PRODUCTS, CRAFTS, FOOD AMONG OTHER THINGS.

WE ADD THE LIST OF EVENTS IN THE MUNICIPALITY (ANNEX 1 AND ANNEX 2)

Dom. Morelos # 12, Valle de Banderas, Nayarit. Web Page. [www. bahiadebanderas.gob.mx](http://www.bahiadebanderas.gob.mx) e-mail turismobadeba21@gmail.com Tel. +52 3222972748

GOVERNMENT AND PUBLIC AFFAIRS.

THE MUNICIPAL PUBLIC ADMINISTRATION IS CONFORMED BY AN ORGAN OF GOVERNMENT DENOMINED CITY COUNCIL, WHICH IS CONFORMED BY A MUNICIPAL PRESIDENT, A MUNICIPAL TRUSTEE KNOWN AS SINDICO AND 9 CITY COUNCIL MEMBERS ELECTED BY POPULAR ELECTION AND 4 BY PROPORTIONAL REPRESENTATION.

THE ORGANIC STRUCTURE WHICH THE CITY COUNCIL OF BAHÍA DE BANDERAS OPERATES IS THE FOLLOWING:



THE MAIN AUTHORITY IN THE MUNICIPALITY IS THE CITY HALL THAT LEADS AS PRESIDENT (MUNICIPAL EXECUTIVE POWER) DR. JAIME ALONSO CUEVAS TELLO.

THE CURRENT ADMINISTRATION HAS A MUNICIPAL INSTITUTE OF PLANNING AND THE AREA RESPONSIBLE FOR FOLLOWING INTERNATIONAL AFFAIRS IS THE SUBDIRECTION OF MUNICIPAL TOURISM, THROUGH THE DEPUTY DIRECTOR MTRO. FÉLIX AUGUSTO VERA MEJÍA.

IDENTIFICATION OF THE THREE MAIN PROJECTS OR ISSUES OF INTEREST OF THE LOCALITY.

LOCAL INTEREST ISSUES FOR LINKAGE WITH CAPITOLA CA. ARE TOURISM, CULTURE AND EDUCATION.

THE SUBJECTS THAT WE DO REFERENCE IN THE PREVIOUS PARAGRAPH HAVE PLACE IN OUR MUNICIPAL DEVELOPMENT PLAN, IN **THE AXIS THREE "JUNTOS POR LA COMPETITIVIDAD INTEGRAL** ("TOGETHER FOR THE COMPETITIVENESS"), IN THE **OBJECTIVE "CI 3.1: CONSOLIDATE**

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THE MUNICIPALITY OF BAHIA DE BANDERAS, AS A COMPETITIVE AND INNOVATIVE TERRITORY , WHERE INFRASTRUCTURE, MOBILITY, GOVERNANCE, REGULATORY IMPROVEMENT, SUSTAINABILITY,

SECURITY, SOCIAL PARTICIPATION AND PRODUCTIVE DIVERSIFICATION, ARE UNDERSTANDED AND ASSISTED AS FUNDAMENTAL FACTORS SO THAT THE TERRITORY BY ITSELF IS A PROFITABLE TERRITORY FOR INVESTMENT AND WITH DIVERSITY OF POSITIONED PRODUCTS AND SERVICES IN THE NATIONAL AND INTERNATIONAL MARKET, GENERATING BETTER PAID JOBS AND AS A CONSEQUENCE, RAISING THE QUALITY OF LIFE OF THE WHOLE POPULATION ", IN THE **STRATEGY CI3.1.2:** PROFITABLE TERRITORY FOR THE INVESTMENT, PROMOTING AND STRENGTHENING THE IMAGE OF THE MUNICIPALITY OF BAHÍA DE BANDERAS AS A PROFITABLE AND SAFE PLACE FOR THE INVESTMENT, NATIONAL AND INTERNATIONAL, TO ACHIEVE INTEGRAL AND SUSTAINABLE DEVELOPMENT, **STRATEGY CI 3.1.4:** PRODUCTIVE CHAINAGE FOR COMPETITIVENESS, LINK THE PRODUCTIVE, COMMERCIAL AND ENTERPRISE AREAS THROUGH NETWORKS AND PRODUCTION CHAINS, THE **STRATEGY CI 3.1.8:** SECURE TOURIST DESTINATION, ATTRACTIVE, RELIABLE AND SUSTAINABLE, TO CONSOLIDATE BAHIA DE BANDERAS, AS A DESTINY OF PREFERENCE AT THE NATIONAL AND INTERNATIONAL LEVEL.

(THE FINANCIAL, MATERIAL AND HUMAN RESOURCES THAT WILL BE NECESSARY FOR THE FORMULATION OF THE PROJECTS FOR TWIN CITIES COLABORATION ARE NOT DEFINED).

(WE DO NOT HAVE REGISTERED AGREEMENTS BY THE SECRETARY OF FOREIGN AFFAIRS WITH FOREIGN CITIES).