

Mayor: Dennis Norton
Vice Mayor: Ed Bottorff
Council Members: Jacques Bertrand
Stephanie Harlan
Michael Termini
Treasurer: Christine McBroom



REVISED

**CAPITOLA CITY COUNCIL
REGULAR MEETING**

THURSDAY, NOVEMBER 12, 2015

7:00 PM

**CITY HALL 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 City Council's Open Session Meeting.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Govt. Code §54956.9)

(Two cases)

1. Schroedel et al. v. the City of Capitola
[Santa Cruz Superior Court Case No. CV 175684]
2. Water Rock Construction, Inc. v. City of Capitola
[Arbitration Claim]

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation per Govt. Code §54956.9(d)(4)

One potential case

REGULAR MEETING OF THE CAPITOLA CITY COUNCIL – 7:00 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 Stephanie Harlan, Ed Bottorff, Jacques Bertrand, Michael Termini, and Mayor Dennis Norton

2. PRESENTATIONS

A. Introduction of New Police Officer Jackie Yeung

RECOMMENDED ACTION: None.

B. Proclamation in the Observance of November 13, 2015, as World Pancreatic Cancer Day

RECOMMENDED ACTION: None.

3. REPORT ON CLOSED SESSION

4. ADDITIONAL MATERIALS

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

A. Item 10.A. Public Communication regarding Surf School Regulations

5. ADDITIONS AND DELETIONS TO AGENDA

6. 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.

7. 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.

8. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS

9. 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. Approval of the October 22, 2015, Regular City Council Minutes, and the October 26, 2015, Special City Council Minutes
RECOMMENDED ACTION: Approve Minutes.
- B. Receive Planning Commission Action Minutes for the Regular Meeting of November 5, 2015
RECOMMENDED ACTION: Receive Minutes.
- C. Consider a Resolution Establishing Days for Closure of City Offices during the 2016 Calendar Year
RECOMMENDED ACTION: Adopt the proposed Resolution establishing days for closure of City Offices during the 2016 Calendar Year.
- D. Suspend Village Parking Meter and Pay Station Operation for Holiday Season
RECOMMENDED ACTION: Authorize suspending parking meter and pay station operation to allow free three-hour parking in the Village Parking Meter Zone A(1) from November 26, 2015, through December 25, 2015.
- E. Consider a Resolution Approving a New Hourly and Seasonal Pay Schedule
RECOMMENDED ACTION: Adopt a Resolution repealing Resolution No. 3978 and approving a New Hourly/Seasonal Pay Schedule.
- F. Award a Contract to Moffatt & Nichol for a Condition Assessment for Capitola Wharf
RECOMMENDED ACTION: Take the following actions:
 - 1. Approve a contract with Moffatt & Nichol in the amount of \$31,900 for inspections and engineering services for Capitola Wharf; and
 - 2. Approve a budget amendment by increasing the Wharf Fund expenditure by \$32,000 for engineering using \$32,000 from fund balance in the Wharf Fund.

10. GENERAL GOVERNMENT / PUBLIC HEARINGS

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

- A. Accept Report and the Consideration of an Ordinance Amending Capitola Municipal Code Section 9.30.020 (B) Regarding Surf School Regulations
RECOMMENDED ACTION: Accept report on the status of an Uncodified Ordinance to the Capitola Municipal Code (CMC) Section 9.30.020 (b), Surf School Regulations, that allowed five permitted surf schools to operate in the City for the 2015 calendar year, and consider options outlined below:

CAPITOLA CITY COUNCIL REGULAR MEETING AGENDA
November 12, 2015

Options:

1. Allow the Uncodified Ordinance amendment to expire and return to allowing four permitted surf schools; or
 2. Introduce an Ordinance to amend section 9.30.020 to permit five surf schools; and approve the amended Surf Permits Administrative Policy I-34.
- B. Receive Lifeguard Seasonal Report
RECOMMENDED ACTION: Accept report and provide direction.
- C. Consider the Capitola Avenue Storm Drain Repair Project
RECOMMENDED ACTION: Take the following actions:
1. Find that due to the threatened occurrence of flooding that poses a danger, requiring immediate action to prevent or mitigate the loss of property this purchase will be made under the emergency procurement clause. Staff solicited bids from three contractors but due to time constraints of the threatened property damage staff was not able to advertise in the newspaper; and
 2. Consider the bids received for storm drain replacement on Capitola Avenue and award a contract to the lowest bidder; and
 3. Approve a budget amendment transferring necessary funds within the Capital Improvement Program.
- D. Zoning Code Update: Review Issues and Options Report
RECOMMENDED ACTION: Accept staff presentation and provide direction on each of the zoning issues.
- E. Consider the 2016 Meeting Schedules for the City Council/Successor Agency and the Planning Commission/Architectural and Site Review Committee
RECOMMENDED ACTION: Approve the 2016 City meeting schedules and direct staff to post this information at City Hall, the Capitola Branch Library, on the City's website, and distribute to department heads, newspapers, and various groups that regularly submit items to the City.

11. 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 Hall and at the Capitola Branch Library, 2005 Wharf Road, Capitola, prior to the meeting. Agendas are also available

CAPITOLA CITY COUNCIL REGULAR MEETING AGENDA

November 12, 2015

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 anytime.



CITY COUNCIL AGENDA REPORT

MEETING OF NOVEMBER 12, 2015

FROM: Capitola Police Department

SUBJECT: Introduction of New Police Officer Jackie Yeung

RECOMMENDED ACTION: None.

DISCUSSION: The City has a new police officer, Jackie Yeung. He is a long time Santa Cruz County resident and a graduate of Harbor High School. Officer Yeung started as an Explorer for Capitola and eventually worked as a Community Service Officer for the City of Sacramento. He returns to his roots where his family currently resides.

Report Prepared By: Rudy Escalante
Police Chief

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Jamie Goldstein, City Manager

11/2/2015



CITY COUNCIL AGENDA REPORT

MEETING OF NOVEMBER 12, 2015

FROM: City Manager Department

SUBJECT: Proclamation in the Observance of November 13, 2015, as World Pancreatic Cancer Day

RECOMMENDED ACTION: None.

DISCUSSION: Pancreatic cancer is the fourth leading cause of cancer death in the United States, and it is the only major cancer with a five-year relative survival rate in the single digits at just seven percent. Furthermore, the incidence and death rate for pancreatic cancer are increasing, and pancreatic cancer is anticipated to move from the fourth to the second leading cause of cancer-related death in the U.S. by 2020.

ATTACHMENTS:

1. World Pancreatic Cancer Day Proclamation

Report Prepared By: Susan Sneddon
City Clerk

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

Jamie Goldstein, City Manager

11/2/2015

City of Capitola Mayor's Proclamation

Declaring the November 13, 2015, as
"World Pancreatic Cancer Day"

WHEREAS, in 2015, an estimated 48,960 people will be diagnosed with pancreatic cancer in the United States and 40,560 will die from the disease; and

WHEREAS, pancreatic cancer is one of the deadliest cancers, is currently the fourth leading cause of cancer death in the United States and is projected to become the second by 2020; and

WHEREAS, pancreatic cancer is the only major cancer with a five-year relative survival rate at just seven percent; and

WHEREAS, when symptoms of pancreatic cancer present themselves, it is generally late stage, and 73 percent of pancreatic cancer patients die within the first year of their diagnosis while 93 percent of pancreatic cancer patients die within the first five years; and

WHEREAS, approximately 4,240 deaths will occur in California in 2015; and

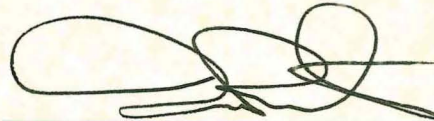
WHEREAS, pancreatic cancer is the 7th most common cause of cancer-related death in men and women across the world; and

WHEREAS, there will be an estimated 367,000 new pancreatic cancer cases diagnosed globally in 2015; and

WHEREAS, the state of California has declared November to be Pancreatic Cancer Awareness Month through a concurrent resolution SCR 26; and

WHEREAS, the good health and well-being of the residents of Capitola are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments.

NOW, THEREFORE, BE IT RESOLVED, I, Dennis Norton, Mayor of the City of Capitola, do hereby designate November 13, 2015, as "World Pancreatic Cancer Day" in Capitola.



Dennis Norton, Mayor
Signed and sealed this 12th day of November 2015



Sneddon, Su (ssneddon@ci.capitola.ca.us)

From: Matt Arthur [marthur70@sbcglobal.net]
Sent: Tuesday, November 10, 2015 8:53 AM
To: Termini, Mike (michael@triadelectric.com); Dennis Norton; Stephanie Harlan; Bottorff, Ed (ebottorff167@yahoo.com); Bertrand, Jacques
Cc: City Council; Matt Arthur
Subject: Surf School Ordinance - Maintain 4 Permits

Good Morning Council,

I'm writing to you regarding the upcoming Surf School Ordinance public hearing this Thursday, November 12th. After reading the City Council agenda report, I felt compelled to provide you with some details that you may or may not be aware of. The agenda report made it sound like nothing out of the ordinary has occurred over the course of this year. This is not the case. Once you finish reading this you will have a clearer understanding of why the current Surf School ordinance should be maintained with only 4 permits being issued.

In 2008 the city council established the Surf School ordinance with a total 4 permits being issued. Capitola used Santa Cruz's ordinance as a template to form their own. Capitola concurred with Santa Cruz's determination that 4 permits would be adequate. Any more permits could lead to communication issues and the higher probability of infractions.

Prior to 2014 rarely were there any infraction occurrences. I'd be surprised if a single complaint was ever registered with the city from 2008 – 2013. 2014 saw more organized surf lessons being provided by non permitted aspiring surf schools. The first citation was issued for providing surfing lessons without a permit to a novice surf school that was caught lying to the Capitola Police Department during their investigation.

The first surf school permit of 2015 was issued to the same surf school mentioned above that received the citation for lying to the Department. Five (5) surf school permits were issued in 2015 due to the flawed permit approval process. The "public" approval process was never made known to the public. Since the addition of the 5th permit, noncompliance issues have soared.

This year I took notes with dates, times, details and photos of all the infractions I was a witness to. These notes are available to you upon request. The details of the infractions are not mentioned in the Council agenda report. Compliance issues for just this year range from at least 5 lessons provided without jerseys and a minimum of 5 occurrences where the number of students in the water at one time went above the allowed 8 student maximum. There was one particular instance late in the afternoon of July 2nd there were 13 students in the line-up at one spot for over an hour. The Department was notified many times of these infractions. The most disturbing is this fact. There was a minimum of 8 surf lessons (total of 18 students) provided throughout 2015 by a permitted surf school with an instructor not registered with the Capitola Police Department. This was confirmed to me by an email sent from the Department. This is the first and most basic step in compliance after receiving a surf school permit. Registering each potential surf instructor with the Capitola Police Department ensures that an instructor has the proper required certifications and clears a background check. This was established by the Department to help safeguard the community against what happened a few years ago down in Santa Cruz. This was brought to the attention of the Department on November 2nd and is still, as far as I know, under investigation. Hopefully at Thursday night's meeting I will be able to update you with the Department's investigation and resolution.

Communication: Item 10.A. Public Communication regarding Surf School Regulations (ADDITIONAL MATERIALS)

If 4 permits worked so well from 2008 up until and through 2014 why is the Department now recommending a 5th permit be added? Based on what transpired over the course of 2015 the number of permits allowed by the current ordinance should be maintained at 4.

Last year it was suggested by either the Chief or the council to consider **Experience**, **Compliance** and **Local Business** for the approval process for the issuing of 2016 surf school permits. This suggestion makes the most sense.

Experience (How long have you operated a successful surf school)

Experience should be the top priority when it comes to issuing surf permits. History has proven that a surf school with more experience provides a safer more organized environment out in the surfing area and produces a higher likelihood of compliance.

Compliance (How well has an applicant complied with the ordinance)

Compliance should be another major determining factor when it comes to issuing permits. Each individual surf school should be evaluated at the end of each year on their compliance record with the surf school ordinance. This means ALL surf schools, whether they hold a current permit or not, should be evaluated on how well they complied. Compliance shows a level of competence of a surf school. Compliance also shows a level of respect to the ordinance, Capitola Police department, the city council and the community.

Local Business (Are you a business within the City of Capitola)

Approval of a local business is good. You're showing that local business matters. Being a local business should matter but still be least in priority to the others above.

It's my hope that after reading this that you will make the decision to keep the surf school permits at 4 and provide specific direction and detail to the Department for the 2016 permit approval process.

I will be attending the Council meeting Thursday evening and look forward to answering any questions of Council at that time. If you would like to contact me with any questions prior to the council meeting, I can be reached either via email or cell phone.

Thank you for your time in advance.

Regards,

Matt Arthur
831-818-2021



CITY COUNCIL AGENDA REPORT

MEETING OF NOVEMBER 12, 2015

FROM: City Manager Department

SUBJECT: Approval of the October 22, 2015, Regular City Council Minutes, and the October 26, 2015, Special City Council Minutes

RECOMMENDED ACTION: Approve Minutes.

DISCUSSION: Attached for City Council review and approval are the minutes of the subject meetings.

ATTACHMENTS:

1. Draft October 22, 2015, Regular City Council Minutes
2. Draft October 26, 2015, Special City Council Meeting Minutes

Report Prepared By: Susan Sneddon
City Clerk

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

Jamie Goldstein, City Manager

11/2/2015

DRAFT
CAPITOLA CITY COUNCIL
REGULAR MEETING ACTION MINUTES
THURSDAY, OCTOBER 22, 2015 – 7:00 PM

REGULAR MEETING OF THE CAPITOLA CITY COUNCIL

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

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

City Treasurer Christine McBroom was absent.

2. ADDITIONAL MATERIALS

City Clerk Sneddon stated that a revised Attachment 3 to the Bandstand Policy Report was provided (**Item 8.B.**).

3. ADDITIONS AND DELETIONS TO AGENDA (None provided)

4. PUBLIC COMMENTS

Jane Schwickerath, Project Scout Secretary, provided an overview of Project Scout.

Marilyn Garrett, local resident, stated that she opposes wireless radiation and stated concerns regarding smart meters exploding.

Diana Bush, stated she is opposed to microwave radiation.

5. CITY COUNCIL / CITY TREASURER / STAFF COMMENTS

Council Member Termini stated that the Capitola Village Children's Halloween Parade will be held on October 25th from 2:00 p.m. to 3:00 p.m.; Capitola En Plein Air Event will be held on November 6th at 6:00 p.m. and November 8th at 5:00 p.m.; on October 5th and 6th he attended an event and tour at the Lucile Packard Children's Hospital Stanford.

Council Member Bertrand reported on the mission of "Villages" which is a community circle that is developed to support seniors in the community so they can stay at home and live independently.

6. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS

- A. Consider an Appointment to the City's Traffic and Parking Commission [470-60]
RECOMMENDED ACTION: Consider an appointment to the City's Traffic and Parking Commission to fill a vacancy for a Village Business Owner.

RESULT:	ADOPTED [UNANIMOUS] TO APPOINT WILLIE CASE
MOVER:	Ed Bottorff, Vice Mayor
SECONDED:	Michael Termini, Council Member
AYES:	Norton, Bottorff, Bertrand, Harlan, Termini

7. CONSENT CALENDAR

Council Member Bertrand requested that Item 7.C. be pulled from the Consent Calendar for further discussion.

Council Member Termini requested that Item 7.G. be pulled from the Consent Calendar for further discussion.

RESULT:	ADOPTED [UNANIMOUS] ITEMS 7.A., 7.B., 7.D. 7.E., AND 7.F.
MOVER:	Stephanie Harlan, Council Member
SECONDER:	Jacques Bertrand, Council Member
AYES:	Norton, Botorff, Bertrand, Harlan, Termini

- A. Consider the October 8, 2015 Regular City Council Minutes
RECOMMENDED ACTION: Approve minutes.
- B. Approval of City Check Register Reports Dated for September 4, September 11, September 18, and September 25, 2015 [300-10]
RECOMMENDATION: Approve Check Register Reports.
- C. Adoption of Resolution No. 4031 to Extend the Three-Hour Village Parking Limits within Designated Parking Meter Zones in the Village, Zone A1, until February 1, 2016 [470-40]
RECOMMENDED ACTION: Adopt Resolution.
- D. Receive the Quarterly Financial Reports for the Fourth Quarter Budget and Third Quarter Sales Tax Report [330-70/390-70]
RECOMMENDED ACTION: Receive the reports.
- E. Consider Awarding a Contract for Street Striping Services [500-10 A/C: Safety Striping Services, Inc.]
RECOMMENDATION: Award a contract to Safety Striping Service, Inc in the amount of \$29,836.00 for street striping services throughout the City.
- F. Award a Contract to Michael Arnone and Associates for the Preparation of Construction Documents for the Rispin Park [275-35/500-10 A/C: Michael Arnone & Associates]
RECOMMENDED ACTION: Take the following actions:
 - 1. Award a contract to Michael Arnone and Associates in the amount of \$61,885 for the preparation of Rispin Park Construction Documents;
 - 2. Select Design Option 1 for the Wharf Road wall which includes modification of the existing wall to improve visibility and public safety;
 - 3. Select Design Option 1 for the amphitheater location and direct staff to return with the documentation as necessary to allow construction of the amphitheater as proposed.
- G. Receive Report Regarding Public Works Staff Augmentation to Assist in Reducing Backlog of the City's Capital Improvement Projects
RECOMMENDED ACTION: Accept report.

Attachment: Draft October 22, 2015, Regular City Council Minutes (1243 : Approval of the 10/22/15 & 10/26/15 Council Minutes)

8. GENERAL GOVERNMENT / PUBLIC HEARINGS

- A. Provide Report on City's Preparation for Potential El Niño Activity [420-20]
RECOMMENDED ACTION: Accept report and provide direction.

Jeff Maxfield, Santa Cruz Central Fire Protection District Fire Chief, introduced Chief Steven Hall.

Public Works Director Jesberg provided an update and cost estimate regarding mediation plans for flooding issues that occur during the rainy season in front of Vice Salon (309 Capitola Avenue).

City Manager Goldstein stated that information will be posted on the City's website regarding ways to prepare for El Niño activity this winter, and information will also be included in the City January 2016 newsletter.

- B. Consider an Amendment to the Administrative Policy Governing the Capitola Bandstand Policy [100-10/1040-20]
RECOMMENDED ACTION: Consider an amendment to the Capitola Bandstand Policy relative to Community use Policies and Procedures and Provide Direction.

Richard Lippi, local resident, requested clarification regarding the City's Bandstand Policy.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Termini, Council Member
SECONDER:	Ed Bottorff, Vice Mayor
AYES:	Norton, Bottorff, Bertrand, Harlan, Termini

- C. Consider a Resolution Adopting the Climate Action Plan [430-25]
RECOMMENDED ACTION: Adopt Resolution approving the Addendum to the General Plan Update Environmental Impact Report and adopt the Climate Action Plan.

Richard Lippi, local resident, asked for clarification regarding greenhouse gas emissions baselines.

Mayor Norton requested that staff research how point of sale energy efficiency audits and retrofit requirements could be used in the City.

RESULT:	ADOPTED [UNANIMOUS] RESOLUTION NO. 4031
MOVER:	Stephanie Harlan, Council Member
SECONDER:	Jacques Bertrand, Council Member
AYES:	Norton, Bottorff, Bertrand, Harlan, Termini

Attachment: Draft October 22, 2015, Regular City Council Minutes (1243 : Approval of the 10/22/15 & 10/26/15 Council Minutes)

The City Council took separate action on the following action items (Item 7.C. and 7.G.) on the Consent Calendar.

- C. Consider a Resolution to Extend the Three-Hour Village Parking Limits within Designated Parking Meter Zones in the Village, Zone A1, until February 1, 2016 [470-40]
RECOMMENDED ACTION: Adopt Resolution.

Council Member Bertrand wanted to ensure that the public was aware of this item and that the City's Traffic and Parking Committee will be reviewing the extension of the three-hour Village parking limits.

- G. Receive Report Regarding Public Works Staff Augmentation to Assist in Reducing Backlog of the City's Capital Improvement Projects
RECOMMENDED ACTION: Accept report.

Council Member Termini requested clarification regarding the Public Works staff augmentation (response provided by Public Works Director Jesberg).

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stephanie Termini, Council Member
SECONDER:	Ed Bottorff, Council Member
AYES:	Norton, Bottorff, Bertrand, Harlan, Termini

9. ADJOURNMENT

Meeting adjourned at 8:22 p.m.

Dennis Norton, Mayor

ATTEST:

_____, CMC
Susan Sneddon, City Clerk

Attachment: Draft October 22, 2015, Regular City Council Minutes (1243 : Approval of the 10/22/15 & 10/26/15 Council Minutes)

DRAFT
CAPITOLA CITY COUNCIL
SPECIAL MEETING ACTION MINUTES
MONDAY, OCTOBER 26, 2015 – 6:00 PM

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Mayor Dennis Norton: Present, Vice Mayor Ed Bottorff: Present, Council Member Jacques Bertrand: Late (6:03 PM), Council Member Stephanie Harlan: Present, Council Member Michael Termini: Present.

City Treasurer McBroom was not present.

2. ADDITIONAL MATERIALS

City Clerk Sneddon stated that six communications were received regarding the City's Zoning Code Update (***Item 7.A.***); and staff provided the "Multi-Family Homes in the Single-Family Zone Public Input Summary Report" (***Item 7.A.***).

3. ADDITIONS AND DELETIONS TO AGENDA (None provided)

4. PUBLIC COMMENT

Charles Huddleston, Aptos resident, commented on parking for single-family units.

5. CITY COUNCIL / CITY TREASURER / STAFF COMMENTS (None provided)

6. CONSENT CALENDAR

A. Consider the October 19, 2015, Special City Council Minutes

DISCUSSION: Attached for City Council review and approval are the minutes of the subject meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ed Bottorff, Vice Mayor
SECONDER:	Michael Termini, Council Member
AYES:	Norton, Bottorff, Harlan, Termini
ABSENT:	Bertrand

7. GENERAL GOVERNMENT / PUBLIC HEARINGS

The following issues were discussed (see attached Exhibit A – October 26, 2015 Special City Council Meeting Summary Notes):

A. Zoning Code Update: Review Issues and Options Report [730-85]

RECOMMENDED ACTION: Accept staff presentation and provide direction on each of the zoning issues.

Issue 15: Visitor-Serving Uses on Depot Hill

Robert Blodgett, 620 El Salto Drive (Monarch Cove Owner), requested that the land-use designation for the Monarch Cove Property be reverted back to Visitor Serving/R-1.

Cathlin Atchinson, Depot Hill resident, stated that the Police Department does not enforce the Monarch Cove's Conditional Use Permit, and that the police do not respond to her calls for service regarding Monarch Cove complaints.

Ryan Brandt, Depot Hill resident, stated that he supports Visitor Serving/R-1 designation for Monarch Cove.

Adam Samuels, Depot Hill resident, stated that Monarch Cove property has reduced in size over the years. He supports maintaining the residential character of Depot Hill. He does not support the Visitor Serving designation for this property.

Helen Bryce, local resident, stated that she supports the preservation of the monarch butterfly habitat and designating the Monarch Cove property R-1 in the future.

Brian McKenzie, Depot Hill resident, supports R-1 designation for Monarch Cove to preserve the residential character of Depot Hill.

Tracy Armanino, Depot Hill resident, stated that the Police Department does not respond to her calls for service regarding Monarch Cove complaints.

Issue 8.A. Non-Conforming. Calculation of Structural Alterations

TJ Welch, Depot Hill resident, suggested if a non-confirming structure is rebuilt it be built to the current building code and be allowed to stay in its current location.

Issue 8.B. Non-conforming activities and structures on improved R-1 parcels

Ryan Brandt, Depot Hill resident, commented on the maintenance of multi-family units in the City.

Michael Adams, 1725 48th Avenue, commented on the need to mitigate the number of parked cars.

Peter Wilk, local resident, stated there appears to be a lot of turnover of home owners in the City and houses get rebuilt; he suggested that when the property is sold it should be required to come into compliance.

Stacy Cocherell, 1735 48th Avenue, stated that the Police Department has not responded to her calls regarding trash in a neighbor's yard.

Issue 9: Secondary Dwelling Units

Charles Huddleston, Aptos resident, spoke about "Friggebod" structures; he suggested broadening the structures in R-1 zones and that the City permit the building of duplexes or informal subdivision of existing single-family lots to permit the construction or an additional house to allow for extended family living residences.

8. ADJOURNMENT

Meeting adjourned at 8:40 p.m.

Dennis Norton, Mayor

ATTEST:

_____, CMC
Susan Sneddon, City Clerk

Attachment: Draft October 26, 2015, Special City Council Meeting Minutes (1243 : Approval of the 10/22/15 & 10/26/15 Council Minutes)

Exhibit A
SUMMARY OF SPECIAL ZONING CODE UPDATE MEETING
OCTOBER 26, 2015

Note: City Council additions/modifications are underlined.

Issue 15: Visitor-Serving Uses on Depot Hill

Direction: Option 2 and Option 4

Option 2: Modify permitted use.

- Land uses to be modified as follows:
 - A. Accessory structures and accessory uses appurtenant to any conditionally allowed use;
 - B. Hotels, motels, hostels, inns; bed and breakfast lodging;
 - C. Food service related to lodging;
 - ~~D. Assemblages of people, such as festivals, not exceeding ten days and not involving construction of permanent facilities;~~
 - E. Accessory structures and uses established prior to establishment of main use or structure;
 - F. Habitat restoration; habitat interpretive facility;
 - ~~G. Live entertainment;~~
 - H. Public paths;
 - ~~I. Business establishments that provide commercial places of amusement or recreation, live entertainment, or service of alcoholic beverages and that are located within two hundred feet of the boundary of a residential district;~~
 - J. Weddings;
 - K. Business establishments that sell or dispense alcoholic beverages for consumption upon the premises;
 - ~~L. Other visitor serving uses of a similar character, density, and intensity as those listed in this section and determined by the planning commission to be consistent and compatible with the intent of this chapter and the applicable land use plan;~~
 - M. Offices and limited retail use, accessory to visitor-serving uses;
 - N. One caretaker unit for the purpose of providing on-site security;
 - O. Access roadway;
 - P. Residential use by the owners and their family members of up to one unit per parcel on the three parcels, as long as a minimum of six guest bedrooms are available for visitor-serving use within the three parcels;
 - ~~Q. Non-family residential use during the off-season months (November through April). (Ord. 886 § 3, 2005)~~
 - R. Add multi-family as a CUP

Option 4: Rezone to R-1

- VS/R-1 on El Salto and Monarch Cove Property
- ~~Eliminate the VS zoning on the El Salto property~~
- Eliminate Automatic Review from the parcels to the East of the El Salto property.
- The General Plan must be amended to reflect this direction.

Attachment: Draft October 26, 2015, Special City Council Meeting Minutes (1243 : Approval of the 10/22/15 & 10/26/15 Council Minutes)

ISSUE 8. A Non-Conforming. Calculation of Structural Alterations

Direction: Hybrid Option 3 with exception for reconstruction of historic structures.

Option 3: Remove valuation cap for structural alterations to non-conforming structures.

- Non-conforming structures may be rebuilt with the approval of a non-conforming permit issued by the Planning Commission.
- To approve a non-conforming permit, the Planning Commission must make a finding that the existing non-conforming structure does not have a negative impact on adjacent properties, the surrounding neighborhood, or the public.
- Alterations to non-conforming structure may not increase the degree of non-conformity.
- Any addition to a non-conforming structure would be required comply with all development standards of the zone.

Option 5: ~~Maintain the existing 80% threshold with~~ New exception for historic resources.

- Historic structures that do not comply with height, setbacks, floor area ratio, or parking standards may be reconstructed with the existing non-conformity as long as the structure is not modified or enlarged and the property exists in its entirety within the property lines of the site.

Issue 8.B. Non-conforming activities and structures on improved R-1 parcels.

Direction: Hybrid of Option 1, Option 4, and Option 5.

Option 1: Maintain existing sunset clause and opportunity to apply for extension.

- Require upgrades to mitigate impacts.
- Extensions are issued for 25 years maximum.
- Applicant must agree to participate in a future assessment district to mitigate impacts of multifamily. Confirm with City attorney that this condition is legal.
- Update code to include that the extension is publicly noticed and notice is sent to neighbor within 300 feet.

Option 4: Rezone areas with existing non-conforming multi-family uses to a multi-family zone.

- Rezone condominiums at Opal Cliff East and West to multi-family.

Option 5: Create an incentive program to allow participating non-conforming property owners to retain their uses subject to providing specified public benefits.

- City to work with City Architect to create design solutions to front facades and parking for typical Capitola four-plex.
- Create incentives for applicants to apply for extension and improve their property prior to sunset clause.
- Create a list of options for improvements that create more certainty within the extension process.

Attachment: Draft October 26, 2015, Special City Council Meeting Minutes (1243 : Approval of the 10/22/15 & 10/26/15 Council Minutes)

Issue 9: Secondary Dwelling Units

Direction: Option 2. Amend the code to encourage development of additional secondary dwelling units.

- Eliminate the current residency requirement and allow both the primary and secondary dwellings to be rented
- Allow secondary dwelling units to be built at the reduced setbacks for accessory structures (4' from rear property line) with reduced height (12' maximum). Administrative permit. The City Council was split on the decreased setback for secondary structure to 4'. Request to re-evaluate within draft ordinance.
- Create opportunity for secondary dwelling units above a garage.
 - Must comply with all development standards.
 - No decreased setbacks for detached garage with second story.
 - Require approval by Planning Commission. City Council request to re-evaluate permitting process for secondary units above garage within draft ordinance.



CITY COUNCIL AGENDA REPORT

MEETING OF NOVEMBER 12, 2015

FROM: Community Development

SUBJECT: Receive Planning Commission Action Minutes for the Regular Meeting of
November 5, 2015

RECOMMENDED ACTION: Receive Minutes.

ATTACHMENTS:

1. Planning Commission Action Minutes Nov. 5, 2015

Report Prepared By: Linda Fridy
Planning Commission Minutes Clerk



**ACTION MINUTES
CAPITOLA PLANNING COMMISSION MEETING
THURSDAY, NOVEMBER 5, 2015
7 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

1. CALL TO ORDER

2. ROLL CALL AND PLEDGE OF ALLEGIANCE

Chairperson Linda Smith: Present, Commissioner Gayle Ortiz: Present, Commissioner Edward Newman: Present, Commissioner TJ Welch: Present, Commissioner Susan Westman: Present.

3. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

B. Public Comments

C. Commission Comments

D. Staff Comments

4. APPROVAL OF MINUTES

A. PLANNING COMMISSION - REGULAR MEETING – OCT. 1, 2015

RESULT:	ACCEPTED [4 TO 0]
MOVER:	Gayle Ortiz, Commissioner
SECONDER:	Edward Newman, Commissioner
AYES:	Ortiz, Newman, Welch, Westman
ABSTAIN:	Smith

5. CONSENT CALENDAR

A. 1200 41st Avenue Suite F #15-167 APN: 034-101-38

Conditional Use Permit for a Restaurant (Naka Sushi) with onsite consumption of food, beer, and wine located in the CC (Community Commercial) Zoning District.

This project is in the Coastal Zone and requires a Coastal Development Permit, which is not appealable to the California Coastal Commission.

Environmental Determination: Categorical Exemption

Property Owner: Begonia Plaza, LLC

Representative: Tyrone McConney, filed 10/13/2015

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Gayle Ortiz, Commissioner
SECONDER:	Edward Newman, Commissioner
AYES:	Smith, Ortiz, Newman, Welch, Westman

B. 3555 Clares Street Ste. LL #15-159 APN: 034-261-57

Conditional Use Permit for the onsite consumption of Beer and Wine at Taqueria Tepeque restaurant located in the CC (Community Commercial) Zoning District.

This project is not in the Coastal Zone and does not require a Coastal Development Permit.

Environmental Determination: Categorical Exemption
 Property Owner: Brown Ranch Properties
 Representative: Sheila Cortez DBA “Taqueria Tepeque”, filed 9/30/15

RESULT: APPROVED [UNANIMOUS]
MOVER: Gayle Ortiz, Commissioner
SECONDER: Edward Newman, Commissioner
AYES: Smith, Ortiz, Newman, Welch, Westman

6. PUBLIC HEARINGS

A. HOUSING ELEMENT UPDATE - ADOPTION RECOMMENDATION TO CITY COUNCIL

General Plan Amendment to update the General Plan Housing Element
 Environmental Determination: Addendum to the General Plan Update EIR
 Applicant: City of Capitola

RESULT: RECOMMENDED [UNANIMOUS] **Next: 11/24/2015 7:00 PM**
MOVER: Edward Newman, Commissioner
SECONDER: TJ Welch, Commissioner
AYES: Smith, Ortiz, Newman, Welch, Westman

B. 1575 38th Avenue #15-160 APN: 034-181-17

11 lot Subdivision, Design Permit and Conditional Use Permit for 5 duplex townhomes and 1 single family home, and Variance request for decreased front and side yard setbacks in the CN (Neighborhood Commercial) zoning district.
 This project is not located in the Coastal Zone.
 Environmental Determination: The project qualifies for a General Plan exemption under CA Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.
 Property Owner: Joe Appenrodt, filed 10/7/2015
 Representative: Matthew Thompson, Architect

RESULT: APPROVED AS AMENDED [4 TO 0]
MOVER: Susan Westman, Commissioner
SECONDER: Gayle Ortiz, Commissioner
AYES: Smith, Ortiz, Welch, Westman
RECUSED: Newman

7. DIRECTOR'S REPORT

8. COMMISSION COMMUNICATIONS

9. ADJOURNMENT



CITY COUNCIL AGENDA REPORT

MEETING OF NOVEMBER 12, 2015

FROM: City Manager Department

SUBJECT: Consider a Resolution Establishing Days for Closure of City Offices during the 2016 Calendar Year

RECOMMENDED ACTION: Adopt the proposed Resolution establishing days for closure of City Offices during the 2016 Calendar Year.

DISCUSSION: Ordinance No. 497 provides that "The City Council may, from time to time, designate holidays which shall be granted to employees with pay. The Council may also by Resolution designate holidays upon which the City offices shall be closed." In November of each year staff reviews the calendar for the following year as it relates to holidays and prepares a Resolution for adoption by the City Council.

A draft Resolution for the 2016 Calendar Year is attached for your consideration. As has been done for the past several years and is consistent with employee Memoranda of Understanding, the proposed Resolution identifies the holiday closure of City Hall offices during the Christmas holidays.

FISCAL IMPACT: None

Report Prepared By: Susan Sneddon
City Clerk

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

Jamie Goldstein, City Manager

11/2/2015

2016 City Hall Closure Schedule
November 12, 2015

DRAFT RESOLUTION NO. _____
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
ESTABLISHING DAYS FOR CLOSURE OF CITY OFFICES
DURING THE 2016 CALENDAR YEAR

WHEREAS, Ordinance No. 497 provides that days for closure of City offices may, from time to time, be set by Council Resolution; and

WHEREAS, it is the desire of the City Council of the City of Capitola to establish days for closure of City offices during the 2016 calendar year.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Capitola as follows: City Offices, except for essential City services such as the Police Department, shall be closed on the following days occurring in calendar year 2016, unless otherwise noted:

January 1 (Friday)	New Years Day
January 18 (Monday)	Martin Luther King, Jr. Birthday
February 12 (Friday)	Lincoln's Birthday
February 15 (Monday)	Presidents' Day
May 30 (Monday)	Memorial Day
July 4 (Monday)	Independence Day
September 5 (Monday)	Labor Day
October 10 (Monday)	Columbus Day
November 11 (Friday)	Veterans Day
November 24 & 25 (Thursday & Friday)	Thanksgiving Holiday
December 26 (Monday)	Christmas Holiday
December 27, 28, 29, & 30 (Tuesday, Wednesday Thursday & Friday)	Holiday Closure

The foregoing does not preclude the scheduling of any City Council or Planning Commission meetings on such days. For purposes of Government Code Section 6704, Saturdays and Sundays are also days for closure of the City business office.

The foregoing is not in any sense intended to define holidays, for which employees do or do not receive additional compensation. Employees paid holidays are defined in relevant Memoranda of Understanding.

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 12th day of November, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dennis Norton, Mayor

ATTEST: _____, CMC
Susan Sneddon, City Clerk



CITY COUNCIL AGENDA REPORT

MEETING OF NOVEMBER 12, 2015

FROM: Capitola Police Department

SUBJECT: Suspend Village Parking Meter and Pay Station Operation for Holiday Season

RECOMMENDED ACTION: Authorize suspending parking meter and pay station operation to allow free three-hour parking in the Village Parking Meter Zone A(1) from November 26, 2015, through December 25, 2015.

BACKGROUND: The Capitola-Soquel Chamber of Commerce has submitted their annual request to the Council to offer free three-hour parking in the Village. The Council has been authorizing this program since 2001, with the exception of 2003.

DISCUSSION: The purpose of the parking meters has been to encourage parking rotation for the Village business community. Although the late fall through early winter is not as filled with tourists as the early spring through early fall season, the need for the parking meters still prevails.

The Capitola-Soquel Chamber of Commerce has submitted a letter requesting that the Council authorize suspending parking meter and pay station operation to allow free parking in the Village from Thursday, November 26, 2015, through Friday, December 25, 2015, in order to encourage holiday shopping (Attachment 1).

FISCAL IMPACT: It is estimated that last year's suspension of the parking meters and pay stations cost the City between \$20,000 and \$25,000. The Fiscal Year 2015/2016 takes into account suspending parking meter and pay station enforcement. Therefore, there is no budget impact.

Report Prepared By: Deince Pearson
Administrative Records Analyst

Jamie Goldstein, City Manager

11/4/2015



CITY COUNCIL AGENDA REPORT

MEETING OF NOVEMBER 12, 2015

FROM: City Manager Department

SUBJECT: Consider a Resolution Approving a New Hourly and Seasonal Pay Schedule

RECOMMENDED ACTION: Adopt a Resolution repealing Resolution No. 3978 and approving a New Hourly/Seasonal Pay Schedule.

BACKGROUND: The Hourly and Seasonal Employees are primarily employed by the Recreation Department, but also includes Interns, Reserve Officers and Annuitant Officers. Seasonal and Hourly employees work part-time on a seasonal basis, not year round and are not considered regular employees. Although positions may be listed on the schedule, it does not necessarily mean they are funded. These positions are not represented by any labor union and are not subject to any existing memorandum of understanding. For this reason any wage increases are done by separate Council action.

DISCUSSION: The Hourly and Seasonal Employees pay schedule was last adjusted in January of 2014. The California State minimum wage is scheduled to increase on January 1, 2016 to \$10.00 per hour. In order to meet the minimum wage requirement, the schedule for all listed positions with the exception of the Police Reserve and the Police Annuitant Officer, will be adjusted by an a minimum of 5% to all salaries. This will raise the lowest step to the new minimum wage and will maintain the established classification/compensation system and prevents compaction between the different positions.

In addition to the changes to the existing positions, it has become necessary to add two hourly/seasonal positions to the schedule, Seasonal Recreation Assistant and Art and Cultural Assistant. These two positions had previously existed as part-time Association of Capitola Employees (ACE)/General Government positions, but were not represented by the union. The salary for these two positions will remain equivalent to the previous positions.

FISCAL IMPACT: The fiscal impact for the wage increase effective January 1, 2016 (six months) will be up to \$6,000 for Fiscal Year 2015/2016. The increase will be incorporated into the mid-year adjustment. The annual impact in Fiscal Year 2016/2017 will be up to \$16,000.

ATTACHMENTS:

1. Resolution 3978 Seasonal Pay Schedule (PDF)

Report Prepared By: Larry Laurent
Assistant to the City Manager

Temporary and Seasonal Pay Rates
November 12, 2015



Jamie Goldstein, City Manager

11/3/2015

Temporary and Seasonal Pay Rates
November 12, 2015

**DRAFT
RESOLUTION NO. ____**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
REPEALING RESOLUTION NO. 3978
AND APPROVING NEW HOURLY/SEASONAL
EMPLOYEE PAY SCHEDULES
EFFECTIVE JANUARY 1, 2016**

WHEREAS, the City Council periodically reviews the compensation rates for Hourly and Seasonal employment positions; and

WHEREAS, the positions are hourly and are not represented by any labor union and are not subject to any existing memorandum of understanding; and

WHEREAS, the Seasonal/Hourly Pay Schedule was last amended by Resolution No. 3978 on February 13, 2014 which provided an increase of 7% in 2014; and

WHEREAS, the classification of Reserve Police Officer and Annuitant Officer have a set salary for those positions and are automatically adjusted and are not subject to the proposed increase; and

WHEREAS, the new classifications of Seasonal Recreation Assistant and Art and Cultural Assistant have a set salary for those positions and will be automatically adjusted and are not subject to the proposed increase; and

WHEREAS, in order to meet the requirements of the California State Minimum Wage Law, the salaries for all those positions listed with the exception of Reserve and Annuitant Officers, shall be increased by minimum of 5%.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CAPITOLA HEREBY RESOLVES AS FOLLOWS:

1. Resolution No. 3978 is repealed in its entirety.
2. The Hourly/Seasonal and Reserve Police Officers and Annuitant Officer Employee Pay Schedule, attached hereto as Exhibit A, is effective the January 1, 2016.
3. The City Manager is authorized to hire persons to fill these positions within the limitations set forth on the attached schedule and budget.

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Capitola on the 12th day of November 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dennis Norton, Mayor

ATTEST:

_____, CMC
Susan Sneddon, City Clerk

Temporary and Seasonal Pay Rates
November 12, 2015

EXHIBIT A
HOURLY/SEASONAL
SCHEDULE - EFFECTIVE JANUARY 1, 2016

January 1, 2016 (\$10 Minimum Wage)

POSITION	0	1	2	3
Camp Capitola Assistant Leader	\$10.00	\$10.50	\$11.03	\$11.58
Camp Capitola Leader	\$11.87	\$12.46	\$13.08	\$13.74
Camp Capitola Jr. Leader Coordinator	\$14.08	\$14.78	\$15.52	\$16.30
Camp Capitola Coordinator	\$16.71	\$17.54	\$18.42	\$19.34
Intern	\$12.00	\$12.60	\$13.23	\$13.89
Jr. Lifeguard Assistant Instructor	\$10.00	\$10.50	\$11.03	\$11.58
Jr. Lifeguard Instructor	\$12.35	\$12.97	\$13.61	\$14.29
Jr. Lifeguard Coordinator	\$17.33	\$18.19	\$19.10	\$20.06
Recreation Facility Assistant	\$12.35	\$12.97	\$13.61	\$14.29
Seasonal Maintenance	\$12.35	\$12.97	\$13.61	\$14.29
Sports Scorekeeper	\$12.35	\$12.97	\$13.61	\$14.29

POSITION

Retired Annuitant Officer	Salary will be equivalent to the position for which the individual is working in as per the CALPERS regulations. However, retired Capitola Police Officers who apply and are accepted as Annuitant Officers will be paid an hourly wage consistent with Step F of the Police Officer salary range.
Reserve Officer Level I	Automatically adjusts to 20% below the Police Officer Pay Scale
Reserve Officer Level II	Automatically adjusts to 20% below the Level I Reserve Officer Pay Scale
Seasonal Recreation Assistant	Salary will be equivalent to the position of Recreation Assistant
Art and Cultural Assistant	Salary will be equivalent to the position of Administrative Assistant

RESOLUTION NO. 3978

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
REPEALING RESOLUTION NO. 3708
AND APPROVING NEW HOURLY/SEASONAL
EMPLOYEE PAY SCHEDULES
EFFECTIVE THE FIRST FULL PAY PERIOD IN MARCH 2014

WHEREAS, the City Council periodically reviews the compensation rates for Hourly and Seasonal employment positions; and

WHEREAS, the positions are hourly and are not represented by any labor union and are not subject to any existing memorandum of understanding; and

WHEREAS, the Seasonal/Hourly Pay Schedule was last amended by Resolution No. 3708 on June 26, 2008 which provided an increase of 4% in 2008 and an additional 3% in 2009; and

WHEREAS, the classification of Reserve Police Officer and Annuitant Officer have a set salary for those positions and are automatically adjusted and are not subject to the proposed increase; and

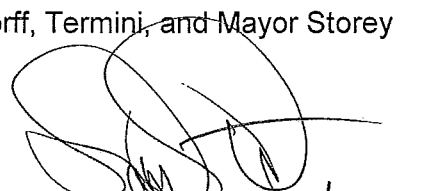
WHEREAS, in order to meet the requirements of the California State Minimum Wage Law, the salaries for all those positions listed with the exception of Reserve and Annuitant Officers, shall be increased by 7%.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CAPITOLA HEREBY RESOLVES AS FOLLOWS:

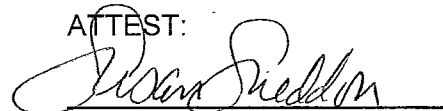
1. Resolution No. 3708 is repealed in its entirety.
2. The Hourly/Seasonal and Reserve Police Officers and Annuitant Officer Employee Pay Schedule, attached hereto as Exhibit A, is effective the first full pay period of March 2014.
3. The City Manager is authorized to hire persons to fill these positions within the limitations set forth on the attached schedule and budget.

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Capitola on the 13th day of February 2014, by the following vote:

AYES: Council Members Harlan, Norton, Bottorff, Termini, and Mayor Storey
 NOES: None
 ABSENT: None
 ABSTAIN: None



 Sam Storey, Mayor

ATTEST:

 Susan Sneddon, City Clerk CMC

Attachment: Resolution 3978 Seasonal Pay Schedule (1203 : Temporary and Seasonal Pay Rates)

EXHIBIT A
 HOURLY/SEASONAL
 SCHEDULE – EFFECTIVE THE FIRST FULL PAY PERIOD MARCH 2014

POSITION	Experience-previous seasons or equivalent			
	0	1	2	3
Camp Capitola Coordinator	\$ 15.32	\$ 16.08	\$ 16.88	\$ 17.72
Camp Capitola Jr. Leader Coordinator	\$ 12.97	\$ 13.61	\$ 14.29	\$ 15.00
Camp Capitola Leader	\$ 10.60	\$ 11.13	\$ 11.70	\$ 12.28
Camp Capitola Assistant Leader	\$ 9.00	\$ 9.45	\$ 9.92	\$ 10.41
Clerical Intern	\$ 9.00	\$ 9.45	\$ 9.92	\$ 10.41
Jr. Lifeguard Coordinator	\$ 16.50	\$ 17.32	\$ 18.18	\$ 19.09
Jr. Lifeguard Instructor	\$ 11.76	\$ 12.36	\$ 12.98	\$ 13.63
Jr. Lifeguard Assistant Instructor	\$ 9.00	\$ 9.45	\$ 9.92	\$ 10.41
Recreation Facility Assistant	\$ 11.76	\$ 12.36	\$ 12.98	\$ 13.63
Seasonal Maintenance	\$ 11.76	\$ 12.36	\$ 12.98	\$ 13.63
Sports Scorekeeper	\$ 11.76	\$ 12.36	\$ 12.98	\$ 13.63

POSITION

Retired Annuitant Officer

Salary will be equivalent to the position for which the individual is working in as per the CALPERS regulations. However, retired Capitola Police Officers who apply and are accepted as Annuitant Officers will be paid an hourly wage consistent with Step F of the Police Officer salary range.

Reserve Officer Level I

Automatically adjusts to 20% below the Police Officer Pay Scale

Reserve Officer Level II

Automatically adjusts to 20% below the Level I Reserve Officer Pay Scale

Attachment: Resolution 3978 Seasonal Pay Schedule (1203 : Temporary and Seasonal Pay Rates)



CITY COUNCIL AGENDA REPORT

MEETING OF NOVEMBER 12, 2015

FROM: Public Works Department

SUBJECT: Award a Contract to Moffatt & Nichol for a Condition Assessment for Capitola Wharf

RECOMMENDED ACTION: Take the following actions:

1. Approve a contract with Moffatt & Nichol in the amount of \$31,900 for inspections and engineering services for Capitola Wharf; and
2. Approve a budget amendment by increasing the Wharf Fund expenditure by \$32,000 for engineering using \$32,000 from fund balance in the Wharf Fund.

BACKGROUND: Earlier this year, City Council directed staff to prepare a detailed condition assessment and begin long-term planning for Capitola Wharf. Staff contacted Brad Porter with Moffatt and Nichol who has completed past engineering studies on Capitola Wharf. Mr. Porter also worked on the recently completed Wharf Master Plan for the City of Santa Cruz and has worked on multiple similar structures along the coast. Mr. Porter has prepared a proposal for working on Capitola Wharf that includes the following tasks:

1. Condition Assessment
2. Restroom Relocation Evaluation
3. Building Modification Evaluation
4. Pile Resiliency Study
5. Wharf Wearing Service/ADA Evaluation

The proposal is included in Attachment 1. The total cost of all the tasks is \$68,900 and would result in a document that would identify short-term and long-term plans for the Wharf.

DISCUSSION: Staff is recommending proceeding with the condition assessment and pile resiliency study, tasks 1 and 4 in the proposal, at a cost of \$31,900 to identify any immediate issues with structural integrity and options for pile replacement strategies. The focus of those tasks is to make the Wharf less vulnerable to storm actions or piling breakage. Once this work is complete the City will be able to strategize goals for the Wharf and determine when best to complete the other tasks.

The goal of this effort is to develop a project description and cost estimate so that the City could then seek grant funding. Staff has identified two grant programs that could assist in funding a major rehabilitation project. The first is the Wildlife Conservation Board, which funds cooperative projects to maintain public access for fishing and related wildlife-oriented recreation. This program accepts applications on a continuous basis and can provide up to a 50% funding match. The other program is through the Community Development Block Grant Program which has public facility grants. The application date for this program is tentatively set for May or June of 2016.

Wharf Study 2015
November 12, 2015

FISCAL IMPACT: The Wharf fund currently has a fund balance of \$98,094. These funds are a result of operational cost savings over several years and typically used for capital improvements of the Wharf, such as this planned study and work. It is recommended Council approve a budget amendment to increase the Wharf Fund expenditures by \$32,000, utilizing the fund balance.

ATTACHMENTS:

1. Moffatt & Nichol Proposal
2. Budget Adjustment Form - Wharf Fund

Report Prepared By: Steve Jesberg
Public Works Director



Jamie Goldstein, City Manager

11/4/2015



2185 N. California Blvd., Suite 500
Walnut Creek, CA 94596-3500

(925) 944-5411 Fax (925) 944-4732
www.moffattnichol.com

Mr. Steve Jesberg, Public Works Director
City of Capitola
420 Capitola Avenue
Capitola, CA 95010

Subject: Proposal to Provide Engineering Services Capitola Wharf Inspection and Planning

M&N Project No. PWCGEN-55

Dear Steve,

We are writing to describe the engineering services we propose to provide to the City of Capitola (the City) for engineering services for a condition assessment and planning studies for renovation to the existing Wharf. The Wharf had substantial repairs completed in July 1999 during which many piles were replaced as well as horizontal structural members and much of the timber decking. Since that time, repairs have been performed to repair wave damage to critical piles as well as some modifications (widening at the shore, addition of a gate and installation of a wave baffle on the sewage ejector).

Based upon our site meeting on October 12, 2015 we understand that the City would like to investigate the condition of the Wharf to plan for needed repairs in a comprehensive manner and to also consider modifications to the Wharf to improve the function and visitor experience on the Wharf. To accomplish this, the City has requested the following services:

1. Condition Assessment Of The Wharf
2. Restroom Relocation Evaluation
3. Building Modification Evaluation
4. Pile Resiliency Study
5. Wharf Wearing Surface Evaluation

To assist the City in this evaluation we propose to provide the following services.

Scope of Services

1. Condition Assessment

Similar to our investigation in 1997, we will perform a structural evaluation of the condition of the Wharf. We will investigate the condition of all structural members: piles, cap beams, stringers and decking of the Wharf structure to identify deterioration in members and to

identify those members in need of replacement. We will perform a site visit at a low tide in order to observe the condition of the existing piles. We will determine the condition of the timber piles by visual observation, probing with instruments, sounding with a hammer and coring of a sample of piles to investigate the interior soundness of the pile. For the steel piles, we will perform visual observation as well as Ultra-sonic testing to determine the remaining thickness. We have found that the vast majority of pile deterioration in timber piles occurs in the tidal zone which can be observed at low tide. For this reason, we do not plan to perform an underwater investigation; if after the above water investigation it is found that the underwater investigation is warranted we will make that recommendation at that time.

We will observe the condition of the horizontal members (caps, stringers) by observation from below, probing between deck planks and removal of select deck planks to access caps and stringers that are suspect and to test random samples. Testing will be performed by probing and hammer to detect deterioration in the timber.

After the site investigation we will map the deteriorated members on accurate drawings of the Wharf structure. We will then assess the effect on and loss of structural capacity of the Wharf. We will identify members that must be replaced as well as members that could be replaced at this time as advanced maintenance. We will prepare associated costs for these two categories of replacements.

We will prepare a report that summarizes these results from our investigation along with drawings, photographs that describe the condition and deteriorated elements along with recommendations for repair and costs.

2. Restroom Relocation Evaluation

We will investigate relocating the restroom from its existing location behind the Wharf Restaurant to the area between the Restaurant and Boat Rental Shop. We will identify alternative configurations for restrooms and present these alternatives on scaled drawings to identify opportunities and constraints. We will prepare costs for each of the alternatives.

We will evaluate the Wharf structure to be able to withstand the resultant loads from the alternative restroom structures that are considered, along with costs to modify the Wharf structure. Since the new restroom will be closer to the ejector pump we do not foresee there being problems with plumbing to have it function with the existing ejector.

3. Building Modification Study

We will evaluate the present uses of the Wharf Buildings and how they relate to the setting of the Wharf along with circulation on the Wharf. We will look for opportunities and constraints to improve on the visitor experience and maximize Wharf usage. To assist in this effort we will engage ROMA design group, with whom we have worked on many projects including the Santa



Cruz Wharf Master Plan. ROMA is a leading architectural firm who designs many of the urban waterfront features in California, including the downtown Ferry Terminal as well as Pier 14 in San Francisco--they designed the renovation to Pacific Avenue in Santa Cruz after the Loma Prieta Earthquake. We will perform a site visit with them and City Staff after which we will hold a work shop at City Hall with your Staff to identify ideas and possibilities for future modifications to the Wharf.

4. Pile Resiliency Study

The existing Wharf, particularly the trestle, has little redundancy in the piles that support it. The trestle has 3 piles per bent such that if an outside pile is lost due to wave damage, it can block access until the pile is replaced. Such replacement is costly and disruptive.

To minimize future impacts from piles that get damaged, we will investigate methods to reduce the risk to Wharf function when piles are damaged. This may include the addition of redundant piles at critical locations, such as the ends of the caps or use of steel piles at the critical locations as at the existing end of the Wharf. Alternative coating systems will be evaluated to increase the life of the steel pile alternative, as advances in such systems have been made since those existing piles were installed. Other alternatives will be identified to increase the resiliency of piles to withstand wave damage that is inevitable on an ocean pier.

5. Wharf Wearing Surface Evaluation

The existing Wharf has vehicle traffic access for almost the entire length. This traffic accelerates deterioration of the timber decking. We will investigate methods to reduce the rate of wear the wearing surface experiences. The use of added timber pieces placed in the line of the vehicle travel (“runners”) will be evaluated along with alternative wearing surface materials such as different wood species. In this configuration, the added timbers could also be configured to provide increased handicap accessibility by eliminating excessive gaps between the deck boards. Other methods to reduce traffic wear and increase accessibility will be investigated.

Tasks 1-5:

In each of these tasks, we will prepare a written report/memorandum that will present our findings, discussion of the advantages and disadvantages of alternatives, figures and estimated costs. We will then meet with the City Staff to present these findings and alternatives and assist with selection of preferred alternatives. The level of detail would be sufficient to describe the project to the City Council or others, but would not be sufficient to prepare public bid for construction. In addition, we will attend a City Council meeting to assist in the presentation of our studies.



Steve Jesberg
 City of Capitola
 October 14, 2015

M&N PWCGEN-55

Should the City decide to construct the project and the project is more defined, we can prepare design documents for construction as well as assist with the bid and construction process and will provide a separate proposal for services at that time.

Fee

We propose to provide these services to the City on a time and material basis per our standard hourly rates (attached) and estimate that our fee for these 5 tasks are as follows:

1. Condition Assessment of the Wharf	\$22,100
2. Restroom Relocation Evaluation	\$11,600
3. Building Modification Evaluation	\$15,200
4. Pile Resiliency Study	\$ 9,800
5. Wharf Wearing Surface/ADA evaluation	\$10,200
<hr/>	
Total	\$68,900

If this is acceptable we assume that you will issue a contract in the same form as previously authorizing us to proceed with these services.

We look forward to being of further assistance to the City of Capitola and the Capitol Wharf. Please feel free to call me with any questions you may have regarding our proposal.

Sincerely,

MOFFATT & NICHOL

Brad Porter, PE
 Project Manager

Attached: Rate Schedule 2015/16

Attachment: Moffatt & Nichol Proposal (1234 : Wharf Study 2015)





RATE SCHEDULE FOR PROFESSIONAL SERVICES

Effective September 1, 2015 Until Revised

	<u>CLASSIFICATION</u>	<u>HOURLY RATES</u>
PROFESSIONALS	Supervisory Engineer/Scientist	\$ 242.00
	Senior Engineer/Scientist	\$ 222.00
	Engineer/Scientist III	\$ 205.00
	Engineer/Scientist II	\$ 180.00
	Engineer/Scientist I	\$ 160.00
	Staff Engineer/Scientist	\$ 127.00
TECHNICIANS	Senior Technician	\$ 175.00
	Designer	\$ 165.00
	CADD II	\$ 139.00
	CADD I	\$ 103.00
CLERICAL	Administrative	\$ 103.00
	General Clerical	\$ 81.00
SPECIAL	Principal Engineer/Scientist	\$ 266.00
	Deposition & Trial Testimony	\$ 350.00

REIMBURSABLE EXPENSES (Unless Otherwise Provided in Written Agreement)

	Subcontracts or Outside Services	Cost +15%	
Reproductions	-In House		
	Mylar Plots (B/W)	\$2.00/SF	
	Color Plots	\$4.00/SF	
	Vellum Plots (B/W)	\$1.00/SF	
	Bond Plots (B/W)	\$0.50/SF	
	Drawing Reproduction	Cost +15%	
	Document Reproduction	\$0.10/sheet	
	-Outside Reproduction	Cost +15%	
	Travel	Company Auto	Prevailing IRS
		Rental Vehicle	Cost
Airfare		Cost	
Meals and Lodging		Cost	

City of Capitola Budget Adjustment Form



Date 11/12/2015

Requesting Department Public Works

Administrative Council

Item #
Council Date: 11/12/2015
Council Approval

Revenues		
Account #	Account Description	Increase/Decrease
Total		\$0

Expenditures		
Account #	Account Description	Increase/Decrease
1311-00-00-000-4305.900	CS-Gen/Admin Contracts	\$32,000
Total		\$32,000

Net Impact (32,000)

Purpose: Inspection and Engineering Services for Capitola Wharf

Department Head Approval _____

Finance Department Approval _____

City Manager Approval _____

Attachment: Budget Adjustment Form - Wharf Fund (1234 : Wharf Study 2015)



CITY COUNCIL AGENDA REPORT

MEETING OF NOVEMBER 12, 2015

FROM: Capitola Police Department

SUBJECT: Accept Report and the Consideration of an Ordinance Amending Capitola Municipal Code Section 9.30.020 (B) Regarding Surf School Regulations

RECOMMENDED ACTION: Accept report on the status of an Uncodified Ordinance to the Capitola Municipal Code (CMC) Section 9.30.020 (b), Surf School Regulations, that allowed five permitted surf schools to operate in the City for the 2015 calendar year, and consider options outlined below:

Options:

1. Allow the Uncodified Ordinance amendment to expire and return to allowing four permitted surf schools; or
2. Introduce an Ordinance to amend section 9.30.020 to permit five surf schools; and approve the amended Surf Permits Administrative Policy I-34.

BACKGROUND: In 2008, the Capitola City Council adopted Chapter 9.30 of the Capitola Municipal Code to regulate Surf Schools that operate at specific beaches and surf breaks within control of the Capitola Police Department. That Ordinance called for a maximum of four Surf School Permits to be issued each calendar year. The purpose of the Surf School Permits is to facilitate a safe water experience for experienced surfers, instructors, students and visitors who share the beach.

Due to increased interested in operating surf schools in Capitola, at its March 12, 2015, meeting, the City Council directed the City Attorney to prepare an Uncodified Ordinance, pursuant to which a maximum of five surf schools would be permitted to operate for the 2015 year only. Except as amended by the Uncodified Ordinance, all other provisions of Chapter 9.30 regulating surf schools including, but not limited to, the number of surf school students who can be in the water at any one time (eight students), were unchanged and remain in full force and effect.

At that same time an Administrative Policy was also adopted that outlines the process to issue surf school permits, and calls for those permits to be awarded on a competitive basis based on an applicant's qualifications.

DISCUSSION: The Uncodified Ordinance amendment allowing five surf schools is due to expire on December 31, 2015. Without Council action, the number of permits issued annually will revert back to four.

Since increasing the number of permitted surf schools to five, no citations have been issued for any specific violations of the code. Staff has contacted individual vendors to remind them of certain regulations, but none of these violations have risen to the level of enforcement actions or permit reviews.

Amend Surf School Ordinance [1st Reading]
November 12, 2015

The maximum students allowed at any one time are eight. Staff recommends keeping the number of students at eight and all other current provisions in the code. Staff continues to communicate and engage all the permitted schools to improve upon our current regulations and processes.

FISCAL IMPACT: None.

ATTACHMENTS:

1. Capitola Surf Break Map (DOCX)
2. Draft Surf Schools Permit Policy I-34 (PDF)

Report Prepared By: Rudy Escalante
Police Chief



Jamie Goldstein, City Manager

11/6/2015

**DRAFT
ORDINANCE NO. ____**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
AMENDING SECTION 9.30.020 TO THE CAPITOLA MUNICIPAL CODE
PERTAINING TO REGULATION OF SURF SCHOOLS**

BE IT ORDAINED BY THE CITY OF CAPITOLA AS FOLLOWS:

Section 9.30.020 “Surf School Regulations” of the Capitola Municipal Code is hereby amended at subsection (B) to read as follows:

“9.30.020 Surf School Regulations.

- A. Student to Instructor Ratio. The maximum student to instructor ratio for surf schools while operating on Capitola beaches and surf breaks shall be 4 students per one (1) instructor.
- B. Maximum Total of Surf School Students/Surf Schools. The total number of surf school students using Capitola beaches and surf breaks during any single period of time shall not exceed 8 students. A maximum of **five (5)** ~~four (4)~~ surf schools will be licensed and permitted within the City of Capitola to conduct surf lessons on Capitola beaches each year.
- C. Surf School Instructor Qualifications. Every surf school instructor who uses Capitola beaches and surf breaks to instruct surf school students shall at a minimum currently have the following certifications and qualifications: Basic First Aid; CPR; Department of Justice (DOJ) Live Scan fingerprint clearance and criminal history check.
- D. Surf School Uniforms. Surf schools which conduct operations on Capitola beaches and surf breaks shall, while conducting said operations, assure that all students and instructors wear uniform shirts or vests identifying their respective surf schools. Said shirts or vests shall be sufficiently distinctive in color or design so as to allow Capitola lifeguards and police officers to differentiate between surf schools. The City when issuing surf school permits may designate the color shirt or vest to be employed by a surf school for this purpose. It is recommended the surf schools utilize the same colored jerseys as assigned in the City of Santa Cruz.
- E. Surf School Equipment. Surf schools which conduct operations on Capitola beaches and surf breaks shall, while conducting said operations, use only the following types of equipment: soft foam boards with leashes for beginners; “hard boards” with leashes for intermediate and advanced lessons at instructor’s discretion, provided that in any such “hard board” lesson session the student to instructor ratio shall not exceed two students per instructor.
- F. Surf School Insurance. Surf schools shall not be permitted to conduct operations on Capitola beaches and surf breaks unless and until they have provided to the City proof that they currently have in place liability insurance in an amount prescribed by City

Amend Surf School Ordinance [1st Reading]
November 12, 2015

Council resolution as well as worker's compensation insurance as required by state law. Surf schools shall also have a safety and evacuation plan on file.

- G. Other Applicable Regulations. Surf schools that conduct operations on Capitola beaches and surf breaks shall comply with all other applicable federal, state and local statutes and regulations including but not limited to Capitola Municipal Code Chapter 8.64 pertaining to water sports and equipment, Capitola Municipal Code Chapter 5.04 pertaining to business license taxes and applicable California Labor Code statutes governing employment including statutes governing wages, hours and worker's compensation."

This ordinance was introduced on the 12th day of November, 2015, and was passed and adopted by the City Council of the City of Capitola on the ____ day of, ____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED: _____
Dennis Norton, Mayor

ATTEST:

_____, CMC
Susan Sneddon, City Clerk

CAPITOLA SURF BREAK MAP



Attachment: Capitola Surf Break Map (1148 : Amend Surf School Ordinance [1st Reading])



DRAFT
ADMINISTRATIVE POLICY

Number: I-34
 Issued: March 12, 2015
Revision:
 Jurisdiction: City Council

SURF SCHOOL PERMITS

I. PURPOSE

The purpose of this policy is to provide a process for the annual review and issuance of surf school permits that are issued within the City limits of Capitola, implementing Capitola Municipal Code section 9.30. Surf schools that are permitted to conduct operations on Capitola beaches and surf breaks shall comply with all other applicable federal, state and local statutes and regulations including but not limited to Capitola Municipal Code Chapter [8.64](#) pertaining to water sports and equipment, Capitola Municipal Code Chapter [5.04](#) pertaining to business license taxes and applicable California Labor Code statutes governing employment including statutes governing wages, hours and worker's compensation.

II. POLICY

No surf school shall conduct operations on Capitola beaches or surf breaks without first obtaining a permit to do so from the Capitola police department. The permit shall assure compliance with the surf school regulations set forth in Section [9.30.020](#) and other requirements determined necessary to comply with public safety and local, state or federal law.

III. PROCEDURE

- A. The Capitola police department shall assess permit fees to surf schools, which shall be due and payable in full at the time of permit issuance. The amount of the fee shall be established in the City's fee schedule and shall correspond to the costs incurred by the city in regulating surf schools in accordance with this policy and providing public safety services attributable exclusively to the operation of surf schools on city beaches and surf breaks.

To the extent it is necessary for the city to employ lifeguards or other public safety personnel that would not otherwise be required but for the conduct of surf school operations on Capitola beaches and surf breaks, as part of its permit fee assessment the city may recover from those surf schools on a pro rata basis the costs it incurs employing said lifeguards or law enforcement personnel.

- B. Permit Issuance. Permits are valid for one calendar year beginning on January 1st and expiring on December 31st of the same year they were issued. The time period to submit a completed application for the upcoming permit year starts December 1 and closes at noon on December 31st. Completed and submitted applications will be reviewed by the Chief of Police who will issue no more than ~~five~~ ~~four~~ permits based on a competitive assessment of the qualifications of the applicant, the applicant's past history of compliance with applicable regulations, the applicant's history of successfully operating a Surf School, and the City's adopted "Local Vendor Preference" policies. Those permits shall be valid for one year.

Administrative Procedures: I-34
Surf School Permits

The Police Chief's decision regarding the award of a Surf School permit may be appealed by an affected party to the City Manager. The City Manager's decision may be appealed to City Council pursuant to CMC 2.52.

If at any time fewer than ~~five~~ **four** Surf School permits have been issued, the remaining permits will be issued on a first come first served basis to qualified applicants upon submission of a complete application.

C. Permit Term. Surf School permits expire on December 31st of the year issued.

IV. REVOCATION

The City Manager shall have the right to revoke or suspend Surf School permits for: failure to comply with the terms of a Surf School permit, failure to comply with applicable laws, and/or failure to operate a Surf School. The City Manager's decision to revoke a permit may be appealed to City Council pursuant to CMC 2.52.

This policy is approved and authorized by

Jamie Goldstein
City Manager



CITY COUNCIL AGENDA REPORT

MEETING OF NOVEMBER 12, 2015

FROM: Capitola Police Department
SUBJECT: Receive Lifeguard Seasonal Report

RECOMMENDED ACTION: Accept report and provide direction.

BACKGROUND: The Capitola Police Department is responsible for providing lifeguard services on the beaches within the City. The Lifeguard Program protects swimmers, surfers, and waders in the Capitola Beach area during the summer months and the surrounding weekends. Lifeguards respond to water rescues, major and minor first aid calls, basic law enforcement issues on the beach and various animal calls, in addition to educating the public on a variety of marine environmental issues. Lifeguard services are provided in Capitola from May through September.

In April 2012, the City entered a one-year contract with the City of Santa Cruz Fire Department to perform lifeguard services. In 2013, the Council approved a three-extension to that contract that has now expired.

DISCUSSION: The City of Santa Cruz was selected due to their well established Marine Safety Program coupled with their similar geographical and beach demographics. The Santa Cruz Marine Safety Program is an advanced certification lifeguard program with the United States Lifesaving Association. Listed below are statistics obtained from the Santa Cruz Lifeguard Program as to the services provided since 2012:

Type	2012	2013	2014	2015
Rescues	23	31	89	178
Boat Rescues	4	0	0	10
Boat Warnings	166	914	2,030	2,134
Pub. Service/Prev. Contacts	58,649	45,915	78,097	59,753
Medical Aids	158	98	168	93
Major	13	10	11	4
Minor	145	88	157	89
Warnings/Advisements	4,645	4,118	6,425	4,534
Lost/Found Children	26	11	15	16
Public Education	1,111	1,090	1,571	3,295
Attendance	4,473	6,175	6,359	19,141

The current contract with the City of Santa Cruz expired at the end of this last summer. Staff for both cities are in discussions regarding a contract extension. If the contract is extended the Santa Cruz Fire Department would continue to manage the entire beach lifeguard program including, recruiting, hiring, training, scheduling, organizing, administration, payroll, and


Lifeguard Seasonal Report
November 12, 2015

equipment.

If the contract with the City of Santa Cruz is not extended, Capitola will reinstitute its lifeguard division to ensure the City continues to provide lifeguard services on Capitola Beach. Staff anticipates bringing contract to City Council for consideration this winter.

FISCAL IMPACTS: None at this time.

Report Prepared By: Rudy Escalante
Police Chief



Jamie Goldstein, City Manager

11/3/2015



CITY COUNCIL AGENDA REPORT

MEETING OF NOVEMBER 12, 2015

FROM: Public Works Department

SUBJECT: Consider the Capitola Avenue Storm Drain Repair Project

RECOMMENDED ACTION: Take the following actions:

1. Find that due to the threatened occurrence of flooding that poses a danger, requiring immediate action to prevent or mitigate the loss of property this purchase will be made under the emergency procurement clause. Staff solicited bids from three contractors but due to time constraints of the threatened property damage staff was not able to advertise in the newspaper; and
2. Consider the bids received for storm drain replacement on Capitola Avenue and award a contract to the lowest bidder; and
3. Approve a budget amendment transferring necessary funds within the Capital Improvement Program.

BACKGROUND: In order to remedy the intermittent flooding that occurs on the 300 block of Capitola Avenue, Public Works staff has completed a preliminary drainage study to both determine the cause and identify potential solutions. The study has determined the flooding is primarily caused due to the fact the storm drain running along Capitola Avenue is essentially flat, causing the pipe to drain very slowly. The best apparent fix is to reconstruct the line from in front of 309 Capitola Avenue to Stockton Avenue. The new pipe line would be placed with a 1% slope, increasing that capacity of the pipeline from 1.0 cfs to 3.46 cfs which will provide enough capacity for a 10-15 year rainfall event.

DISCUSSION: Public Works staff has reached out to several contractors for quotations on this work. To date two bids have been received. Additional bids are expected early in the week prior to the Council meeting. The bids received so far are as follows:

- | | |
|--------------------------------------|-----------|
| 1. Johnson & Company | \$106,081 |
| 2. Santa Cruz Underground and Paving | \$108,790 |

Staff will update the Council on any additional bids received and formalize the recommended actions. All the contractors bid the project with the understanding that they are expected to start work immediately upon award of a contract.

While receiving bids, the City had existing utilities in the area marked to identify any conflicts that may exist. Several potential conflicts were identified, specifically with a sewer main, an AT&T line, and several water and cable service connections. It is anticipated that the elevation of the service connections can be adjusted to accommodate the new storm drain. Adjustments to the sewer and AT&T lines may prove difficult, but a resolution on this cannot be made until the contractor is able to expose the utilities through potholing to determine the level of conflict.

Capitola Avenue Storm Drain Repair
November 12, 2015

Ultimately the final grades of the new storm drain may need to be further adjusted during construction.

FISCAL IMPACT: Funding for this project can be provided by a reallocation of funds within the Capital Improvement Program (CIP). Funding will be transferred from a project scheduled for construction next fall such as the Stockton Avenue Bridge Assessment and Clares Street Traffic Calming. This transfer in funding will not delay the other projects, as additional funding can be transferred into the CIP when necessary. A final recommendation on the funding will be included with the staff presentation at the Council meeting.

ATTACHMENTS:

1. Jay Johnson Inc. Bid
2. SCUP bid

Report Prepared By: Steve Jesberg
Public Works Director



General Engineering Contractor ■ Ca. Lic. #794964

Johnson & Company, Inc.

600 Calabasas Road ■ Watsonville, CA 95076 ■ (831) 722-8452 ■ Fax 722-2975

City of Capitola
420 Capitola Ave
Capitola, Ca 95010

November 5, 2015

Attn: Steve Jesburg

Subject: Drainage improvement quotation
Project : Capitola Ave & Stockton Ave

Mr. Jesburg,

We quote the items listed below for the sums shown as each. This includes all tools, labor, equipment and materials necessary to complete the work as described below and per exhibit 4.

1) Remove tree	1EA	\$ 450.00
2) Tie in at DI "E"	LS	\$ 4,325.00
3) 12" HDPE stormdrain	179LF	\$38,485.00
4) 8" HDPE stormdrain	40LF	\$ 7,960.00
5) GO inlet	1EA	\$ 5,225.00
6) Remove sidewalk	464SF	\$ 3,248.00
7) Install sidewalk w/ color	464SF	\$14,384.00
8) Install Type "A" Detail "B" Ramp	LS	\$ 5,940.00
9) 3" Type "A" ½ AC paving	804SF	\$ 8,844.00
10) Traffic control	10 days	\$17,220.00

\$106,081

Attachment: Jay Johnson Inc. Bid (1237 : Capitola Avenue Storm Drain Repair)



P.O. Box 699
Aptos, CA 95001-0699
Phone: (831) 722-3125
Fax: (831) 722-3127

PROPOSAL AND CONTRACT

To: City of Capitola DPW Phone: 831-475-7300
Fax:

Attention: Ed Morrison

SANTA CRUZ UNDERGROUND & PAVING, INC. ("Contractor") hereby offers to furnish all labor, materials and equipment to complete the work described below.

PROJECT: Storm Drainage Replacements Captiola Ave & Stockton Avenue

(Name) (Address)

A. Scope of the Work: See Scope of Work Exhibit "A", attached hereto and incorporated into this contract.

Substantial commencement of the above-described work shall be deemed to be physical performance at the jobsite.

A. Payment. Schedule of Payments: Exhibit "A"

Total contract price to be

[X] The entire amount of the Contract is to be paid upon receipt of invoice.
[] Other When Amount

Interest will be charged at the rate of 1.5% per month on all unpaid overdue accounts.

B. Validity: This proposal is valid for a period of 30 days from the date of the proposal.

C. Commencement/Completion of Work:

- 1. Owner shall have jobsite ready for commencement of the work of improvement no later than 30 days from the date of this contract and so notify the Contractor in writing.
2. The approximate date when work is to be completed will be determined by mutual agreement.

D. Arbitration of Disputes: If any dispute arises concerning the project, any provision of this contract, or any provision of a subcontract that is subject to this Contract, the dispute will be settled by arbitration held in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association in effect at the time a demand or arbitration is filed with the Association. Any party to the dispute may file, in the manner provided by the Construction Industry Arbitration Rules of the Association, a demand for arbitration. The written decision of the arbitrator or arbitrators appointed by the Association will be final and conclusive as to all parties to the dispute. If any party fails or refuses to appear or participate in the arbitration proceedings, the arbitrator(s) may decide the dispute on the evidence presented in the proceedings by the other party or parties to the dispute. The arbitrator(s) will have the power to award to any party or parties to the dispute any sums for costs, expenses, and attorneys' fees that the arbitrator(s) deem(s) proper. Judgment may be entered on the award in any court of competent jurisdiction. This provision will be binding on the Owner, Contractor, and any sub-subcontractor who signs this Contract or another contract that incorporates this Contract by reference.

NOTICE: BY INITIALING IN THE SPACE BELOW YOU ARE AGREEING TO HAVE ANY DISPUTE ARISING OUT OF THE MATTERS INCLUDED IN THE "ARBITRATION OF DISPUTES" PROVISION DECIDED BY NEUTRAL ARBITRATION AS PROVIDED BY CALIFORNIA LAW AND YOU ARE GIVING UP ANY RIGHTS YOU MIGHT POSSESS TO HAVE THE DISPUTE LITIGATED IN A COURT OR JURY TRIAL. BY INITIALING IN THE SPACE BELOW YOU ARE GIVING UP YOUR JUDICIAL RIGHTS TO DISCOVERY AND APPEAL, UNLESS THOSE RIGHTS ARE SPECIFICALLY INCLUDED IN THE "ARBITRATION OF DISPUTES" PROVISION. IF YOU REFUSE TO SUBMIT TO ARBITRATION AFTER AGREEING TO THIS PROVISION, YOU MAY BE COMPELLED TO ARBITRATE UNDER THE AUTHORITY OF THE BUSINESS AND PROFESSIONS CODE OR OTHER APPLICABLE LAWS. YOUR AGREEMENT TO THIS ARBITRATION PROVISION IS VOLUNTARY. WE HAVE READ AND UNDERSTAND THE FOREGOING AND AGREE TO SUBMIT DISPUTES ARISING OUT OF THE MATTERS INCLUDED IN THE "ARBITRATION OF DISPUTES" PROVISION TO NEUTRAL ARBITRATION.

Owner(s) Contractor

E. Attorneys' Fees. If any legal action or proceeding arising out of or relating to this Contract is brought by either party to this Contract, the prevailing party will be entitled to receive from the other party, in addition to any other relief that may be granted, the reasonable attorneys' fees, cost, and expenses incurred in the action or proceeding by the prevailing party.

Attachment: SCUP bid (1237 : Capitola Avenue Storm Drain Repair)

F. Sole and Only Agreement. This instrument constitutes the sole and only agreement of the parties to this Contract relating to the project and correctly sets forth the rights, duties, and obligations of each to the other as of its date. Any prior agreements, promises, negotiations, or representations not expressly set forth in this Contract are of no force and effect.

G. Incorporated. The terms and conditions set forth in Exhibits "A" Scope of Work, Exhibit "B" Terms and Conditions, Exhibit "C" Authorized Signatures, and Exhibit "D" Notice to Owner, are expressly incorporated into this Contract by this reference.

By: _____
Greg Nohrden Contractors License #863687
SANTA CRUZ UNDERGROUND AND PAVING, INC.

Date: October 29, 2015

You, the Owner (Buyer), have the right to require that your Contractor have a performance and payment bond, and the expense of the bond may be born by the Owner. You, the Owner (Buyer), may cancel this transaction at any time prior to midnight of the third business day (in the case of disaster repairs, seventh business day) after the date of this transaction, but prior to commencement of the work. See the attached Notice of Cancellation form for an explanation of this right.

ACCEPTANCE: We accept the above proposal. You are authorized to perform the work described herein, and we agree to pay the stated amount in accordance with the terms set forth herein. We further accept all of the scope of work described above, terms and conditions attached as Exhibit "B" and authorized signatures attached as Exhibit "C". This Proposal (Agreement) represents the entire agreement between Buyer and the Contractor and supersedes any and all prior written or oral representations.

By: _____ Date: _____
Print Name: _____

Attachment: SCUP bid (1237 : Capitola Avenue Storm Drain Repair)



EXHIBIT "A" SCOPE OF WORK

INCLUSIONS: Remove and install new piping as per plans, re-work and or replace existing drainage inlets as per plans. Restore asphalt and concrete as per plans. Traffic control as needed.

Price for the above described work \$108,790.00

SPECIAL CONDITIONS:

1. This proposal is based on preliminary plans by Kimley Horn sheet Exhibit 4, dated N/A specifications Our price will be confirmed on receipt of approved plans..
2. Our price is valid only for the work explicitly covered in this proposal. Additional work necessitated by conditions in the field or by requirements of the general contractor or owner not explicitly covered in our proposal will be extra.
3. This proposal is valid for 15 days.
4. Santa Cruz Underground & Paving, Inc. reserves the right to review the contract documents prior to entering into a contract. This proposal is to be included in and made part of any contract agreement.
5. Due to the volatility of liquid asphalt pricing, Santa Cruz Underground & Paving, Inc. will require reimbursement for price increases for liquid asphalt prices from its suppliers.
6. Any work requested by the owner to be performed in inclement weather or under "over-optimum" conditions will result in additional costs and will be billed on a "time and material" basis.
7. This proposal is based on completing the onsite rough grading in one single move-in. This includes all subexcavation, excavation and embankment operations required to build the project. Storm, sewer, water and fire utilities will be installed in one single mobilization. Finish grade operations for building pads and concrete pavement areas will each be constructed in one move-in respectively. Asphalt pavement subgrade, rock or asphalt paving will each be done in a single separate move-in.
8. All earthwork improvements and grades constructed will be certified and/or accepted in writing by the owner/general contractor prior to construction of subsequent improvements. Use made by other trades of our grade will constitute acceptance of our work.
9. Prices are good for all work completed by 5/31/2015. Any work completed after that date is subject to material and labor cost escalations.
10. Santa Cruz Underground & Paving, Inc. does not accept any responsibility for tracking of seal coat material onto concrete surfaces or into homes/offices by animals, children or adults.
11. This proposal is based on a 5 day workweek Monday through Friday @ 8 hours per day minimum. Any overtime work will only be performed if approved by Contractor in advance and paid as extra work.
12. All overhead power lines, utilities or other obstructions which will interfere with the operation of our equipment are to be removed or relocated by others as required by SCUPI.
13. Owner is solely responsible for locating and disclosing the location of all known & unknown subsurface conditions, utilities, appurtenances, obstructions (whether man-made or natural), or any other interference which may be encountered during the prosecution of the Work and fully indemnify and hold Contractor harmless for any damage to same unless, in the sole opinion of the Contractor, the condition, utility, appurtenance, obstruction or interference was properly marked and identified. Work within 5-feet of the building footprint is excluded.
14. Reasonable, unrestricted legal access and staging areas for equipment and material deliveries shall be provided to us, as required for our work at all times.
15. All water required for construction shall be provided to contractor at no cost
16. Contractor does not assume any responsibility or liability for any cracking or settlement of the existing utilities, buildings, pavements, curbs or any other structures which may occur during installation of the Work, or which is caused by access requirements of the equipment
17. All compaction reports and surveying information shall be promptly provided to SCUPI at no cost to SCUPI. Failure to provide compaction reports or survey information on a timely basis as determined by SCUPI may result in demobilization and assessment of a re-mobilization charge.
18. Prices as set forth herein are for the complete and entire Scope of Work.
19. Owner expressly acknowledges that Contractor is licensed and authorized to perform the work as shown herein and that Contractor is not an engineer or design consultant. Proposals made by Contractor are for the sole consideration of the Owner and the Owner's design engineer or consultant who shall be solely responsible for the determination whether said work proposed by the Contractor is, or will be adequate to satisfy the requirements of the Owner, his agents, or any governmental agency. Except as provided herein, no warranty or representation of any kind is made with respect to this proposal or any resulting Contract or Contract Modification. Warranty with respect to fitness for any purpose or use is specifically disclaimed to the fullest extent provided by law.
20. The provisions of this proposal and any resulting agreement are severable, and if any part is found to be unenforceable, the other parts shall remain in full force and effect.
21. Standby time will be charged by the hour.

Attachment: SCUP bid (1237 : Capitola Avenue Storm Drain Repair)

EXCLUSIONS:

1. Bonds, permits, engineering, staking, all testing, inspection fees, shop drawings, as-builts, samples.
2. Chlorination, disinfection or flushing of water lines
3. Any work not explicitly included in scope descriptions.
4. Erosion control, repair or maintenance.



EXHIBIT "B" TERMS AND CONDITIONS

- 1. Plans, Specifications, Permits, Fees.** The project will be constructed according to plans and specifications which have been examined by the Owner and which have been or may be signed by the parties hereto. Owner will obtain and pay for all required building permits, inspection fees, soils tests, engineering, staking, assessments and charges required by public bodies and utilities for financing or repaying the cost of sewers, storm drains, water service and other utilities, including sewer and storm drain reimbursement charges, revolving fund charges, hook-up charges, and other such similar items required for the performance of the work hereunder.
- 2. Labor and Material.** Contractor shall pay all valid charges for labor and material incurred by Contractor and used in the construction of the Project, but is excused by Owner from this obligation for bills received in any period during which Owner is in arrears in making progress payments to Contractor.
- 3. Differing Site Conditions.** Expense incurred because of unusual or unanticipated conditions differing materially from those ordinarily encountered in the character of the work, such as unsuitable or over-optimum material, uncompacted fill, hard soil, rock or ground water or other unknown physical conditions, shall be paid for by Owner as extra work.
- 4. Extra Work.** Should Owner, construction lender or any public body or inspector direct any modification or addition to the work covered by this Contract, the cost shall be added to the contract price. For the purpose of this paragraph, "cost" is defined as the cost of extra subcontracts, labor, equipment and materials, plus 10% of "cost" for overhead, plus 15% of the sum of "cost and overhead" for profit. Changes in the contract shall be evidenced by a written change order signed by both parties. No extra or change-order work shall be required to be performed without prior written authorization by Owner. Any change-order forms, for changes or extra work, shall be incorporated in, and become a part of the contract.
- 5. Allowances.** If the contract price includes allowances, and the cost of performing the work covered by the allowance is greater or less than the allowance, then the contract price shall be increased or decreased accordingly. Unless otherwise requested by Owner in writing, Contractor shall use his own judgment in accomplishing work covered by an allowance. If Owner requests that work covered by an allowance be accomplished in such a way that the cost will exceed the allowance, Contractor shall comply with Owner's request, provided that Owner agrees to pay the additional cost in advance.
- 6. Delay.** Contractor shall be excused for any delay in completion of the Contract caused by acts of God, acts of Owner or Owner's agent, adverse weather, labor trouble, acts of public utilities, public bodies or inspectors, extra work, failure of Owner to make progress payments promptly, or other contingencies unforeseen by Contractor and beyond the reasonable control of Contractor.
- 7. Damage to Project and Insurance.** Owner will procure at his own expense and before the commencement of any work hereunder, property insurance on a broad or all-risk policy form and shall insure against the perils of fire and extended coverage and for other physical loss or damage including coverage for theft, vandalism, malicious mischief, collapse and debris removal and shall not contain an exclusion for earth movement or subsidence; such property insurance to be in a sum at least equal to the contract price with loss, if any, payable to any beneficiary under any deed of trust covering the Project, such insurance to name Contractor as an additional insured, and to protect Owner, Contractor and construction lender as their interests may appear; should Owner fail to do so, Contractor may procure such insurance as agent for and at expense of Owner, but is not required to do so. The Owner and Contractor waive all rights against each other for damages caused by perils (and to the extent of insurance for such perils) covered by property insurance obtained pursuant to this Contract or any other property insurance applicable to the Project, except such rights as they have to proceeds of the insurance held by the Owner. If the Project is destroyed or damaged by an accident, disaster or calamity, such as fire, storm, flood, landslide, subsidence or earthquake, or by theft or vandalism, any work done by Contractor by rebuilding or restoring the Project shall be paid for by Owner as extra work under Section 4. Contractor will maintain in full force and effect a workers' compensation insurance policy and a commercial general liability insurance policy in amounts not less than required by the specifications.
- 8. Right to Stop Work.** Contractor shall have the right to stop work if any payment shall not be made to Contractor under this Agreement; Contractor may keep the job idle until all payments due are received.
- 9. Limitations.** No action arising from or related to the Contract, or the performance thereof, shall be commenced by either party against the other more than two years after the completion or cessation of work under this contract. This limitation applies to all actions of any character, whether at law or in equity, and whether sounding in contract, tort or otherwise. This limitation shall not be extended by any negligent misrepresentation or unintentional concealment, but shall be extended as provided by law for willful fraud, concealment or misrepresentation.
- 10. Attorney Fees.** If either party becomes involved in litigation arising out of this Contract or the performance thereof, the court in such litigation, or in a separate suit shall award reasonable costs and expenses, including attorney fees, to the prevailing party. In awarding attorney fees, the court will not be bound by any court fee schedule; but shall, if it is in the interest of justice to do so, award the full amount of costs, expenses and attorney fees paid or incurred in good faith.
- 11. Clean Up.** Upon completion of the work, Contractor will remove its own debris and surplus material from Owner's property and leave it in a neat and clean condition.
- 12. Taxes and Assessments.** Taxes and special assessments of all descriptions will be paid by Owner.
- 13. Notice.** Any notice required or permitted under this Contract may be given by ordinary mail at the address contained in this Contract; but such address may be changed by written notice given by one party to the other from time to time. After a notice is deposited in the mail, postage prepaid, it shall be deemed received in the ordinary course of the mails.
- 14. Commencement.** Contractor's failure, without lawful excuse, to substantially commence work within twenty (20) days from the approximate mutually agreed date when work will begin is a violation of the Contractors State License Law.
- 15. Limitation of Liability.** Owner recognizes and acknowledges that Contractor cannot control or otherwise prevent subsidence or earth movement, including landslide, earth sinking, earth rising and/or earth shifting. In order to protect against this risk of loss or damage, Owner shall procure and maintain property insurance as set forth in paragraph 7, above. Owner further acknowledges and agrees that the Contractor shall have no responsibility or liability for damages of any kind or nature arising out of or in any way resulting from subsidence or earth movement unless the substantial cause of the damage is Contractor's failure to perform the work in accordance with the plans and specifications and any approved revisions or changes thereto or Contractor's negligent performance of the work.
- 16. Damage.** Contractor shall not be liable for damage to underground pipe, conduit, or installations which are not marked on the property, nor for any damage to access roads, bridges and rights-of-way leading to the project from a public road. Owner shall hold Contractor harmless against any such claim.
- 17. Force.** If any provision of this Contract is determined to be illegal or unenforceable for any reason, the same shall be severed from the Contract and the remainder of the Contract shall be given full force and effect.
- 18. Release:** Upon satisfactory payment being made for any portion of the work performed, the Contractor shall, upon request, prior to any further payment being made, furnish a full and unconditional release from any claim or mechanics' lien pursuant to Section 3114 of the Civil Code, for that portion of the work for which payment has been made.



EXHIBIT "C" AUTHORIZED SIGNATURES

The following persons are authorized by the Owner (Buyer) to initiate and approve daily extra work and contract change orders:

Name (Printed)

- 1. _____
- 2. _____
- 3. _____
- 4. _____

Attachment: SCUP bid (1237 : Capitola Avenue Storm Drain Repair)



EXHIBIT “D” Notice to Owner

Licensing and Regulation of Contractors. Contractors are required by law to be licensed and regulated by the Contractors’ State License Board, which has jurisdiction to investigate complaints against contractors if a complaint regarding a patent act or omission is filed within four years of the date of the alleged violation. A complaint regarding a latent act or omission pertaining to structural defects must be filed with ten years of the date of the alleged violation. Any questions concerning a contractor may be referred to the Registrar, Contractors’ State License Board, PO Box 26000, Sacramento, CA 95826.

Statutory Notice Regarding Mechanics’ Liens. The following statutory notice is provided in accordance with Business and Professions Code section 7164:

MECHANICS’ LIEN WARNING:

Anyone who helps improve your property, but who is not paid, may record what is called a mechanics’ lien on your property. A mechanics’ lien is a claim, like a mortgage or home equity loan, made against your property and recorded with the county recorder.

Even if you pay your contractor in full, unpaid subcontractors, suppliers and laborers who helped to improve your property may record mechanics’ liens and sue you in court to foreclose the lien. If a court finds the lien is valid, you could be forced to pay twice or have a court officer sell your home to pay the lien. Liens can also affect your credit.

To preserve the right to record a lien, each subcontractor and material supplier must provide you with a document called a “20-Day Preliminary Notice”. This notice is not a lien. The purpose of the notice is to let you know that the person who sends you the notice has the right to record a lien on your property if he or she is not paid.

BE CAREFUL. The Preliminary Notice can be sent up to 20 days after the subcontractor starts work or the supplier supplies material. This can be a big problem if you pay your contractor before you have received the Preliminary Notices.

You will not get Preliminary Notices from your prime contractor or from laborers who work on your project. The law assumes that you already know they are improving your property.

PROTECT YOURSELF FROM LIENS. You can protect yourself from liens by getting a list from your contractor of all the subcontractors and material suppliers that work on your project. Find out from your contractor when these subcontractors started work and when these suppliers delivered good or materials. Then wait 20 days, paying attention to the Preliminary Notices you receive.

PAY WITH JOINT CHECKS. One way to protect yourself is to pay with a joint check. When your contractor tells you it is time to pay for the work of a subcontractor or supplier who has provided you with a Preliminary Notice, write a joint check payable to both the contractor and the subcontractor or material supplier.

For other ways to prevent liens visit CSLB’s Web site at www.cslb.ca.gov or call CSLB at 800-321-CSLG (2752).

REMEMBER, IF YOU DO NOTHING, YOU RISK HAVING A LIEN PLACED ON YOUR HOME. This can mean that you have to pay twice, or face the forced sale of your home to pay what you owe.

Bonds. OWNER HAS THE RIGHT TO REQUIRE CONTRACTOR TO SECURE A PERFORMANCE BOND AND A PAYMENT BOND. THE EXPENSE OF THESE BONDS MAY BE BORNE BY OWNER.



CITY COUNCIL AGENDA REPORT

MEETING OF NOVEMBER 12, 2015

FROM: Community Development
SUBJECT: Zoning Code Update: Review Issues and Options Report

RECOMMENDED ACTION: Accept staff presentation and provide direction on each of the zoning issues.

BACKGROUND: The City is currently working on the Zoning Ordinance Update. The Planning Commission held five special meetings on April 30th (joint meeting); May 18th; May 21st; June 22nd; and July 20, 2015, to review the Issues and Options Report (Attachment 1) and provided direction to staff on the preferred options. The City Council reviewed six Issues during the April 30th joint meeting, five Issues at the October 19, 2015 special meeting, and three Issues at the October 26, 2015 special meeting. The Planning Commission direction on all 18 Zoning Issues and the City Council direction on 14 Issues are included in the Issues and Options Matrix (Attachment 2).

DISCUSSION: The City Council will review the remaining three Zoning Code Issues during the November 12th meeting:

Issue 11: Architectural and Site Review Committee
Issue 13: Planned Development
Issue 7: Signs

During the meeting, staff will present the Issues, the relative options, and the direction provided by the Planning Commission. Following the presentation of each item, the City Council will hear public comments, discuss the item, and provide staff with direction. Issue 18, City Council Appeals of Planning Commission Decisions, will not be discussed as part of the Zoning Code Update. The appeal process is outlined in Municipal Code Chapter 2.52. This issue will be brought to the City Council separately with a proposed amendment to the municipal code to ensure procedural compliance.

NEXT STEPS: After receiving direction on all 18 Issues, the new Zoning Code and CEQA document will be drafted for publication. This step is estimated to take approximately two to three months. The document will be published and available for public review for an additional month. The draft Ordinance will then return to the Planning Commission for review and recommendation. The City Council will conclude the process with the final review and adoption. Upon adoption, the Zoning Code will be submitted to the Coastal Commission.

ACTIVITY

Issues and Options Hearings – Planning Commission
Issues and Options Hearings – City Council
Preparation of Draft Zoning Code
Draft Zoning Code Review Hearings – Planning Commission
Draft Zoning Code Review Hearings – City Council
Zoning Code Review – Coastal Commission

SCHEDULE

May 2015 – July 2015
October 2015 – Nov 2015
Dec 2015 – Feb 2016
March 2016 – May 2016
June 2016 – August 2016
August 2016 – TBD

Zoning Code Update
November 12, 2015

FISCAL IMPACT: None

ATTACHMENTS:

1. Issues and Options Report
2. Issues and Option Matrix
3. City Council Summary October 26th meeting

Report Prepared By: Katie Cattan
Senior Planner



Jamie Goldstein, City Manager

11/6/2015



CITY OF CAPITOLA
COMMUNITY DEVELOPMENT DEPARTMENT

ZONING CODE UPDATE

ISSUES AND OPTIONS REPORT

MARCH 5, 2015

CITY OF CAPITOLA
420 CAPITOLA AVENUE
CAPITOLA, CA 95010

Attachment: Issues and Options Report (1240 : Zoning Code Update)

Introduction

This report presents options for how Capitola can address important issues in its updated Zoning Code. The report will help facilitate public discussion and summarizes input received to-date from the Planning Commission, City Council, and general public. Reviewing this input early in the process will help City staff and consultants prepare an updated zoning code that reflects the unique conditions, values, and goals in Capitola.

The report begins with a brief description of planned changes to the existing zoning code that are non-controversial and straight-forward. The second part then discusses the following 18 issues that warrant public discussion early in the zoning code update process:

Issue	Page
1. Protecting the Unique Qualities of Residential Neighborhoods	7
2. Maintaining and Enhancing the Village Character	8
3. Accommodating High-Quality Development on 41 st Avenue	10
4. Protecting Retail Vitality on 41 st Avenue	11
5. Parking: Required Number, Village Hotel, Reductions, Efficiency, and Garages	12
6. Historic Preservation	17
7. Signs: Threshold for Review and Tailored Standards	19
8. Non-Conforming Uses: Calculation of Structural Alterations, Historic Structures, and Amortization in R-1 Zone	20
9. Secondary Dwelling Units	24
10. Permits and Approvals	24
11. Architecture and Site Review: Authority of Committee, Timing of Review, and Composition of Committee	25
12. Design Permits: When Required, Review Authority, and Considerations for Approval	27
13. Planned Development	30
14. Environmental and Hazards Overlays	30
15. Visitor-Serving Uses on Depot Hill	31
16. Height: Residential Neighborhoods, Capitola Village, Hotel	32
17. Floor Area Ratio	34
18. City Council Appeal	36

For each issue, the report presents two or more options for how the issue can be addressed in the updated Zoning Code. The first option is always to make no change to the existing Zoning Code. Within the no change option, the code would be updated for clarity but there would be no modification to how the regulations are applied. Other options reflect direction in the new General Plan, ideas previously discussed in Capitola, and practices from other similar communities. During public discussion new options may be suggested – these new ideas should be considered alongside those included in this report.

How This Report was Created

This report was prepared based on substantial input from the community. In August and September 2014 staff hosted a series of stakeholder meetings with architects, developers, commercial property owners, business owners, property managers, residents, and recent applicants. At these meetings participants commented on specific issues with the existing Zoning Code and how the updated Zoning Code could be improved. City staff also received

Attachment: Issues and Options Report (1240 : Zoning Code Update)

input on the Zoning Code through an online survey. Stakeholder meeting notes and survey results are available on the City’s website.

The contents of this report were also shaped by the new General Plan, and the discussion of zoning-related issues during the General Plan Update process. Many policies and actions in the General Plan call for changes to the Zoning Code. The report also reflects staff’s experience administering the zoning code in Capitola, professional experience elsewhere, and input from the City’s consultants on best practices from other communities.

A Note about Sustainability

Environmental sustainability is a core community value in Capitola. Reflecting this, the General Plan contains the following Guiding Principle relating to environmental resources:

Embrace environmental sustainability as a foundation for Capitola’s way of life. Protect and enhance all natural resources—including the beaches, creeks, ocean, and lagoon—that contribute to Capitola’s unique identity and scenic beauty. Reduce greenhouse gas emissions and prepare for the effects of global climate change, including increased flooding and coastal erosion caused by sea-level rise.

General Plan Goal OSC-1 also calls for Capitola to “promote sustainability as a foundation for Capitola’s way of life.”

An important component of sustainability is reduction of greenhouse gas emissions and adaption to climate change. To address this issue, Capitola is now in the process of preparing a Climate Action Plan (CAP). While the CAP primarily aims to reduce greenhouse gas emissions, it also touches on all aspects of sustainability, including the following:

- Land Use and Community Design
- Economic Development
- Transportation
- Green Building and Energy Efficiency
- Renewable Energy
- Water and Wastewater
- Solid Waste Diversion
- Open Space and Food Systems

To achieve greenhouse gas reductions related to these topics, the CAP will call for changes to Capitola’s zoning code. To avoid redundancy with the CAP project, this Issues and Options report does not repeat zoning-related measures currently under consideration for the CAP. Instead, the City will consider these measures during the CAP process and then incorporate them into the Zoning Code. The timing and schedule of the two projects allows for the City to decide on preferred zoning-related CAP measures before the drafting of the updated Zoning Code begins.

Part A. Non-Controversial Changes

Below is a summary of anticipated changes to the existing Zoning Code that are primarily non-controversial, straight-forward, and technical in nature. Opportunities for public review and input for these changes will be provided through the hearing process and workshops for the updated Zoning Ordinance. These items are not expected to be a topic of discussion during the issues and options work sessions with the Planning Commission and City Council. In addition, a comprehensive list of issues and revisions for non-controversial matters is presented in Attachment 1.

1. **Revision of Overall Organization.** The overall organization of the Zoning Ordinance will be changed, with information presented in a more intuitive manner. Similar provisions will be grouped together with related standards clearly cross-referenced. A user-friendly index to the zoning code will be added. The layout of each page will be redesigned to speed up comprehension with less text per page, logical headings, and visual diagrams. Standards will be the same across the entire Zoning Ordinance, so that the document has no contradictory information. Unnecessary repetitions of standards and regulations will be removed.
2. **Clarification of Development Standards.** The zoning code will be updated to include consistent development standards that are defined. Diagrams, illustrations, and tables will be added to the ordinance. These additions will more efficiently communicate land use regulations and development standards for each zoning district. Diagrams, illustrations, and tables will be utilized throughout the code within provisions that benefit from graphic illustration.
3. **Clarification of Process.** The Zoning Ordinance will be updated to clarify when a permit is required and the process of review.
4. **Technical Language.** Much of the existing code consists of text created for those in the legal profession or professional planners. Property owners find the code difficult to understand. Language will be substantially revised to convey the same meaning, but re-written in plain English, removing jargon to the greatest extent possible.
5. **Updated Definitions.** The existing list of definitions is incomplete and outdated. Definitions will be added to include terms that are utilized but not defined. For example, personal service establishment is listed as a use in commercial districts but not defined. Diagrams or illustrations will be added for those terms in which illustrations help define the concepts, such as height as measured on a slope. Also, the existing definitions will be updated to remove discretion in interpretation.
6. **Updated Administrative, Principally Permitted, and Conditional Land Use Lists.** Land use lists will be updated within each zone within a comprehensive table. Land uses will be categorized into principally permitted, administrative, and conditional. Land uses that do not present a conflict, are non-controversial, and compatible with the zoning district, will be identified as principally permitted uses. Land uses that are compatible with the zoning district but require specific conditions to be in compliance (home occupation) will be listed as administrative land use permits. Land uses that may require mitigation or additional oversight will be included as conditional uses. The process, considerations, findings, and conditions for administrative land use permits and conditional use permits will be updated.
7. **Protect Public Pathways and Trails.** The existing Zoning Ordinance disperses various development standards related to pathways/trails within specific environmentally sensitive areas and within design guidelines. The updated zoning ordinance will introduce

development standards for properties that have trails/pathways within or adjacent to the property.

8. **Implementation of General Plan.** The updated zoning ordinance will implement a variety of goals and polices in the recently adopted City of Capitola General Plan. This will include new standards for 41st Avenue, transition areas between commercial and residential zones, night sky regulations, and updates to zoning districts to implement the General Plan land use map. Some of these policies are discussed in Part B of this report.
9. **Revision for Legal Compliance.** The City is obligated to revise the zoning ordinance in response to California laws related to zoning issues. Examples include removal of the outdated mobile home section of code, family day care, and wireless regulations.
10. **Clarification of Coastal Section.** The coastal section of the code is very difficult to read. The section will be rewritten to ensure that the threshold for when a coastal permit is required is clarified, and what findings must be made prior to the issuance of a coastal permit. Also, the list of visitor serving uses adjacent to residential properties will be revised to prohibit development of non-compatible uses, such as carnivals and circuses.

Part B. Items for Public Discussion

Complex issues worthy of public input, discussion, and direction are discussed below. The focus of the issues and options work sessions is to discuss the issues and options and provide staff with direction for the updated Zoning Code.

For each topic, the issue is first defined, followed by possible ways the updated zoning code could be modified to address the issue.

ISSUE 1: Protecting the Unique Qualities of Residential Neighborhoods

Protecting residential neighborhoods was a key issue discussed during the General Plan Update. The General Plan contains a number of goals and policies to address this issue:

Goal LU-4 Protect and enhance the special character of residential neighborhoods.

Goal LU-5 Ensure that new residential development respects the existing scale, density, and character of neighborhoods.

Policy LU-5.1 Neighborhood Characteristics. Require new residential development to strengthen and enhance the unique qualities of the neighborhood in which it is located. Residential neighborhood boundaries are identified in Figure LU-1.

Policy LU-5.3 Mass and Scale. Ensure that the mass, scale and height of new development is compatible with existing homes within residential neighborhoods.

Policy LU-5.5 Architectural Character. Ensure that the architectural character of new development and substantial remodels complements the unique qualities of the neighborhood in which it is located and the overall coastal village character of Capitola.

Within the public survey for the zoning code update, concern for preserving neighborhood character rose to the top of the list.

Capitola’s current zoning ordinance takes a one size fits all approach to all single family residential neighborhood. This does not always produce desired results or respect the existing patterns within a specific neighborhood. For instance, the development standards are the same for Cliffwood Heights and Riverview Avenue north of the trestle. Both are required to have an increase in the second story setback. Although potentially appropriate in Cliffwood Heights to ensure articulation of buildings, this regulation disrupts the flow of the streetscape on Riverview.

After the zoning code update City staff plans to prepare new residential design guidelines, as called for by the General Plan. These guidelines will document the unique characteristics of individual neighborhoods in Capitola and help ensure that new homes and remodels are compatible with these characteristics. All options described below anticipate the future adoption of these new guidelines.

Options:

- 1. **Maintain existing R-1 standards for all neighborhoods.** With this option the Zoning Code would retain its existing R-1 standards that apply to all residential neighborhoods. Some specific standards may be modified to better meet the needs of property owners and address neighborhood concerns. After the future preparation of residential design

Attachment: Issues and Options Report (1240 : Zoning Code Update)

guidelines, reference to these guidelines could be added to the R-1 chapter or to the findings required for approval of a Design Permit.

2. **Introduce tailored development standards for individual residential neighborhoods.**

With this option the Zoning Code would identify the various neighborhoods within Capitola and identify the character-defining attributes of each area. The zoning code would establish standards for each of the residential neighborhoods that encourage the individual attributes and patterns within a neighborhood. The neighborhoods may be delineated through different residential base zones (e.g., R-1, R-2) or through overlay zones similar to residential overlay in the Village zone. For an example of a neighborhood-specific approach to zoning regulations, see the City of Azusa and Sonoma zoning codes:

https://www.municode.com/library/ca/azusa/codes/code_of_ordinances

<http://codepublishing.com/ca/sonoma/>

3. **Allow case-by-case deviations to R-1 standards.** With this option a single set of standards would remain for the R-1 zone, but the Planning Commission could allow for deviations to these standards on a case-by-case basis. This would be a different process from a variance, with different findings required for approval. Standards subject to allowable deviation could include building height, setbacks, second story stepbacks, garage and parking design, and floor area ratio. To approve, the Planning Commission would need to find that the deviation reflects the prevailing character in neighborhood and won't negatively impact adjacent properties. A maximum allowable deviation could also be established (e.g., 15 percent maximum deviation from standard), and deviations could be allowed only in certain locations. For an example of waivers to development standards, see San Carlos Zoning Code Chapter 18.33:

<http://www.codepublishing.com/CA/SanCarlos/#!/SanCarlos18/SanCarlos1833.html#18.33>

ISSUE 2: Maintaining and Enhancing the Village Character

During the General Plan Update residents emphasized the importance of maintaining and enhancing the unique Village character. Specific General Plan goals and policies include the following:

Goal LU-6 Strengthen Capitola Village as the heart of the community.

Policy LU-6.1 Village Character. Maintain the Village as a vibrant mixed use district with residences, visitor accommodations, restaurants, shops, and recreational amenities.

Policy LU-7.1 New Development Design. Require all new development to enhance the unique character of the Village.

The existing Zoning Code establishes land use regulations and development standards for the Village in Chapter 17.21 (C-V Central Village District). The C-V district chapter itself contains limited standards pertaining to building and site design. Instead, the chapter states that development standards for the C-V district are contained in the adopted Central Village Design Guidelines. This document, adopted in 1987, contains design guidelines for site planning, building design, landscaping, signs, and parking in the Village. The guidelines also address the

unique needs of the Esplanade, the residential overlay districts, and residential properties in general.

Typically, design guidelines describe in qualitative terms the desired form and character of new development. These guidelines are advisory, not mandatory, and allow for flexibility for individual projects. The Central Village Design Guidelines, in contrast, contains numerous statement of mandatory standards. For example, the Guidelines state that “structures shall be limited to one story” on the Soquel Creek side of Riverview Avenue. The use of “shall” rather than “should” statements such as this is primarily found in the guidelines for residential overlay districts, including the Six Sisters Houses, Venetian Court, Lawn Way, and Riverview Avenue.

The updated Zoning Code should consider if some of these “guidelines” for the residential overlays should be added to the Zoning Code as mandatory standards. The City should also consider if additional design standards should be added to the Zoning Code for all properties within the Village.

Options:

1. **Maintain existing standards with advisory design guidelines.** In this option, the standards of the Central Village would remain as they are today. We would clarify that the Guidelines are advisory, not mandatory.
2. **Establish new building form and character standards.** The Zoning Code could establish mandatory site and building standards to maintain and enhance the Village character. These would apply to non-residential and mixed-use development. New standards could address the following design concepts:
 - Maximum setbacks to keep buildings and their entrances close to the sidewalk.
 - Permitted treatment of setback areas (e.g., plazas and landscaping, no parking)
 - Minimum building width at street edge (defined as percentage of lot width) to maintain a continuous presence of storefronts.
 - Buildings oriented towards a public street with a primary entrance directly accessible from the sidewalk.
 - Maximum length of unarticulated/blank building walls.
 - Required storefront transparency (percentage clear glass)
 - Maximum building/storefront width (require larger buildings to be broken down into a pedestrian-scale rhythm with individual building bay widths)
 - Surface parking location (at the rear or side of buildings, not between a building and a street-facing property line).
 - Frequency and width of driveways crossing sidewalks.
 - Requirements or incentives for residential front porches.

For an example of this approach, see San Carlos Zoning Code Chapter 18.05:

<http://www.codepublishing.com/CA/SanCarlos/#/SanCarlos18/SanCarlos1805.html#18.05>

3. **Incorporate design guidelines as standards in the Zoning Code.** Design “guidelines” for residential overlays that are expressed as mandatory “shall” statements would be incorporated into the Zoning Code as new standards. These guidelines can be found on pages 12 and 13 of the [Design Guidelines](#). Guidelines would be modified as needed to protect and enhance the design character of these areas.

4. **Remove reference to Central Village Design Guidelines.** This modification would require applicants to follow the development standards in the code without any guidance from the guidelines. The guidelines would be repealed during the zoning code update. The reference could be reintroduced after the City prepared updated design guidelines for the Village.

After completing the zoning code update, the Community Development Department intends to update the Village design guidelines as called for by the General Plan. These updated Guidelines will be consistent and integrated with zoning regulations for the Village.

ISSUE 3: Accommodating High-Quality Development on 41st Avenue

The General Plan contains the following goals for 41st Avenue and the Capitola Mall:

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.

Goal LU-9 Encourage high quality development within the 41st Avenue corridor that creates an active and inviting public realm.

For the mall property, General Plan policies support phased redevelopment, eventual parking lot redevelopment, relocation of the metro center, new public gathering places, and a new interior street to create a more pedestrian-friendly environment. For 41st Avenue overall, General Plan policies encourage new public amenities, more entertainment uses, and improvement that create an attractive destination for shoppers. The General Plan also aims to minimize impacts to residential neighborhoods from changes along the corridor.

The zoning code update should support these goals and policies and help implement the community's vision for long-term improvements to the corridor. This could be achieved through increased parking flexibility, incentives for community benefits, and a streamlined permitting process.

Options:

1. **Maintain existing regulations.**
2. **Increase Parking Flexibility.** Existing off-street parking requirements could prevent the type of development and improvements envisioned by the General Plan. Allowing for shared parking, mixed use reductions, and a more district-based approach to parking would help to remove this barrier. Specific methods to introduce increased parking flexibility are addressed in Issue #5.
3. **Create incentives for desired improvements.** The General Plan allows for increased floor area ratio (FAR) for certain types of projects on 41st Avenue. The Zoning Code could build from this concept by offering incentives for projects that include community benefits such as new public gathering places, streetscape improvements, entertainment uses, etc. Incentives could include additional FAR, flexibility on development standards such as height and parking, and a streamlined permitting process. Allowed FAR with an incentive-based bonus would always be within the maximum established in the General Plan. As an example, the City of Berkeley has a "Green Pathway" incentive program that offers

streamlined permitting for projects that incorporate sustainability features beyond the City's minimum requirements. See Berkeley Zoning Code Chapter 23.B.34:

<http://codepublishing.com/ca/berkeley/>

The existing Planned Development provisions (Chapter 17.39) is another tool that allows deviations from development standards. This option is further discussed within Issue 13.

4. **Strengthen connection to 41st Avenue Design Guidelines.** The existing Design Guidelines for 41st Avenue are in many ways consistent with the General Plan. The updated Zoning Code could strengthen the connection to this document by requiring the Planning Commission to find proposed projects consistent with the Guidelines when approving Design Permits.
5. **Streamline Permitting Process.** The City currently requires Design Permits for new tenants in commercial zones, and a Conditional Use Permit for many types of uses. This requirement can discourage small scale and incremental improvements to properties necessary for long-term vitality. As discussed in Issue #10 and #12, the updated zoning code could streamline the permitting process for certain types of projects to encourage new investment on the corridor.

Issue 4: Protecting Retail Vitality on 41st Avenue

Within the business owner and commercial property owner stakeholder meetings, there was recurring advice to zone for what the City would like to see and where; then make it easy for the desired use to be established. Stakeholders discussed the economic strategy to locate commercial uses that collect sales tax and visitor uses which collect transient occupation taxes (TOT) along the busiest commercial corridors to maintain a healthy tax base. Currently, transient uses, such as a hotel, are treated the same as office space beyond 3,000 sf; both require a conditional use permit in the CC zone. An office with less than 3,000 sf are principally permitted. The City has seen a number of primary retail sites convert to professional and medical offices.

This issue was discussed during the General Plan Update as well, particularly regarding medical office uses in the C-C zone along 41st Avenue. In response to this concern, the following policies and actions were added to the General Plan:

Policy LU-9.4 Retail Protection. Discourage professional and medical offices in key locations that may displace retail establishments and diminish the economic vitality of the corridor.

Action LU-9.4 Retail/Office Mix. Take action to maintain an appropriate mix of retail and non-retail uses along the 41st Avenue corridor. These actions will include:

- Continuing to require a Conditional Use permit for offices, medical services, and other non-retail uses in the Regional Commercial designation.
- Amending the Zoning Code to require the Planning Commission to specifically find that a proposed non-retail use will not detract from the economic viability of the corridor.

- Preparing a study to examine the optimal socio-economic mix of retail and office/professional uses on 41st Avenue.

Options:

1. **Maintain existing regulations.**
2. **Add new findings for professional and medical office uses.** The updated zoning code could include new findings required to approve office and other non-retail uses in the CC zone. For example, to approve such a use the Planning Commission would have to find that the proposed use would not detract from the economic viability of the district and/or shopping center where it is located. The applicant would be required to demonstrate to the Planning Commission's satisfaction that this finding can be made. The requirement to make this or similar findings could apply throughout the CC zone, or just in specific locations where the City wishes to maintain a high concentration of retail and personal service uses.
3. **Encourage professional and medical office uses in certain locations.** The updated zoning code could make it easier to establish professional and medical office uses in certain locations, thus discouraging these uses in prime retail areas. For example, the zoning code could allow office uses by-right in tenant spaces that do not have a visible presence from 41st Avenue, Capitola Road, or Clares Street or that are on upper floors of a building. This could be a form of "vertical zoning" to incentivize the establishment of office uses in desirable locations. The updated zoning code could also use new overlay zones to identify locations where professional and medical offices are allowed by-right without a conditional use permit. The zoning code would also establish new design and operational standards for office uses allowed by-right to ensure neighborhood compatibility.
4. **Introduce new limitations for professional and medical office uses.** Cities often use zoning regulations to limit the concentration of land uses in certain areas. For example, the City of Berkeley has a cap on the number of restaurants in its "Gourmet Ghetto" neighborhood. The purpose of this limitation is to ensure that there are a sufficient number of non-restaurant uses in the area to serve neighborhood residents. Cities also frequently limit the concentration of "problem" uses such as liquor stores, adult businesses, and pawn shops. Capitola could take a similar approach to professional and medical office uses in the C-C zone. For example, the zoning code could state that medical office is limited to 20 percent of each multi-tenant building or shopping center in certain locations. Or the zoning code could establish a total cap on the number of medical office uses or a minimum separation standard for these uses. These limitations could be absolute (cannot be exceed under any circumstance) or the Planning Commission could allow for exceptions in special circumstances on a case-by-case basis.

ISSUE 5: Parking

Parking requirements is a complicated and controversial issue in Capitola. On one hand, residents want to ensure that new development provides adequate off-street parking to minimize spillover parking impacts on neighborhoods. On the other hand, many community members desire flexibility in parking requirements to allow for infill development that will increase economic vitality and support a more multi-modal transportation system. This tension is reflected in General Plan Policy MO-5.1, which calls for the City to "balance the need for adequate off-street parking with other community goals, such as increasing transportation choices and maintaining a high-quality design environment.

The zoning code update will need to address a number of thorny parking issues, including the number of required off-street parking spaces, Village hotel parking, and promoting parking efficiency.

A. Number of Required Parking Spaces

Zoning Code Section 17.51.130 established required number of off-street parking spaces for different land uses. Some of these parking standards are shown in the table below.

Land Use	Required Off-Street Parking Spaces
Single-Family Homes	2- 4 spaces per unit, depending on unit size
Multi-Family Units	2.5 spaces per unit
Retail	1 space per 240 sq. ft. of floor area
Restaurant	1 space per 60 sq. ft. of floor area
Office	1 space per 240 sq. ft. of floor area

It should also be noted that in the CC zone outside the coastal area, the parking standards were updated to reflect recent parking studies. The updated requirements are not as restrictive with retail and office at 1 space per 300 sf, and restaurant calculations including dining area (60/sf) and other floor area (1/300 sf). During the update, discussions included application of these standards Citywide during the zoning code update.

Community members have expressed a range of opinions on the City’s existing off-street parking requirements. Some find that parking requirement inhibit new development, redevelopment, and improvements to existing properties that would benefit the community. They support reducing parking requirements in certain cases or providing more flexibility in how parking needs are met. Others believe Capitola already suffers from inadequate parking supply and reducing and modifying parking requirements will exacerbate the situation and increase spillover parking impacts on residential neighborhoods. Ultimately, the General Plan was adopted with the following Policy MO-5.3: “Consider reduced off-street parking requirements for mixed-use projects, transit-oriented development, and other projects that demonstrate a reduced demand for off-street parking.”

Allowing for parking reductions is common in communities well-served by transit and/or interested in promoting infill development to utilize land resources efficiently, increase the supply of multi-family housing, and reduce reliance on the automobile. The City of Santa Cruz, for example, allows for some reductions (Section 24.12.290: http://www.codepublishing.com/ca/santacruzcounty/html/santacruzcounty13/santacruzcounty13_10.html) and will likely further reduce/adjust on-site parking requirements along transit corridors as part of zoning code amendments to implement the City’s new General Plan. Recent research shows that parking demand for mixed use development is less than for single use development. See:

http://asap.fehrandpeers.com/wp-content/uploads/2012/05/APA_PAS_May2013_GettingTripGenRight.pdf.

Any reduced parking requirement, however, needs to carefully consider potential spillover parking impacts on residential neighborhoods.

There is some evidence that Capitola's parking requirements are greater than what may be needed and what is required in other similar communities. In 2008, the City commissioned RBF Consulting to prepare a parking study for the Village. As part of their analysis, RBF evaluated the City's parking standards and compared them to other neighboring cities and standards established by the Institute of Transportation Engineers (ITE). The study concluded that the City's parking standards often exceed those of neighboring jurisdictions and ITE standards.

Options:

1. **Maintain Existing Requirements.**
2. **Modify Parking Requirements for Certain Land Uses in All Areas.** The updated Zoning Code could modify parking requirements for certain land uses in all areas of the City. For example, the parking standards in the CC zone for restaurant could be applied Citywide. Parking requirements could be modified for:
 - Restaurants, potentially reducing the parking requirement (currently 1 space/60 sf).
 - Take-out food establishments, eliminating the need for seat counting
 - Single-family homes, creating one standard regardless of size
 - Multi-family homes, allowing reduced parking requirements for small units
3. **Create Location-Based Parking Standards.** The updated Zoning Code could establish different parking requirements depending on the location. For example, parking requirements in the Village could be different from on 41st Avenue, reflecting that more people walk to destinations in the Village from their homes or lodging. This approach could apply only to certain land uses, such as restaurants, or to all land uses. Walnut Creek takes the later approach, identifying parking reduction zones subject to parking reductions for all land uses. See Walnut Creek Zoning Code Section 10-2.3.204.C:
<http://www.codepublishing.com/ca/walnutcreek/html/WalnutCreek10/WalnutCreek1002C.html>).
4. **Allow for reductions with Planning Commission approval.** The updated Zoning Code could allow for reductions in the number of required parking spaces as suggested in General Plan Policy MO-5.3. Reductions would need to be approached carefully to avoid spillover parking impacts on neighborhoods. All reductions would be approved by Planning Commission after making special findings. Possible reductions include the following:
 - **Low Demand.** The number of parking spaces could be reduced if the land use would not utilize the required number of spaces due to the nature of the specific use, as demonstrated by a parking demand study.
 - **Transportation Demand Management Plans.** The number of parking spaces could be reduced if the project applicant prepares and implements a Transportation Demand Management Plan to reduce the demand for off-street parking spaces by encouraging the use of transit, ridesharing, biking, walking, or travel outside of peak hours.
 - **Bus Stop/Transportation Facility Credit.** The number of parking spaces could be reduced for commercial or multiple-family development projects in close proximity of a bus stop.

- **Mixed-Use Projects.** A mixed-use project with commercial and residential units could reduce parking requirements for commercial and office uses.
5. **Allow for reductions By-Right.** This option is similar to Option 2, except that a project could receive a reduction by-right (without Planning Commission approval) provided that it complies with objective standards.

B. Village Hotel Parking

During the General Plan Update residents discussed ideas for a new hotel in the Village. Based on this discussion, the General Plan contains guiding principles for a new Village hotel if one is proposed on the old theatre site. General Plan Policy LU-7.5 identifies these guiding principles, including this principle relating to parking: “Parking for the hotel should be provided in a way that minimizes vehicle traffic in the Village and strengthens the Village as a pedestrian-oriented destination. This could be achieved through remote parking, shuttle services, and valet parking arrangements.” The General Plan also addresses Village parking more generally including Policy MO-6.4 which calls for the City to “maintain a balanced approach to parking in the Village that addresses the parking needs of residents, merchants, and visitors.”

The Zoning Code and LCP also require new development in the Village to provide adequate parking outside of the Village and within walking distance. The property owners of the proposed Village Hotel have expressed their desire to provide on-site parking to accommodate approximately 65-70 vehicles, with additional off-site parking for staff located in the Beach and Village Parking Lots.

The updated Zoning Code will need to address parking requirements for hotels in the Village. The existing Zoning Code requires one parking space for each guest room plus additional spaces as the Planning Commission determines necessary for the owners and employees. The Fairfield and Best Western on 41st Avenue, which provide 92 and 48 spaces respectively, comply with this requirement. The Coastal Commission will also have opinions on this issue, with the goal of maximizing public access to the Village and beach, increasing transportation alternatives serving the Village, and ameliorating existing parking shortage problems.

Options:

1. **Maintain existing parking requirements.** The general plan policy LU-7.5 guides against this option. Providing parking standards for a future hotel within the zoning update will create certainty in the requirements.
2. **Specific On-Site Parking standard for Village Hotel.** The updated Zoning Code could establish a specific on-site parking requirement for a new hotel in the Village. For example, the Zoning Code could carry forward the existing standard of 1 on-site parking space per guest room. Or, the Zoning Code could require 0.5 on-site spaces with the remaining parking need accommodated at an off-site location.
3. **Base Standard on a Parking and Traffic Study prepared for the hotel development project application.** The updated Zoning Code could state that the number of parking spaces required for the hotel will be as determined necessary by a parking and traffic study prepared for a hotel development project application. The Code could allow for a percentage of this needed parking to be accommodated off-site.

4. **Allow Planning Commission and/or City Council to establish parking standards for an individual project based on performance criteria.** Similar to Option 2, the Planning Commission or City Council could establish on-site and off-site parking requirements for a Village Hotel in response to a specific application. This requirement would reflect the findings of a parking and traffic study. In addition, the Zoning Code could contain specific findings that the City must make when establishing this requirement. The findings, or “performance criteria,” could reflect public input on Village Hotel parking and circulation obtained during the General Plan Update process. For example, the Zoning Code could state that when establishing the required parking for the Village Hotel, the City must find that:

- The hotel is served by a combination of on-site and off-site parking.
- Parking provided on-site is the minimum necessary for an economically viable hotel.
- On-site parking is minimized to reduce vehicle traffic in the Village and strengthen the Village as a pedestrian-oriented destination.
- On-site hotel parking will not result in any noticeable increase in traffic congestion in the Village.

C. Parking Efficiency

The General Plan calls for the City to “support the efficient use of land available for parking through shared parking, valet parking, parking lifts, and other similar methods.” (Policy MO-5.2). The updated Zoning Code could include provisions to implement this policy.

The Zoning Code currently allows for the City to designate two metered parking spaces in the Village for the operation of a valet parking program. (Section 17.21.140). The Zoning Code is silent on shared parking, and parking lifts, however past practice has been to consider the results of parking studies when evaluating mixed use projects and to allow the use of parking lifts for residential projects.

Options:

1. **Maintain existing regulations.**
2. **Clarify existing code to match past practice** of allowing shared use parking reductions with a parking study and lifts for residential projects
 - a. **Add New Shared Parking Provision.** The updated Zoning Code could allow multiple land uses on a single parcel or development site to use shared parking facilities when operations for the land uses are not normally conducted during the same hours, or when hours of peak use differ. Santa Cruz County allows reductions for shared parking with the preparation of a parking study demonstrating compliance with criteria required for approval. See Santa Cruz County Code Section 13.10.553: <http://www.codepublishing.com/ca/santacruzcounty/html/santacruzcounty13/santacruzcounty1310.html>.
 - b. **Add new parking lift provisions.** The updated Zoning Code could specifically allow for elevator-like mechanical system to stack parking spaces in a vertical configuration for specific land uses (e.g. residential, hotel valet, etc). Many cities are incorporating such a provision into their zoning codes to allow for a more efficient use of structured parking areas. For example, Walnut Creek allows for mechanical

lift spaces up to 20 percent of the total required spaces subject to special design standards. See Walnut Creek Zoning Code Section 10-2.3.204.D.4:

<http://www.codepublishing.com/ca/walnutcreek/html/WalnutCreek10/WalnutCreek1002C.html>

D. Garages

Single family homes 1,500 square feet or more, must provide at least one “covered” parking space. During the stakeholder interviews staff received comments that this requirement should be revisited, allowing only garages to qualify as a covered spaces (no carports) or eliminating the covered space requirement altogether.

Options:

1. **Maintain existing regulations.**
2. **Add design standards for carports.** Continue to require at least one covered parking space for homes 1,500 square feet or more. Covered parking may be provided in a garage or carport. Design standards for carports would be added.
3. **Limit covered spaces to garages only.** Specify that a carport may not satisfy the covered parking requirement.
4. **Eliminate covered parking requirement.** Remove the requirement for covered parking spaces for single-family homes.

Issue 6: Historic Preservation

During the General Plan Update process, many residents expressed the desire to improve Capitola’s historic preservation regulations. In particular, residents identified the need to adopt and maintain a complete list of local historic resources, adopt clear standards for including properties on this list, and establish a procedure and criteria for the City to approve or deny modifications to historic resources. City staff received similar comments during the stakeholder interviews for the zoning code update.

The General Plan includes Action LU-2.3 to develop a historic preservation program to enhance and protect Capitola’s historic resources. This program, along with an updated inventory of historic resources, will be developed following completion of the zoning code update process.

At a minimum, the updated Zoning Code will include new provisions to address the issues raised during the General Plan Update and Stakeholder Interviews. Staff anticipates a new historic preservation chapter in the Zoning Code that addresses the following topics:

- A. **Procedures to identify historic resources.** Until an official historic inventory is adopted, the zoning code update will specify the required procedure for review of potentially historic resources which includes completion of a Primary Record Form to evaluate whether a structure is eligible to be included on the National Register of Historic Places, the California Register of Historic Resources, and/or the City’s Register of Historic Features.

- B. **Improve criteria to identify historic resources.** Chapter 17.87 describes the process for designating properties on the local register of historic features. To be identified as a historic feature, the potential historic feature must evidence one or more of ten identified qualities. The current qualifications are wide reaching and should be revised to more closely follow CEQA Guidelines and criteria for listing on the California Register of historic properties, as done in the City of Carmel. See Carmel Zoning Code Chapter 17.32: <http://www.codepublishing.com/ca/carmel.html>
- C. **Add Procedures and Review Criteria for projects which involve potentially significant historic resources.** Currently, a Conditional Use Permit is required for alterations to historic structures based on findings that the alteration will not be “significantly detrimental” to the structure or that denial would result in substantial hardship for the applicant. The code does not, however, include review criteria for alterations to historic structures. The code will be updated to specify that all proposals to alter historic resources shall be reviewed for compliance with the Secretary of Interior Standards. In addition, the process can be updated to include different levels of review depending on the nature of the alteration. In Carmel, there are different procedures for “minor” and “major” alterations to historic resources.
- D. **Criteria to approve demolition of a historic resource.** Zoning Codes also typically include special findings required for the approval of the demolition of a historic resource.
- E. **Incentives for historic preservation.** Possible incentives include Mills Act contracts, fee reductions, federal tax credits for commercial properties, increased flexibility for modifications to nonconformities, exceptions on development standards (see Issue 8.A Option 5), and exceptions to non-conforming standards. See Santa Cruz 24.12.445 for example of allowed variation to development standards to promote historic preservation: <http://www.codepublishing.com/ca/santacruz/>

Other options to address historic preservation in the updated Zoning Code are provided below.

Options:

1. **Establish a Historic Resources Board.** Many communities with historic resources establish a historic resources board or commission to assist with historic preservation activities. See Carmel Chapter 17.32 and Pacific Grove Section 23.76.021 : <http://www.codepublishing.com/ca/carmelbythesea/html/carmel17/Carmel1732.html>
<http://www.codepublishing.com/CA/pacificgrove/html/PacificGrove23/PacificGrove2376.html>
The roles and responsibilities of the historic resources board vary in different communities. Common functions include determining if modifications to a historic resource are consistent with the Secretary of Interior’s Standards, advising on designation of historic features, advising on impacts to historic resources under CEQA, and advising the Planning Commission and City Council on other matters pertaining to historic preservation.
2. **Establish a new Historic Preservation Overlay Zone.** Capitola could establish a new historic preservation overlay zone to apply to existing National Register Historic Districts (Old Riverview, Rispin, Six Sisters and Lawn Way, Venetian Court.). Properties within this

overlay could be subject to special permit requirements, design standards, and incentives for preservation. See City of Monterey Section 38-75:

<http://www.codepublishing.com/ca/monterey/>

3. **Establish new enforcement and penalty provisions.** The updated Zoning Code could strengthen enforcement and penalty provisions. Pacific Grove, for example, establishing financial penalties and development limitations on structures in violation of the City's historic preservation ordinance (Pacific Grove Zoning Code Section 23.76.130).
4. **Establish new maintenance and upkeep provisions.** Capitola could include language specifically requiring adequate maintenance and upkeep of historic resources to prevent demolition by neglect. For example, see Los Gatos Zoning Code Section 29.80.315: <http://www.municode.com/services/mcsgateway.asp?sid=5&pid=11760>

ISSUE 7: SIGNS

A. Threshold for Review

The existing sign ordinance requires that the Planning Commission review all new signs unless the sign replaces an existing sign that is substantially the same or has been approved through a Master Sign Program. During meetings with commercial property owners and businesses, stakeholders expressed how the current level of review is a disincentive to businesses. The review process costs business owners approximately \$700. Stakeholders expressed a preference for a code with stricter standards subject to staff-level review, with the option of Planning Commission review if the business chose to go beyond the established standards.

Options:

1. **Maintain existing regulations.**
2. **Allow staff-level review with new standards.** Revise sign standards to include new, well-defined and well-illustrated design standards that create a framework that would allow compliant signs to be reviewed by staff and an option for Planning Commission review for signs that go beyond the established standards. In this option, new maximum limits are established. Signs can be approved administratively within an over-the-counter permit. Carmel-by-the-Sea is an example of staff-level approval of signs subject to clear standards, with the ability of the Planning Commission to approve signs that do not comply with these standards. See Carmel Zoning Code Chapter 17.40: <http://www.codepublishing.com/ca/carmel.html>.

Sign standards for Downtown Redwood City are another example of more detailed sign design standards:

<http://www.redwoodcity.org/phed/planning/precise/FINAL-DTPP/DTPP-Downloads/17%20Signage%20Regulations.pdf>

B. Tailored Standards

Commercial areas in Capitola include regional commercial, neighborhood commercial, and the central Village. The character, scale, and visibility in the different areas varies tremendously. The existing sign ordinance establishes the same criteria for signs in all commercial areas, with the exception of sidewalk signs in the Village. The sign code could be modified so that standards are tailored to the unique character and constraints of different areas in the city.

Options:

1. **Maintain existing regulations for all commercial areas.**
2. **Create tailored standards for different commercial areas.** Certain sign standards could be adjusted to address the unique issues in different commercial areas. Tailored standards could address types of permitted signs, maximum sign area, dimensions, location and placement, illumination, materials, and other issues. The Livermore Development Code, beginning in Section 4.06.160, is an example of this approach:

<http://www.codepublishing.com/ca/livermore.html>.

The general desired signage character for different districts in Capitola could be as follows:

- Village: Pedestrian oriented signs, village scale
- Neighborhood Commercial: Neighborhood-scale signs serving pedestrians and vehicles
- 41st Avenue: Larger-scale signs that are auto-oriented to support the corridor as a regional shopping destination.
- Auto Plaza Drive: Unique to the use (auto-dealers) and address visibility challenges
- Industrial Zone (Kennedy Drive): More industrial design aesthetic and flexibility of type and materials.

C. Monument Signs

The code currently allows one monument sign per building frontage with a maximum of four tenants named on a monument sign. A second monument sign is allowed for properties on a corner lot. For a large plaza such as King's Plaza on 41st Avenue, these limits are problematic. The property has over 800 linear feet of frontage on 41st Avenue and tenant visibility is challenged due to the majority of tenant spaces being setback on the lot. Under the current code, if Kings Plaza were simply divided into multiple parcels, as the Capitola Mall is, the owners would be allowed more signs simply by virtue of carving the property into multiple lots. This mechanism of regulating signs seems to offer an incentive to carve commercial property into smaller lots, which is likely contrary to the City's long term interest, particularly in the CC zoning District.

Options:

1. **Maintain existing regulations.**
2. **Create a new limit for monument signs based on linear frontage along a prime commercial street.**
3. **Create an allowance for more than 4 tenants per monument sign.**
4. **Update Master Sign Plan to clarify discretion in monument signs based on lot size, number of tenants, and commercial corridor frontage.**

Issue 8: Non-Conforming Uses

Chapter 17.72 of the existing zoning code outlines the regulations for non-conforming activities (uses) and non-conforming structures. The stakeholder groups identified room for improvement

on three items in this section: calculation of structural alterations, treatment of historic structures, and amortization of non-conforming in the R-1 zoning district.

A. Calculation of Structural Alterations

The methodology prescribed within the code for permissible structural alterations of non-conforming structures (17.72.070) was questioned during stakeholder outreach sessions. The code states:

“at the time application for a structural alteration is made, the building official shall determine the cost at prevailing contractor rates of the total work of the improvements involved, excluding permit costs, landscaping cost and architectural costs. If that cost, added to the cost or other work involving structural alterations, commenced in the preceding five years, exceeds eighty percent of the present fair market value of the structure (as it would be without any of the structural alterations), the proposed structural alterations may not be made.”

Members of the architect/planner stakeholder group expressed a desire for improved transparency in the process to determine the value of alterations. Others cited concerns with using building valuation as the basis for determining allowable alterations to non-conforming structures.

From an administration perspective, the current process of limiting alterations to non-conforming structures on a valuation basis is unclear, inefficient, and is a frequent source of disagreement between applicants and staff. Applicants often challenge estimates developed by staff which exceed 80% and submit lower estimates prepared by their contractors. There have also been circumstances where applicants receive approval to alter a non-conforming structure below the 80% valuation threshold, but then discover during construction that additional alterations are necessary which result in cumulative alterations exceeding the 80% threshold. This circumstance places staff and City decision-makers in the difficult position of either allowing a non-conforming structure to be altered beyond the 80% code limitation, or requiring the property owner to stop construction and restart the permitting process with a conforming project.

The local resident stakeholder group also expressed concerns regarding the impact this regulation has on property owners maintaining existing non-conforming and/or historic homes. The current zoning code was adopted in 1975. Many of the homes build prior to 1975 are non-conforming structures with setback, height, parking, or floor area ratios that do not comply with current development standards. The regulations do not allow homeowners to update their home beyond 80% of the current value. Stakeholders stated that this disincentivizes homeowners to reinvest into non-conforming properties and is counterintuitive to Capitola’s historic preservation goals.

Options:

1. **Maintain the existing 80 percent building valuation maximum of present fair market value.**
2. **Maintain valuation cap but allow the Planning Commission to authorize additional alterations if specific findings can be made.**
3. **Remove valuation cap for structural alterations to non-conforming structures.** In this option, all non-conforming structures could be maintained and updated, provided that the

alterations do not create a greater degree of non-conformity, or require that the alteration increased the level of conformity (but not require the new structure to eliminate all non-conforming issues). Any addition to a non-conforming structure would be required comply with all development standards of the zone.

4. **Change building valuation cap to a percentage of square footage calculation.** Under this approach, alterations to non-conforming structures would be limited based on how much of the existing structure is modified. For example, the new code could limit alterations to non-conforming structures to 80% of the existing square-footage. Using a percent of square footage approach would be easy to understand and administer and would significantly reduce disagreements over valuation calculations, while still limiting the degree of allowable modifications.
5. **Maintain the existing 80% threshold with new exception for historic resources.** In this option the 80% maximum of present fair market value would be maintained. An exception for historic structures would be added to allow historic structures to be updated. Any addition to a historic structure must comply with all development standards of the zone.

B. Non-conforming activities and structures on improved R-1 parcels.

The code includes an amortization period for non-conforming activities in the R-1 zones, in which all non-conforming activities must be discontinued on June 26, 2019 or fifty years from the date the activity first became nonconforming, whichever is later, except as follows:

1. Duplex Activity. Nonconforming duplex activities may continue indefinitely but the structures cannot be enlarged.
2. Residential Projects with More Than Two Units. Owners of parcels having more than two dwelling units which are nonconforming only because they exceed the current density standard may apply to the city council for one or more extensions of the fifty-year amortization period. The city council shall only grant an extension if able to make findings that:
 - a. in this particular situation, the appearance, condition and management of the property is such that the property is not greatly detrimental to the single-family residential character of the neighborhood in which it is located;
 - b. the extension is necessary in order to prevent a major economic loss to the property owner and to lessen deterioration;
 - c. and that all reasonable conditions have been imposed for the purpose of repairing dilapidation and bringing, or keeping, the property up to neighborhood standards.

Extensions granted under this section shall be at least fifty years from the date the application is granted.

There are two types of non-conforming uses in single-family residential neighborhoods: multi-family residential uses (more than 2 units) and non-residential uses (commercial, light industrial, etc). It is anticipated that non-residential uses in single-family zones will continue to be subject to the sunset clause; therefore, issues described below are focused on existing non-conforming multi-family uses.

Multi-Family Uses in Single-Family Zones

According to county records, there are 77 parcels with more than two dwelling units in the R-1 zoning district which are subject to the sunset clause, and must either discontinue the use by June 26, 2019 or apply for an extension subject to the findings listed above. This issue has the potential to impact many Capitola residents and multifamily property owners and could represent a costly and time intensive enforcement challenge for the City.

Any modification to the existing ordinance will have an impact on many Capitola's residents, including occupants of the multi-family dwellings and the surrounding neighbors. The multi-family dwellings that exist in the R-1 provide housing opportunities which are typically more affordable than a single-family home, so these units fill a housing need not typically available in single-family neighborhoods. The negative impacts of these dwellings include increased demand for on-street parking, incompatible hard-scape in front yards for parking in place of typical landscaping, incompatible design, and noise.

During public outreach, staff heard specific concerns from residents of the northern Jewel Box area around 45th-47th Streets about the concentration of existing non-conforming four-plexes in their neighborhoods. Although other Capitola neighborhoods, such as Depot Hill and the Upper Village, also have non-conforming multi-family uses, there does not appear to be as much concern about their continuation in these areas.

Due to specific concerns about four-plexes in the northern Jewel Box area, staff will host a public workshop to collect input on the matter prior to requesting direction from the Planning Commission. The workshop will be organized to collect information from attendees on their perception of the issue and viable options for future implementation. Staff will present an update to the Planning Commission and City Council after the public workshop.

Options:

1. **Maintain existing sunset clause and opportunity to apply for extension.**
2. **Modify regulations to allow non-conforming multi-family uses to remain throughout the City, but not intensify.** This approach could be applied citywide with appropriate findings or only to specific areas.
3. **Modify regulations to allow non-conforming multi-family uses to remain in targeted areas of the City.** Under this option, a sunset clause could be retained for areas like the northern Jewel Box neighborhood, but would be eliminated in areas where multi-family uses have had fewer compatibility issues.
4. **Rezone areas with existing non-conforming multi-family uses to a multi-family zone.** This approach could be applied citywide or only to specific areas.
5. **Create an incentive program to allow participating non-conforming property owners to retain their uses subject to providing specified public benefits.** For example, a program could be established to allow property owners to continue non-conforming multi-family uses if they provide guaranteed affordable housing, make significant investments in the structures which improve appearance and function, invest in neighborhood improvements (landscaping, parking, etc.) and/or reduce the degree of non-conformity (e.g., reduce a 4-plex to a 3-plex or a duplex).

Issue 9: Secondary Dwelling Units

Secondary dwelling units are currently allowed on 5,000 square-foot or larger lots in the R-1 zoning district. Attached secondary dwelling units and detached, 1-story secondary dwelling units may be approved through an administrative permit process, provided they comply with stated size limitations. Detached, 2-story secondary dwelling units or oversized units must be considered by the Planning Commission.

Staff has heard conflicting sentiments regarding secondary dwelling units. Many felt development of more secondary dwelling units should be encouraged because they contribute to the City's affordable housing stock and provide property owners with a much needed revenue source to afford Capitola's high real estate costs.

Conversely, others expressed concern about allowing more secondary dwelling units in single-family neighborhoods due to increased parking demands, loss of privacy, and noise.

Options:

1. **Maintain existing code allowances/limitations for secondary dwelling units.**
2. **Amend the code to encourage development of additional secondary dwelling units.** If this option is selected, the following changes could be considered:
 - a. Decrease the minimum lot size requirement for secondary dwelling units;
 - b. Increase the threshold which triggers the need for Planning Commission review;
 - c. Allow all secondary dwelling units to be approved through an administrative process;
 - d. Eliminate the current residency requirement and allow both the primary and secondary dwellings to be rented.
3. **Amend the code to encourage development of additional secondary dwelling units in specific areas of the City only.** Those areas could be chosen based on criteria which could include: availability of on-street parking, existing densities, land use adjacencies, etc.

ISSUE 10: Permits and Approvals

Capitola's zoning code currently identifies over twenty different types of permits and approvals, such as use permits, design permits, and variances. Staff expects that most of these will remain unchanged in the updated zoning code. However, there is the opportunity to simplify, clarify, and generally improve the types of permits required. In particular, using more general types of permits for a range of specific land use actions could help simplify the code for staff and applicants. There may also be the need for one or more new permits to address certain types of approvals or issues that are not addressed well in the existing zoning code.

Options:

1. **No change to existing permits.**
2. **Modify permits.** With this option staff will look for opportunities to combine, delete, and add permits in the zoning code to better meet the city's needs. Possible changes include the following:

- a) **Create a new Administrative Permit.** This new permit would be used for a wide range of existing, ministerial staff-level actions. It could be used as a general replacement for existing fence permits, temporary sign permits, approvals of temporary sidewalk/parking lot sales, and temporary storage approvals.
- b) **Create a new Minor Use Permit.** This new permit would be similar to a Conditional Use Permit except that it would be approved by Community Development Director. Notice would be mailed to neighbors prior to final action by Community Development Director and decisions could be appealed to Planning Commission. The Director could also choose to refer applications to Planning Commission for decision. A Minor Use Permit could be a good middle ground for uses that shouldn't be allowed by-right, but that also generally don't need to go the Planning Commission for a public hearing and approval, such as a home occupancy permit and transient occupancy permits.
- c) **Create a New Substantial Conformance Process.** The zoning code currently requires applicants to submit a new application if they wish to make any changes to an approved permit – even if the change is very minor in nature. Under this option, a substantial conformance process would be developed to allow administrative approval of specified minor alterations while still requiring Planning Commission consideration of more substantive changes.

The updated zoning code will contain a table summarizing all types of permits and approves and the review authority for each.

Issue 11: Architecture and Site Review

During stakeholder interviews, staff received input from various groups on their experience with Architecture and Site Review. These groups provided a wide range of feedback, addressing the roles and responsibilities of the Architecture and Site Review Committee, the composition of the Committee, the timing of application review, and the types of projects subject to review.

A. Authority of Architecture and Site Review Committee

The recent applicant stakeholder group explained that they found the process confusing due to the name of the committee. They were surprised that a project first “passed” Architecture and Site review but then was met by a Planning Commission with a different perspective on the design. The local resident stakeholder committee suggested that the board be empowered to approve or deny applications for minor additions or modifications without the need for subsequent Planning Commission approval. This perspective was shared by the architecture/planner stakeholder group as well.

Options:

1. **Maintain existing authority of Architecture and Site Committee.**
2. **Modify existing role of the Architecture and Site Committee.** Authorize the Architecture and Site Committee to approve or deny design permit applications. Thresholds may be established for the projects that require Architecture and Site Committee approval rather than Planning Commission approval. Under this approach, decisions rendered by the Committee could be appealed to the Planning Commission.
3. **Eliminate the Architecture and Site Committee.** Three of the six members of the Committee are City staff. The project planner could work with these staff members and outside experts to address project design issues without the need for a Committee hearing.

B. Timing of Design Permit Review.

Some stakeholders suggested that the Architecture and Site Review be required as a pre-design meeting. Currently, once a complete application is submitted, the application is reviewed by the Architecture and Site Committee. The Committee reviews the elevations, floor plans, materials board, and site plan during the meeting. The Committee identifies any necessary code violations or design/site planning recommendations. The applicant is given the opportunity to modify the application based on the recommendations prior to review by Planning Commission. A pre-design meeting would create the opportunity to discuss the site, surrounding built and natural environment, and identify issues and opportunities for the future design. This approach could be challenging, however, because many applicants make their first contact with City staff after they have designed their project.

Options:

1. **Maintain existing timing of Architecture and Site Review.**
2. **Repurpose the committee to be a pre-design committee.** In this option, the committee would meet with an applicant prior to accepting a formal development application. The committee would identify characteristics of the site/neighborhood to guide the future design. Staff would provide guidance on the development requirements for zoning, public works, and building.

C. Composition of Architecture and Site Committee

Currently, the Architecture and Site Committee is composed of one architect/home designer, one landscape architect, one historian, a City planner, a City public works representative, and a City building representative. The recent applicant stakeholder group found the diverse composition of the committee helpful to receive feedback from a wide range of expertise. The architect/planner stakeholder group had a different perspective and suggested the composition of the Architecture and Site committee be reconsidered to be more design-centric. They suggested the City replace the committee with a staff architect or contract architect to focus on design, site planning, and compatibility. With their credentials, an architect would also be able to assist applicants through sketching suggested revision to design issues. A second suggestion of the architect/planner stakeholder group was to replace the Architecture and Site Committee with an architectural peer review process.

Options:

1. **Maintain the existing composition of the Architecture and Site Committee.**
2. **Replace the committee with a City Architect.** Under this option, the City would contract an architect to review all development applications, provide design solutions, and make recommendations to staff and the Planning Commission. The downside of this option is that the valuable input of the historian and landscape architect would be eliminated in the review, unless those services are also separately contracted.
3. **Replace committee with an Architectural Peer review committee.** The committee could be replaced with an architectural peer review committee made up of three or more architects. The architectural peer review committee would continue to make a recommendation to the Planning Commission.

4. **Revise committee to add any of the following:** water district staff, sewer district staff, fire district staff, additional architect, and/or a citizen's representative.

ISSUE 12: Design Permits

A. When a Design Permit is Required – Commercial Uses

For all commercial zoning districts (CV, CC, CN, PO, and CR), the zoning code states that architectural and site approval is required to establish and conduct any principally permitted, accessory, and conditional use. The only exception is multi-tenant properties with an approved master use permit. All other new tenant changes must have a design permit regardless of whether or not there are proposed modifications to the exterior of the structure. Design permit are also required for modular housing, solar energy systems, and dish antenna larger than 24 inches.

Prospective business owners look to a zoning code to provide clarity in what is permitted within a zone and to identify the process to receive required permits. During stakeholder interviews, the business owner and commercial property owner groups recommended allowing permitted land uses and clarifying when a permit is required. The current code is unclear and requires interpretation. Both stakeholder groups said that requiring all tenant changes to go before Planning Commission is overly regulatory and has a negative impact on filling vacant commercial sites. Most jurisdictions allow principally permitted uses without a design permit if the new use does not require modifications to the exterior of the structure.

Options:

1. **Maintain existing thresholds for commercial design permits.**
2. **Require Design Permits only for Exterior Modifications.** With this option, a design permit would be required to establish a new use only with an exterior modification to the structure.

The City of Carmel takes this approach with its Design Review permits ([Carmel Zoning Code Section 17.58.030](#)).

3. **Require Design Permit only for Larger Projects.** Design permit thresholds could be lowered so that fewer types of commercial projects require a Design Permit. This approach could be similar to Santa Cruz, where design permits are required only for new commercial structures and exterior remodel increasing floor area by 25 percent or exceeding a specified dollar value.

See Santa Cruz Zoning Code Section Section 24.08.410:

<http://www.codepublishing.com/ca/santacruz/>

B. Design Permit Approval Authority – Commercial Uses.

Currently, the Planning Commission approves Design Permits for commercial projects. The updated Zoning Code could be modified to allow the Community Development Director to approve certain projects requiring Design Permits.

Options:

1. **Maintain existing review authority.**
2. **Delegate limited approval authority to the Director** With this option, the Director would approve more types of commercial projects requiring a Design Permit. For example, the Director could approve:
 - a. Minor repairs, changes and improvement to existing structures which use similar, compatible or upgraded quality building materials.
 - b. Additions not visible from the front façade up to a specified square-footage threshold.
 - c. Expansion of one tenant space into a second tenant space in a multi-tenant building.
 - d. Dish-type antenna greater than 24 inches as specified.
 - e. Accessory structures

C. When a Design Permit is Required – Residential Uses

Under the current zoning code, residential projects that require Planning Commission Design Permit approval include:

1. All new residential dwelling unit construction;
2. Upper floor additions;
3. First floor additions that are visible to the general public.
4. First floor additions in excess of 400 square feet and located at the rear of the property;
5. Design permits accompanied by a request for conditional use permit, variance, or minor land division;
6. All design permit applications referred by the community development director or appealed from the community development director/zoning administrator's decision.

During stakeholder interviews, groups voiced different views on the current threshold for residential design permits. One perspective agreed with the current level of review and explained that it results in high quality residential development. A different perspective thought the existing thresholds are too restrictive and that homeowners should be allowed to add onto their homes beyond 400 square feet without the additional oversight and cost to process a design permit through the Planning Commission.

It is common for cities to allow minor visible modifications to single-family homes without design review. The City of Sausalito, for example, requires Design Review for new single-family homes and additions that increase the height of the structure or add 300 square feet or more. Projects below this threshold, even if they are visible, do not require design review. See Sausalito Zoning Code Section 10.54.050: <http://www.ci.sausalito.ca.us/Modules/ShowDocument.aspx?documentid=378>.

Options:

1. **Maintain existing thresholds.**
2. **Modify threshold for residential design permits.** The threshold could be revised in multiple ways. Thresholds that could be modified to include:
 - a. Increase existing threshold (greater than 400 square feet) for additions located on the rear of a single family home

- b. Allow first story additions (unlimited) that are located on the back of an existing home and comply with all standards of the code.
- c. Allow minor additions to the front of a building that upgrade the front façade and comply with all standards of the code. Minor additions could include enclosing recessed entrances, enclosing open front porches, and installation of bay windows.

D. Design Permit Approval Authority – Residential Uses.

Currently, the Planning Commission approves Design Permits for the majority of residential uses as outlined in the previous section C. The Community Development Director/Zoning Administrator is authorized to approve applications for: first floor additions up to 400 square feet not visible to the general public; minor repairs, changes, and improvements to existing structures which use similar, compatible or upgraded quality building materials; and additional accessory structures beyond the single eighty square foot or less in size without plumbing or electrical. The updated Zoning Code could be modified to increase the authority of the Community Development Director within specified limits. For example, the Director could approve residential projects that do not increase the size of an existing structure by more than 10 percent, as is allowed in under “Track One) Design Review in Carmel. See Carmel Zoning Code section 17.58.040: <http://www.codepublishing.com/ca/carmel.html>

Options:

1. **Maintain existing review authority.**
2. **Delegate increased approval authority to the Director** With this option, the Director would approve more types of residential projects requiring a Design Permit.

E. Considerations for Design Permit Approval

Within the zoning survey, items of greatest concern in residential areas included: height, size of new homes, neighborhood character, adequate onsite parking, and sustainability (water and energy conservation). For each design permit, the Architecture and Site Committee reviews the design considerations listed in §17.63.090, including traffic circulation, safety, congestion, outdoor advertising, landscaping, site layout, architectural character, historic preservation, drainage, fire safety, advertising, etc. The local resident stakeholder group suggested placing more emphasis on design during the review.

Options:

1. **Maintain existing architecture and site considerations.**
2. **Maintain the existing architecture and site considerations with additional considerations focused on design**, including massing; height, scale and articulation, neighborhood compatibility; privacy; quality exterior materials; and submittal requirements.
3. **Update design considerations to focus on design rather than including ancillary issues.** In this option, existing ancillary issues would be removed from the criteria and the updated list would focus on design, materials, context, and compatibility. The San Carlos Zoning Code contains an example of design review criteria that focus more on aspects of project design (San Carlos Zoning Code Section 18.29.060 <http://www.codepublishing.com/ca/sancarlos/html/SanCarlos18/SanCarlos1829.html>)

Issue 13: Planned Development

Capitola's zoning code includes a Planned Development (PD) district that allows for flexibility in permitted uses and development standards on a particularly site or property. The minimum parcel size eligible for PD zoning is four acres, unless the Planning Commission and City Council finds that a smaller property is suitable due to its "unique historical character, topography, land use or landscaping features."

Development standards in each PD district are the same as most similar zoning district unless an exception is granted by the Planning Commission and City Council. Proposed Development in a PD district is subject to a two-step process requiring approval of a preliminary development plan and a general development plan. Currently the Planning Commission reviews both the preliminary and general development plans; the City Council reviews and approves on the general development plan. Establishing a PD district is a legislative act requiring City Council approval.

During stakeholder interviews local architects commented that the PD is a valuable tool to respond to unique site conditions, but that 4 acre minimum is not practical due to scarcity of large properties in Capitola. They also suggested that the City Council review the preliminary as well as general development plan.

In contrast to comments from architects, some Capitola residents have expressed concerns about planned developments and the PD district. They see the PD district as a form of "spot zoning" that allows for development in neighborhoods out of character with surrounding properties.

Options:

1. **Maintain existing regulations.**
2. **Reduce or eliminate minimum parcel size requirement.** Reduce the minimum parcel size required to establish a PD district, or eliminate the minimum parcel size requirement entirely. This option would eliminate or establish a new minimum parcel size (possibly 1 or 2 acres). It is typical for there to be some minimum size requirement, so that individual single-family lots cannot be rezoned to PD, for example.
3. **Modify approval process.** Modify the planned development review process so that the City Council reviews the preliminary development plan as well as the general development plan. This change would add an additional step in the process but would increase certainty for applicants and allow the City Council to influence project design earlier in the process.
4. **Eliminate PD.** Eliminate the PD district entirely. To deviate from standards of the applicable zoning district, an applicant would need to receive a variance, a rezone, or some other exception to development standards.

ISSUE 14: Environmental and Hazard Overlays

Overlay zones establish standards that apply to a property in addition to the standards of the base zoning district. Overlay zones are also referred to as combining districts. Capitola's zoning code contains the following overlay zones and combining districts that relate to environmental resources and hazards:

- Archaeological/Paleontological Resources (APR)
- Automatic Review (AR)

- Coastal Zone (CZ)
- Floodplain (F)
- Geological Hazards (GH)

Chapter 17.95 (Environmentally Sensitive Habitats) also functions like an overlay with unique regulations applying to specific geographic areas.

Figure 1 shows the boundaries of the floodplain, geological hazards, and automatic review overlays. Figure 2 from the LCP shows the Archaeological/Paleontological Resources (APR) and Environmentally Sensitive Habitats areas.

Options:

1. **Maintain existing overlays and clarify boundaries.** In this option all five of the existing environmental and hazard overlays would be maintained and shown on the zoning map.
2. **Modify existing overlays.** This option would modify existing overlays as described below:
 - **Archaeological/Paleontological Resources (APR).** Eliminate this overlay zone. Continue to require the preparation of an archaeological survey report and mitigation plan for any project which disturbs native soils in an area with a probability of containing archaeological resources. Continue to address issue through CEQA process.
 - **Automatic Review (AR).** Remove this overlay zone as it duplicates current process.
 - **Coastal Zone (CZ).** Maintain this overlay zone as required by State law.
 - **Floodplain (F).** Move existing Chapter 17.50 (Floodplain District) out of the zoning code and remove the floodplain overlay boundaries from the zoning map. Floodplain regulations are administered by the Building Official, not the Community Development Director, and should be located in Title 15 (Buildings and Construction), not the zoning code. The boundaries of this overlay should not be included in the zoning map, as they are based on FIRM maps which are frequently changing, particularly with rising seas.
 - **Geological Hazards (GH).** Eliminate this overlay zone and replace with citywide standards for proposed development in beach areas, bluff and cliff areas, landslides-prone areas, and steep slope areas
 - **Chapter 17.95 (Environmentally Sensitive Habitats).** Map boundaries of these areas as a new overlay zone and maintain existing regulations.
3. **Create a new, consolidated environmental/hazards overlay.** This option would merge the overlays into one new environmental/hazards overlay. The zoning code would state that proposed development within these areas could be subject to additional standards and limitations. The Coastal Zone overlay would remain as a separate overlay. This option could be combined with the creation of new citywide standards that would address geological hazards, flood hazards, sensitive habitat, and archaeological/paleontological resources.

Issue 15: Visitor-Serving Uses on Depot Hill

The El Salto and Monarch Cove Inn properties in the Escalona Gulch/Depot Hill area are currently zoned Visitor Serving (VS). The zoning code currently specifies uses allowed with a conditional use permit on these two properties. On the El Salto property visitor accommodations (e.g., hotels, inns), food service related to lodging use, and residential uses are allowed with a conditional use permit. On the Monarch Cove Inn property a broader range

of uses is allowed, including special events (e.g., festivals, weddings), commercial recreation establishments, accessory office and retail uses, and other similar visitor-serving uses

Depot Hill residents have expressed concern about existing uses on these properties, and new visitor-serving uses that are currently allowed by the zoning code. Residents are concerned about the permitted intensity of new visitor-accommodation uses and their compatibility with the surrounding single-family neighborhood.

Options:

1. **Maintain existing permitted uses.**
2. **Modify permitted use.** With this option the VS zoning would remain on the El Salto and Monarch Cove Inn properties, but the land uses permitted on the properties would be restricted. For example, uses permitted on the Monarch Cove Inn property could be limited to residential and visitor accommodation uses, with other non-residential commercial uses currently allowed, such as carnivals and circuses, no longer permitted.
3. **Limit intensity of visitor accommodation uses.** This option would also maintain the VS zoning on the El Salto and Monarch Cove Inn properties, but would reduce the maximum permitted intensity of hotels and other visitor accommodation uses on the site. This could be accomplished by limiting the square footage of new or existing uses, specifying a maximum number of permitted guest rooms, or reducing the maximum allowable lot coverage on the site. The Coastal Commission would likely have concerns with this option.
4. **Rezone to R-1.** A final option is to eliminate the VS zoning that applies to the Monarch Cove Inn and El Salto properties. Currently the properties are subject to VS/R-1 “dual zoning,” meaning that both the R-1 and VS zoning standards apply to the property. If the VS zoning were eliminated, visitor accommodation and related visitor-serving uses (aside from bed and breakfast establishments) would not be allowed on the properties. The Coastal Commission would likely have concerns with this option.

Issue 16: Height

During stakeholder interviews, participants expressed a variety of opinions on the maximum permitted building height in Capitola. Residents often want to limit the height of buildings in residential and commercial areas in order to protect the character of residential neighborhoods. Some wish to maintain the existing height limits in the Village in order to maintain the existing Village character. Other stakeholders, particularly architects and property owners, recommend increasing permitted height in certain locations, such as the Village, in order to encourage quality architectural design, renewed investment, and the increased vitality that new development would bring.

In light of this input, the sections below addresses allowed heights in residential neighborhoods, the Village, and for a new Village hotel.

A. Residential Neighborhoods

In the R-1 zone the maximum permitted building height is 25 feet, with 27 feet permitted for half-story designs and buildings that use historic design elements. Staff has received comments

Attachment: Issues and Options Report (1240 : Zoning Code Update)

that the 25 feet maximum height limit prevents home designs that would fit well within established neighborhoods. In neighborhoods with larger lots, such as Cliffwood Heights, taller homes may not appear out of place. The existing height standard also does not consider sloping lots and other unique site conditions.

Options:

- 1. **Maintain existing standards.**
- 2. **Eliminate 27-foot exception.** This option would eliminate the 27-foot height exception by requiring all buildings to meet either a 25-foot or 27-foot height standard.
- 3. **Allow greater variation based on existing neighborhood character.** This option would allow greater variation in permitted building height based on neighborhood characteristics. There are a number of different ways to achieve this as described in Issue #1.

B. Capitola Village

The maximum building height permitted in the Central Village (CV) zone is 27 feet, though the Planning Commission may approve taller buildings for the restoration of a historic building. Critics of this height limit content that the Village’s most treasured buildings are over the current height limit and allowing taller buildings would encourage investment in the Village, enhance vitality, and allow for higher-quality building design. Supporters of the 27 foot height limit suggest that allowing new buildings taller than 27 feet would damage the Village’s unique character and charm.

Options:

- 1. **Maintain existing standard.**
- 2. **Expand exception provisions.** With this option the zoning code could modify the existing exception provision to allow taller buildings in more cases. For example, the Planning Commission could allow taller buildings if it would allow for a superior design or would enable the project to provide a substantial community benefit.
- 3. **Increase maximum height limit to accommodate 3 stories.** The zoning code could increase the maximum allowed building height to accommodate three stories. This could be accompanied by new standards and findings to ensure taller buildings are compatible with the existing Village character and don’t negatively impact adjacent residential areas. Allowing three-story buildings in the Village could increase opportunity for new vertical mixed use development with ground floor retail and housing or office uses above.

C. Hotel

General Plan Policy LU-7.5 identifies guiding principles for the design of a new Village hotel, including the following three height-related principles:

- The design of the hotel should respect the scale and character of neighboring structures and enhance Capitola’s unique sense of place.
- The maximum height of the hotel should remain below the elevation of the bluff behind. The bluff behind the hotel should remain legible as a green edge with existing mature trees maintained on site.

Attachment: Issues and Options Report (1240 : Zoning Code Update)

- The hotel design should minimize impacts to public views of the beach and Village from Depot Hill.

The updated zoning code needs to reflect these guiding principles and establish a height standard for a new Village hotel.

Options:

1. **Apply CV Zone Standard to Hotel.** This option would apply the same height standard to the Village hotel that applies to all other properties in the Village. If the maximum permitted height in the CV remains at 27 feet, the hotel could also not exceed 27 feet. However, this option would not be consistent with General Plan goals and Policy LU-7.5.
2. **Establish Performance Standard for Hotel Height.** In zoning codes, performance standards dictate a specific outcome and provide flexibility in how best to achieve the outcome on a case-by-case basis. The Zoning code could establish a performance standard for the Hotel height instead of a numerical standard. This performance standard could be similar to the guiding principle in the General Plan that the maximum height of the hotel should remain below the elevation of the bluff behind and that the bluff behind the hotel should remain legible as a green edge with existing mature trees maintained on site.
3. **Establish a Numerical Standard Unique to Hotel.** The updated zoning code could contain a specific numerical standard for the maximum hotel height. One approach might be to limit building height at the Monterey Avenue frontage to two stories but allow a greater maximum height at the rear of the property as contemplated in the General Plan.

Issue 17: Floor Area Ratio

In the R-1 (Single Family) Zoning District, building size is regulated by the relationship of the building to the lot size, a measurement identified as *floor area ratio* (FAR). *Floor area ratio* is defined as the gross floor area of all of the buildings on the lot divided by the net lot area. Municipalities incorporate FAR maximums into the code to control overall size, massing, and scale of a buildings on a lot. The following table identifies the elements included in existing code’s FAR calculation.

Elements included in FAR calculation

1. Basement in excess of 250 sf, including access staircase
2. Open areas below ceiling beyond sixteen feet in height (phantom floors)
3. Upper floor area greater than four feet in height measured between bottom of the upper floor and top of ceiling (includes garages and carports)
4. For 1 ½ story structures, the stairwell is counted on 1st floor only
5. Windows projecting more than 12 inches from wall
6. Upper floor decks over 150 sf
7. Covered exterior open space in excess of 150 sf including eaves greater than eighteen inches

During the public outreach, the inclusion of decks, basements, and eaves in the FAR calculation was cited as an opportunity for change and improvement.

A. Decks

Within the architect, designer, and planner stakeholder group, staff received criticism that the FAR calculation limits articulation of buildings, especially the inclusion of upper floor decks, covered first floor decks beyond 150 sf, and first floor decks beyond 30 inches in height . There were also discussions of how the code lacks guidance on decks within hotels and restaurants.

Options:

1. **Maintain existing standards.**
2. **Increase allowance beyond 150 sf.** Update Floor Area calculation to increase the amount of area within covered first story decks, decks beyond 30 inches in height, and second story decks that is not counted toward the floor area calculation. The 150 sf allowance could be doubled to 300 sf.
3. **Add exception for special circumstances.** There are special circumstances in which allowing a second story deck will not have an impact on neighbors or may be an asset to the public. The code could include exceptions for special circumstances to allow larger decks that are not counted toward the floor area.
 - a. **Front Façade.** Privacy issues are typically on the side and back of single family homes. The ordinance could consider increased flexibility for decks on the first and second story front facades to allow for increased articulation while not impacting privacy of neighbors. There are two options for decks on front facades. The first is to increase the allowed deck area (beyond 150 sf) on the front façade of a home. The second option is to remove front façade decks from the calculation entirely by including front story decks and porches within the list of items *not* included in the floor area calculation.
 - b. **Open Space.** There are a number of homes in Capitola that are located adjacent to open space. For example, the homes located along Soquel Creek and ocean front properties. Similar to the prior exception, the code could be revised to either increase the allowed deck area or remove the calculation entirely for decks located on elevations facing open space.
 - c. **Restaurants and Hotels.** Visitor experiences are enhanced when they take in a view. The code currently does not include an exception for decks on hotels or restaurants. The code could be revised to either increase the maximum allowed deck area of restaurants and hotels or remove decks on restaurants and hotels from the floor area calculation entirely.
 - d. **Eliminate decks from FAR formula**

B. Basements

Stakeholders raised contrasting views on inclusion of basements in the FAR. One perspective is that basements should not be included toward the FAR calculation because they do not influence massing and allow increased living space without adversely affecting community character. The other perspective is that although basements do not increase massing, they do increase living areas and therefore intensify impacts on parking demand. It is worth mentioning that studies have shown that larger new homes generally have fewer inhabitants than smaller new homes. Within the current code, the parking requirement is based on the floor area of the home. Also, removal of basements from the FAR calculation will likely result in larger home sizes with increased sales prices, impacting affordability.

Options:

- 1. **Maintain existing standards.**
- 2. **Increase existing allowance beyond 250 square feet.**
- 3. **Remove basements from FAR formula.**

C. Phantom Floors, Roof Eaves, and Window Projections (Bay Windows)

The Floor Area Ratio calculation includes phantom floors (all open area below the ceiling or angled walls greater than sixteen feet in height), eaves greater than eighteen inches in length, and bay windows which extend 12 inches or more from the wall. Calculating these features in the FAR is administratively difficult and confusing for applicants. Roof eaves and bay windows can add to the architectural style of the home and are controlled within setback regulations. To simplify the FAR calculation, these elements could be removed.

Options:

- 1. **Maintain existing standards.**
- 2. **Remove phantom floors from the FAR calculation.**
- 3. **Remove roof eaves from the FAR calculation.**
- 4. **Remove window projects from FAR calculation.**
- 5. **Remove a combination of phantom floors, roof eaves, and/or window projections from the FAR calculation.**

Issue 18: City Council Appeal of Planning Commission Decision

The City Council has appealed Planning Commission decisions over the years. In a recent lawsuit, Woody’s Group, Inc. v. City of Newport Beach, it was found to be illegal for a City Council member to appeal a Planning Commission when not a “interested party”. The court also found that the council erred in allowing the City Council member to sit as adjudicator of his own appeal.

To allow City Council review of Planning Commission decisions, Capitola may adopt a “call-up” ordinance that allows a member of City Council to call-up a recent decision by the Planning Commission. If an application is called-up, the City Council is allowed to review and make a final decision on the application. The ordinance can either require or not require a majority vote of the City Council to call-up an application.

Options:

- 1. **Maintain existing appeal process.**
- 2. **Add “call-up” procedure without requirement of majority vote by CC to call-up an application.**
- 3. **Add “call-up” procedure and require majority vote by City Council to call-up an application.**

Attachment: Issues and Options Report (1240 : Zoning Code Update)

Issues and Options Matrix		
The Planning Commission direction in light blue. City Council additional direction in <u>underlined</u> in dark blue. If there is an X under the CC column but no dark blue, the City Council made no modifications to the PC recommendation.	Direction	
	PC	CC
ISSUE 1: Protecting the Unique Qualities of Residential Neighborhoods (Page 7) <u>PC review 7/20/2015</u> <u>CC review 10/19/2015</u>		
Option 1: Maintain existing R-1 standards for all neighborhoods.		
Option 2: Introduce tailored development standards for individual residential neighborhood.		
Option 3: Allow case-by-case deviations to R-1 standards.		
<p style="color: #4f81bd;">New Option: Introduce additional standards/exceptions based on lot characteristics and existing development patterns.</p> <ul style="list-style-type: none"> • Retain 25 feet height limit • 27 feet height exception for the following circumstances: <ul style="list-style-type: none"> ○ Addition to historic structures that is designed to match the roof pitch of the historic structure within the area of new addition. ○ Lots greater than 6,000 sf in size ○ Lots with width 60 feet wide or more. ○ Lots on a steep slope. Steep slope is defined as a lot having an average slope of 25% or greater. ○ <u>Max plate height of structure does not exceed 22 feet.</u> • Retain current requirement for second story setbacks at 15 % of lot width <ul style="list-style-type: none"> ○ Add exception to second story setback for lots that are 30 feet wide or less. • Secondary Structure in Rear Yard <ul style="list-style-type: none"> ○ Decrease rear yard setback from 8 feet to 4 feet. ○ Maintain 17.15.140.G "The width of detached garages or carports in the rear yard is limited to twenty-one feet. The height is limited to fifteen feet (nine feet to the top of the wall plate) <u>for secondary structures located a minimum of 8 feet from the rear property line.</u> However, the planning commission may approve an exception to allow additional height if necessary to match the architectural style of the existing primary structure." ○ <u>Secondary Structures less than 8 feet from the side yard may not exceed 12 feet in height.</u> ○ Maintain required 2 foot landscape buffer between driveway and property line. ○ Maintain front setback (40 feet), side yard setback (3 feet) and setback from primary structure (3 feet) ○ Add statement in residential zoning districts an existing garage located within the required setback areas are legal non-conforming structures that may be updated but the non-conformity may not be expanded. 	X	X

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Issues and Options Matrix		
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	PC	CC
ISSUE 2: Maintaining and Enhancing the Village Character (Page 8) <u>PC and CC reviewed 4/30/2015</u>		
Option 1: Maintain existing standards with advisory design guidelines.		
Option 2: Establish new building form and character standards. The Zoning Code will establish mandatory site and building standards to maintain and enhance the Village character. These would apply to non-residential and mixed-use development. New standards could address the following design concepts: <ul style="list-style-type: none"> • Maximum setbacks to keep buildings and their entrances close to the sidewalk. • Permitted treatment of setback areas (e.g., plazas and landscaping, no parking) • Minimum building width at street edge (defined as percentage of lot width) to maintain a continuous presence of storefronts. • Buildings oriented towards a public street with a primary entrance directly accessible from the sidewalk. • Maximum length of unarticulated/blank building walls. • Required storefront transparency (percentage clear glass) • Maximum building/storefront width (require larger buildings to be broken down into a pedestrian-scale rhythm with individual building bay widths) • Surface parking location (at rear or side of buildings, not between a building and a street-facing property line). • Frequency and width of driveways crossing sidewalks. • Requirements or incentives for residential front porches. 	X	X
Option 3: Incorporate design guidelines as standards in the Zoning Code. <ul style="list-style-type: none"> • <u>Incorporate applicable design criteria from the Central Village Design Guidelines into the Zoning Code update.</u> 	X	X
Option 4: Remove reference to Central Village Design Guidelines. <ul style="list-style-type: none"> • <u>This modification would require applicants to follow the development standards in the code without any guidance from the guidelines. The guidelines would be repealed during the zoning code update. The reference could be reintroduced after the City prepared updated design guidelines for the Village</u> 	X	X
Notes:		

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ISSUE 3: Accommodating High-Quality Development on 41 st Avenue (Page 10) <u>PC review 5.18.2015</u>		
Option 1: Maintain Existing Regulations.		
Option 2: Increase Parking Flexibility. <ul style="list-style-type: none"> • Allow greater commercial parking flexibility through shared parking studies for multi-tenant commercial properties • Residential mixed with office space may be considered within shared parking study. • Residential mixed with commercial/restaurant/entertainment is problematic due to overlap in demand on parking. 	X	X
Option 3: Create incentives for desired improvements.		
Option 4: Strengthen connection to 41 st Avenue Design Guidelines.		
Option 5: Streamline Permitting Process. <ul style="list-style-type: none"> • Allowing commercial uses to occupy existing commercial spaces up to XXX square-feet without a CUP (limit to be established in draft code) • Only requiring a design permit for large commercial uses which involve significant exterior modifications (to be defined in draft code) • Create administrative permits and minor use permits 	X	X
Notes from 5.18.2015 Planning Commission meeting: <ul style="list-style-type: none"> • Repeal existing 41st Ave design guidelines until such time that they can be comprehensively updated. Incorporate applicable design criteria from the 41st Ave Design Guidelines into the Zoning Code update. 		

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ISSUE 4: Protecting Retail Vitality on 41 st Avenue (Page 11) PC review 5.18.2015		
Option 1: Maintain existing regulations.		
Option 2: Add new findings for professional and medical office uses. <ul style="list-style-type: none"> Only partial support New findings for professional and medical office use must be objective and measurable; not nebulous. 	Partial support	X
Option 3: Encourage professional and medical office uses in certain locations. <ul style="list-style-type: none"> Planning Commission supported increase flexibility in office space in general. Directed staff to principally permit office space up to a newly established limit south of Capitola Road and require conditional use permit for new retail conversions to office north of Capitola Road. Support Office on 2nd and 3rd story as principally permitted without size limitations in all commercial areas. 	X	X
Option 4: Introduce new limitations for professional and medical office uses.		
Issue #5: Parking (Page 12)		
Issue #5A: Number of Required Parking Spaces (Page 13) PC review 5.18.2015 CC review 10.19.2015		
Option 1: Maintain Existing Requirement.		PENDING
Option 2: Modify Parking Requirements for Certain Land Uses in All Areas.		
Option 3: Create Location-Based Parking Standards. <ul style="list-style-type: none"> The updated Zoning Code will establish location based parking requirements for the different commercial districts within the City, including neighborhood commercial, community commercial, central village, and industrial. The central village parking standards will not change. <u>CC: Modify existing 6 seat allowance for restaurant to a square foot allowance for dining area. Decrease required parking requirement for area not utilized for dining.</u> Single-family residential parking standards will not change. <u>CC: max covered parking 1 space for single-family</u> 	X	X
Option 4: Allow parking reductions for multi-tenant commercial uses with Planning Commission approval. <ul style="list-style-type: none"> Retain reductions in the number of required parking spaces for multi-tenant commercial developments supported by a parking study. Exclude mixed-use projects that contain residential. <u>CC: Allow residential mixed use in CC (Bay Avenue and 41st Avenue)</u> All reductions require approval by Planning Commission after making special findings. Finding that adequate parking is provided on-site as demonstrated by a parking study and reduction does not result in spillover parking impacts on neighborhoods. 	X	X

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Option 5: Allow for reductions By-Right.		
Issue #5: Parking (continued)		
Issue #5B: Village Hotel Parking (Page 15) <u>PC review 5.18.2015</u> <u>CC review on 10/19/2015</u>		
Option 1: Maintain Existing Requirements		
Option 2: Specific On-Site Parking standard for Village Hotel.		
Option 3: Base Standard on a Parking and Traffic Study prepared for the hotel development project application. <ul style="list-style-type: none"> The number of parking spaces required for the theater hotel site will be determined by a parking and traffic study prepared specifically for the hotel development project application. The site is unique and therefore flexibility is necessary to create a parking demand management plan that works specific to theater site. 	X	X
Option 4: Allow Planning Commission and/or City Council to establish parking standards for an individual project based on performance criteria.		
Notes: Aside: PC request for CC to reconsider employee parking program in the City parking facilities to decrease impact on residents during winter months. <u>CC would like to revisit the in-lieu program to include more land use types.</u>		
Issue #5: Parking (continued)		
Issue #5C: Parking Efficiency (Page 16) <u>PC review 5.18.2015</u> <u>CC review on 10/19/2015</u>		PENDING
Option 1: Maintain existing regulations.		
Option 2: Clarify existing code to match past practice, including:		
A: Add New Shared Parking Provision. <ul style="list-style-type: none"> The updated Zoning Code will allow multiple land uses on a single parcel or development site to use shared parking facilities when operations for the land uses are not normally conducted during the same hours, or when hours of peak use differ. <u>Excludes residential CC: Allow residential mixed use in CC (Bay Avenue and 41st Avenue)</u> 	X	X
B: Add new parking lift provisions. <ul style="list-style-type: none"> The updated Zoning Code will allow for elevator-like mechanical system to stack parking spaces in a vertical configuration. Lift must be enclosed/not visible from public view. 	X	X

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Issue #5D: Garages (Page 17) PC review 5.18.2015 CC review 10.19.2015		PENDING
Option 1: Maintain existing regulations.		
Option 2: Add design standards for carports. <ul style="list-style-type: none"> • Continue to require at least one covered parking space for homes 1,500 square feet or more. Covered parking may be provided in a garage or carport. • Design standards for carports will be added. • Carport should be the exception with findings to support the exception • Include Carport in FAR calculation. 	X	X
Option 3: Limit covered spaces to garages only.		
Option 4: Eliminate covered parking requirement.		
Notes:		
Issue #6: Historic Preservation (Page 17) PC review 5.21.2015		PENDING
Option 1: Establish a Historic Resources Board.		
Option 2: Establish a new Historic Preservation Overlay Zone.		
Option 3: Establish new enforcement and penalty provisions.		
Option 4: Establish new maintenance and upkeep provisions.		
Planning Commission Notes: <ul style="list-style-type: none"> • Incorporate the 5 new provisions identified in the issues and options summary, including <ul style="list-style-type: none"> ○ Procedures to identify historic resources ○ Improve criteria to identify historic resources ○ Add procedures and review criteria for projects which involve potentially significant resources. ○ Add criteria to approve demolition of a historic resource. ○ Add incentives for historic preservation. • Do not include any of the additional options. • As the new historic preservation ordinance is drafted, have Architectural Historian, Leslie Dill, and local Historian, Frank Perry, review the draft ordinance. • <u>Follow-up: CC would like to see money budgeted for following year for historic inventory</u> 	X	X

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Issue 7: Signs (Page 19)		
A. Threshold for Review <u>PC and CC Review 4/30/2015</u>		PENDING
Option 1: Maintain existing regulations.		
Option 2: Allow staff-level review with new standards. <ul style="list-style-type: none"> • <u>Revise sign standards to include new, well-defined and well-illustrated design standards that create new maximum allowances within staff-level administrative review. Signs can be approved administratively within an over-the-counter permit.</u> • <u>Include an option for Planning Commission review for signs that go beyond the maximum administrative review allowance.</u> • <u>Ensure high quality signs within new standards.</u> 	X	X
Notes:		
B. Tailored Standards (Page 19) <u>PC and CC Review 4/30/2015</u>		PENDING
Option 1: Maintain existing regulations.		
Option 2: Create tailored standards for different commercial areas. <ul style="list-style-type: none"> • <u>Sign standards will be adjusted to address the unique character of different commercial areas. Tailored standards will include types of permitted signs, maximum sign area, sign dimensions, sign location and placement, illumination, materials, and other place appropriate standards.</u> • <u>The general desired signage character for different districts in Capitola could be as follows:</u> <ul style="list-style-type: none"> ○ <u>Village: Pedestrian oriented signs, village scale</u> ○ <u>Neighborhood Commercial: Neighborhood-scale signs serving pedestrians and vehicles</u> ○ <u>41st Avenue: Larger-scale, auto-oriented signs to support corridor as a regional shopping destination.</u> ○ <u>Auto Plaza Drive: Unique to the use (auto-dealers) and address visibility challenges</u> ○ <u>Industrial Zone (Kennedy Drive): More industrial design aesthetic and flexibility of type and materials.</u> 	X	X
Notes:		

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Issue 7: Signs (continued)		
C. Monument Signs (Page 20) <u>PC and CC Review 4/30/2015</u>		PENDING
Option 1: Maintain existing regulations.		
Option 2: Create a new limit for monument signs based on linear frontage along a prime commercial street.		
Option 3: Create an allowance for more than 4 tenants per monument sign.		
Option 4: Update Master Sign Plan to clarify discretion in monument signs (lot size, # of tenants, and frontage).		
New Option <ul style="list-style-type: none"> Preference for monument signs to be drafted into tailored standards for each commercial area. Update to allow digital gas pricing signs. 	X	X
Issue 8: Non-Conforming Uses (Page 20) <u>PC Review 7/20/2015 and CC Review 10/26/2015</u>		
A. Calculation of Structural Alterations (Page 21)		PENDING
Option 1: Maintain the existing 80 percent building valuation maximum of present fair market value.		
Option 2: Maintain valuation cap but allow the Planning Commission to authorize additional alterations if specific findings can be made.		
Option 3: Remove valuation cap for structural alterations to non-conforming structures. <ul style="list-style-type: none"> Non-conforming structures may be rebuilt with the approval of a non-conforming permit issued by the Planning Commission. To approve a non-conforming permit, the Planning Commission must make a finding that the existing non-conforming structure does not have a negative impact on adjacent properties, the surrounding neighborhood, or the public. Alterations to non-conforming structure may not increase the degree of non-conformity. Any addition to a non-conforming structure would be required comply with all development standards of the zone. 	X	X
Option 4: Change building valuation cap to a percentage of square footage calculation.		
Option 5: Maintain the existing 80% threshold with new exception for historic resources.		
Notes: <u>Historic structures that do not comply with height, setbacks, floor area ratio, or parking standards may be reconstructed with the existing non-conformity as long as the structure is not modified or enlarged and the property exists in its entirety within the property lines of the site.</u>		X

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Issue 8: Non-Conforming Uses (Continued)		
B. Non-conforming activities and structures on improved R-1 parcels. (Page 22)		PENDING
Option 1: Maintain existing sunset clause and opportunity to apply for extension. <ul style="list-style-type: none"> • Require upgrades to mitigate impacts. • Extensions are issued for 25 years maximum. • Applicant must agree to participate in a future assessment district to mitigate impacts of multifamily. <u>Confirm with City attorney that this condition is legal.</u> • Update code to include that the extension is publicly noticed and notice is sent to neighbor within 300 feet. 	X	
Option 2: Modify regulations to allow non-conforming multi-family uses to remain throughout the City, but not intensify.		
Option 3: Modify regulations to allow non-conforming multi-family uses to remain in targeted areas of the City.		
Option 4: Rezone areas with existing non-conforming multi-family uses to a multi-family zone. <ul style="list-style-type: none"> • Rezone condominiums at Opal Cliff East and West to multi-family. • Rezone affordable housing development behind Coastal Life Church on Monterey Avenue to multi-family. 	X	
Option 5: Create an incentive program to allow participating non-conforming property owners to retain their uses subject to providing specified public benefits. <ul style="list-style-type: none"> • City to work with City Architect to create design solutions to front facades and parking for typical four-plex. • <u>Create incentives for applicants to apply for extension and improve their property prior to sunset clause.</u> • <u>Create a list of options for improvements that create more certainty within the extension process.</u> 	X	
Notes:		

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Issue 9: Secondary Dwelling Units (Page 24) <u>PC June 22, 2015</u> and <u>CC October 27, 2015</u>		
Option 1: Maintain existing code allowances/limitations for secondary dwelling units.		
Option 2: Amend the code to encourage development of additional secondary dwelling units.		
<ul style="list-style-type: none"> • Eliminate the current residency requirement and allow both the primary and secondary dwellings to be rented. • <u>Allow secondary dwelling units to be built at the reduced setbacks for accessory structures (4' from rear property line) with reduced height limit (12' maximum). Administrative permit. The City Council was split on the decreased setback for secondary structure to 4'. Request to re-evaluate within draft ordinance.</u> • Create opportunity for secondary dwelling units above a garage. <ul style="list-style-type: none"> • Must comply with all development standards. • No decreased setbacks for attached garage with second story. • Require approval by Planning Commission. <u>City Council request to reevaluate permitting process for secondary units above garage within draft ordinance.</u> 	X	X
Option 3: Amend the code to encourage development of additional secondary dwelling units in specific areas of the City only.		
Notes:		

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Issue 10: Permits and Approvals (Page 24) <u>PC and CC review on 4/30/2015</u>		
Option 1: No change to existing permits.		
Option 2: Modify permits. With this option staff will look for opportunities to combine, delete, and add permits in the zoning code to better meet the city's needs. Possible changes include the following:		
<p>a. Create a new Administrative Permit.</p> <ul style="list-style-type: none"> • Create administrative permit for a wide range of existing, ministerial staff-level actions. • Include: fence permits, temporary sign permits, approvals of temporary sidewalk/parking lot sales, and temporary storage. 	X	X
<p>b. Create a new Minor Use Permit.</p> <ul style="list-style-type: none"> • A new minor use permit will be created similar to a Conditional Use Permit except that it will be approved by Community Development Director. • Notice will be mailed to neighbors prior to final action by Community Development Director and decisions could be appealed to Planning Commission. • The Director could also choose to refer applications to Planning Commission for decision. • Include: home occupancy permit and transient occupancy permits. 	X	X
<p>c. Create a New Substantial Conformance Process.</p> <ul style="list-style-type: none"> • A substantial conformance process will be developed to allow administrative approval of specified minor alterations while still requiring Planning Commission consideration of more substantive changes. 	X	X
Notes:		

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Issue 11: Architecture and Site Review (Page 25) <u>PC review 6/22/2015</u>		
A. Authority of Architecture and Site Review Committee (Page 25)		PENDING
Option 1: Maintain existing authority of Architecture and Site Committee.		
Option 2: Modify existing role of the Architecture and Site Committee.		
Option 3: Eliminate the Architecture and Site Committee. <ul style="list-style-type: none"> • Replace the Arch and Site committee with a preliminary development review committee. • Function: review applications and make preliminary recommendations to applicant prior to Planning Commission review. 	X	
Notes:		
B. Timing of Design Permit Review (Page 26)		PENDING
Option 1: Maintain existing timing of Architecture and Site Review.	X	
Option 2: Repurpose the committee to be a pre-design committee.		
Notes:		
C. Composition of Architecture and Site Committee (Page 26)		PENDING
Option 1: Maintain the existing composition of the Architecture and Site Committee.		
Option 2: Replace the committee with a City Architect.		
Option 3: Replace committee with an Architectural Peer review committee.		
Option 4: Revise committee as follows: <ul style="list-style-type: none"> • All positions on committee to be either staff or contracted long-term consultant on as-needed basis. • Committee to include: <ul style="list-style-type: none"> ○ Architect (Contracted Consultant) ○ Landscape Architect ○ Architectural Historian (Contracted Consultant) ○ Staff Planner ○ Staff Public Works representative ○ Staff Building representative 	X	
Notes:		

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Issue 12: Design Permits (Page 27) <u>PC and CC review on 4/30/2015</u>		
A. When a Design Permit is Required – Commercial Uses (Page 27)		
Option 1: Maintain existing thresholds.		
Option 2: Require Design Permits only for Exterior Modifications. With this option, a design permit would be required to establish a new use only with an exterior modification to the structure. All other commercial design permit thresholds would remain the same.		
Option 3: Require Design Permit only for Larger Projects. <ul style="list-style-type: none"> • <u>Design permit thresholds will be created to allow minor modifications to commercial buildings without requiring review by Arch and Site and Planning Commission.</u> 	X	X
Notes:		
B. Design Permit Approval Authority – Commercial Use (Page 27) <u>PC and CC review on 4/30/2015</u>		
Option 1: Maintain existing review authority.		
Option 2: Delegate limited approval authority to the Director. <ul style="list-style-type: none"> • <u>The Director will be given the authority to approve the following types of commercial projects:</u> <ul style="list-style-type: none"> ○ <u>Minor repairs, changes and improvement to existing structures which use similar, compatible or upgraded quality building materials.</u> ○ <u>Additions not visible from the front façade up to a specified square-footage threshold.</u> ○ <u>Expansion of one tenant space into a second tenant space in a multi-tenant building.</u> ○ <u>Accessory structures including garbage and recycling enclosures.</u> 	X	X
Notes:		
C. When a Design Permit is Required – Residential Uses (Page 28) <u>PC and CC review on 4/30/2015</u>		
Option 1: Maintain existing thresholds.		
Option 2: Modify threshold for residential design permits, as follows: <ul style="list-style-type: none"> • <u>Allow first story additions (unlimited) that are located on the back of an existing home and comply with all standards of the code.</u> • <u>Allow minor additions to the front of a building that upgrade the front façade and comply with all standards of the code. Minor additions could include enclosing recessed entrances, enclosing open front porches, and installation of bay windows.</u> 	X	X

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D. Design Permit Approval Authority – Residential Use (Page 29) <u>PC and CC review on 4/30/2015</u>		
Option 1: Maintain existing review authority.		
Option 2: Delegate limited approval authority to the Director <ul style="list-style-type: none"> Establish new thresholds for administrative approval by Community Development Director 	X	X
Notes:		
Issue 12: Design Permits (continued)		
E. Consideration for Design Permit Approval (Page 29) <u>PC and CC review on 4/30/2015</u>		
Option 1: Maintain existing architecture and site considerations.		
Option 2: Maintain the existing architecture and site considerations with additional considerations focused on design, <ul style="list-style-type: none"> Include massing, height, scale, articulation, neighborhood compatibility, privacy, quality exterior materials. 	X	X
Option 3: Update design considerations to focus on design rather than including ancillary issues.		
Notes:		
Issue 13: Planned Development (Page 30) <u>PC review on 6/22/2015</u>		PENDING
Option 1: Maintain existing regulations.		
Option 2: Reduce or eliminate minimum parcel size requirement.		
Option 3: Modify approval process.		
Option 4: Eliminate PD. <ul style="list-style-type: none"> City is largely built out and little opportunity exists for PD. Existing zoning results in more compatible development 	X	
Notes:		

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Issue 14: Environmental and Hazard Overlays (Page 30) <u>PC and CC review on 4/30/2015</u>		
Option 1: Maintain existing overlays and clarify boundaries.		
<p>Option 2: Modify existing overlays. This option would modify existing overlays as described below:</p> <ul style="list-style-type: none"> • Archaeological/Paleontological Resources (APR). Eliminate this overlay zone. Continue to require the preparation of an archaeological survey report and mitigation plan for any project which disturbs native soils in an area with a probability of containing archaeological resources. Continue to address issue through CEQA process. • Automatic Review (AR). Remove this overlay zone as it duplicates current process. • Coastal Zone (CZ). Maintain this overlay zone as required by State law. • Floodplain (F). Move existing Chapter 17.50 (Floodplain District) out of the zoning code and remove the floodplain overlay boundaries from the zoning map. Floodplain regulations are administered by the Building Official, not the Community Development Director, and should be located in Title 15 (Buildings and Construction), not the zoning code. The boundaries of this overlay should not be included in the zoning map, as they are based on FIRM maps which are frequently changing, particularly with rising seas. • Geological Hazards (GH). Eliminate this overlay zone and replace with citywide standards for proposed development in beach areas, bluff and cliff areas, landslides-prone areas, and steep slope areas • Chapter 17.95 (Environmentally Sensitive Habitats). Map boundaries of these areas as a new overlay zone and maintain existing regulations. 		
<p>Option 3: Create a new, consolidated environmental/hazards overlay. This option would merge the overlays into one new environmental/hazards overlay. The zoning code would state that proposed development within these areas could be subject to additional standards and limitations. The Coastal Zone overlay would remain as a separate overlay. This option could be combined with the creation of new citywide standards that would address geological hazards, flood hazards, sensitive habitat, and archaeological/paleontological resources.</p>		
<p>Notes: Staff to Simplify the overlays utilizing the best approach. Likely option 2, but top concern is simplicity for applicants and administration.</p>	Hybrid	Hybrid

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Issue 15: Visitor-Serving Uses on Depot Hill (Page 31) <u>PC on 5/21/2015</u> and <u>CC on 10/26/2015</u>		PENDING
Option 1: Maintain existing permitted uses.		
Option 2: Modify permitted use in Land Use table for Monarch Cove property in VS Zone. <ul style="list-style-type: none"> • Land uses to be modified as follows: <ul style="list-style-type: none"> A. Accessory structures and accessory uses appurtenant to any conditionally allowed use; B. Hotels, motels, hostels, inns; bed and breakfast lodging; C. Food service related to lodging; D. Assemblages of people, such as festivals, not exceeding ten days and not involving construction of permanent facilities; E. Accessory structures and uses established prior to establishment of main use or structure; F. Habitat restoration; habitat interpretive facility; G. Live entertainment; H. Public paths; I. Business establishments that provide commercial places of amusement or recreation, live entertainment, or service of alcoholic beverages and that are located within two hundred feet of the boundary of a residential district; J. Weddings; K. Business establishments that sell or dispense alcoholic beverages for consumption upon the premises; L. Other visitor-serving uses of a similar character, density, and intensity as those listed in this section and determined by the planning commission to be consistent and compatible with the intent of this chapter and the applicable land use plan; M. Offices and limited retail use, accessory to visitor-serving uses; N. One caretaker unit for the purpose of providing on-site security; O. Access roadway; P. Residential use by the owners and their family members of up to one unit per parcel on the three parcels, as long as a minimum of six guest bedrooms are available for visitor-serving use within the three parcels; Q. Non-family residential use during the off-season months (November through April). (Ord. 886 § 3, 2005) R. <u>Add multi-family as a CUP.</u> 	X	X
Option 3: Limit intensity of visitor accommodation uses.		
Option 4: Rezone to R-1. <ul style="list-style-type: none"> • <u>VS/R-1 on El Salto and Monarch Cove Property</u> • <u>Dedicated Coastal Access path along bluff.</u> • <u>Eliminate VS zoning on the El Salto property</u> • Eliminate Automatic Review from the parcels to the East of the El Salto property. • The General Plan must be amended to reflect this direction. 	X	X
Notes:		

Attachment: Issues and Option Matrix (1240 : Zoning Code Update)

Issues and Options Matrix		
The Planning Commission direction in light blue. City Council additional direction in <u>underlined</u> in dark blue. If there is an X under the CC column but no dark blue, the City Council made no modifications to the PC recommendation.	Direction	
	PC	CC
Issue 16: Height (Page 32)		PENDING
A. Residential Neighborhoods (Page 32) <u>PC review on 5/21/2015 and 7/20/2015 CC 10.19.2015</u>		
Option 1: Maintain existing standards.		
Option 2: Eliminate 27-foot exception. This option would eliminate the 27-foot height exception by requiring all buildings to meet either a 25-foot or 27-foot height standard.		
Option 3: Allow greater variation based on existing neighborhood character. This option would allow greater variation in permitted building height based on neighborhood characteristics. There are a number of different ways to achieve this as described in Issue #1.		
<p>Notes: During the 5/21/2015 meeting, the Planning Commission requested this item be brought back during the future neighborhood character (Issue 1) discussion. The following is the direction provided at 7/20/2015 Planning Commission meeting.</p> <ul style="list-style-type: none"> o 25 feet height limit o 27 feet height exception for the following circumstances: <ul style="list-style-type: none"> • Addition to historic structures that is designed to match the roof pitch of the historic structure within the area of new addition. • Lots greater than 6,000 sf in size • Lots with width 60 feet wide or more. • Lots on a steep slope. Steep slope is defined as a lot having a slope of 25% or greater. • <u>Max plate height of structure does not exceed 22 feet.</u> 	X	X
B. Capitola Village (Page 33) <u>PC review on 5/21/2015 CC 10/19/2015</u>		
Option 1: Maintain existing standard. <ul style="list-style-type: none"> • <u>Maintain existing height limit of 27 feet in the Central Village</u> • <u>Include exception up to 31 feet for non-habitable space such as elevator, architectural features, and roof designs with architectural interest.</u> Current exception §17.81.070. • <u>Show examples of architectural features in code (cupolas, turrets, chimneys, etc.)</u> 	X	X
Option 2: Expand exception provisions.		
Option 3: Increase maximum height limit to accommodate 3 stories.		
Notes:		

Attachment: Issues and Option Matrix (1240 : Zoning Code Update)

Issues and Options Matrix		
The Planning Commission direction in light blue. City Council additional direction in <u>underlined</u> in dark blue. If there is an X under the CC column but no dark blue, the City Council made no modifications to the PC recommendation.	Direction	
	PC	CC
Issue 16: Height (continued) <u>PC review on 5/21/2015</u> <u>CC on 10.19.2015</u>		PENDING
C. Hotel (Page 33)		
Option 1: Apply CV Zone Standard to Hotel.		
Option 2: Establish Performance <u>Qualitative Standard for Hotel Height tied to General Plan.</u> <ul style="list-style-type: none"> Future height of hotel must be aligned with the guidance in the General Plan A future hotel on the unique parcel with should not be tied to specific height standards. Flexibility in the code is necessary to allow articulation, stepping, etc. 	X	X
Option 3: Establish a Numerical Standard Unique to Hotel.		

Attachment: Issues and Option Matrix (1240 : Zoning Code Update)

Issues and Options Matrix		
The Planning Commission direction in light blue. City Council additional direction in <u>underlined</u> in dark blue. If there is an X under the CC column but no dark blue, the City Council made no modifications to the PC recommendation.	Direction	
	PC	CC
Issue 17: Floor Area Ratio (Page 34) <u>PC 4/30/2015</u> ; <u>CC review on 4/30/2015 and 10/19/2015</u>		PENDING
A. Decks (Page 35)		
Option 1: Maintain existing standards.		
Option 2: Increase allowance beyond 150 sf.		
Option 3: Add exception for special circumstances.		
New Option: Remove decks from FAR Calculation <ul style="list-style-type: none"> • Acknowledged that deck regulations do not belong in the FAR standards. Decks should be included in the updated design permit thresholds and residential development standards. • Decks on the front of a home are exempt from a design permit and may be approved administratively. • Decks on the rear of a home may be approved administratively if it complies with new development standards including location/separation standards, size limitation, height (no higher than finished floor of second story) and is accessed through bedroom. • Rooftop decks and decks that do not comply with the administrative permit development standards require a design permit with Planning Commission approval. • Remove decks on restaurants and hotels from the floor area calculation. Include decks associated with bar/restaurant toward parking calc. • <u>Clarify staircase requirement in code.</u> • <u>Lots less than 3000 sf: exception up to 250 sf for enclosed garage.</u> 	X	X
Issue 17: Floor Area Ratio (Continued) <u>PC on 4/30/2015 and CC direction on 4/30/2015 and 10/19/2015</u>		
B. Basements (Page 35)		PENDING
Option 1: Maintain existing standards.		
Option 2: Increase existing allowance beyond 250 square feet.		
Option 3: Remove basements from FAR formula. <ul style="list-style-type: none"> • <u>Include area of basement in parking requirement.</u> • <u>Basements on slopes that are visible from exterior and not located below natural grade on all 4 sides count toward FAR .</u> • <u>Basements that are not visible and are located below natural grade on 4 sides should not count toward FAR.</u> 	X	X

Attachment: Issues and Option Matrix (1240 : Zoning Code Update)

Issues and Options Matrix		
The Planning Commission direction in light blue. City Council additional direction in <u>underlined</u> in dark blue. If there is an X under the CC column but no dark blue, the City Council made no modifications to the PC recommendation.	Direction	
	PC	CC
Phantom Floors, Roof Eaves, and Window Projections (Bay Windows) (Page 36) <u>PC on 4/30/2015 and CC direction on 4/30/2015 and 10/19/2015</u>		
Option 1: Maintain existing standards.		
Option 2: Remove phantom floors from the FAR calculation.		
Option 3: Remove roof eaves from the FAR calculation.		
Option 4: Remove window projects from FAR calculation.		
Option 5: Remove a combination of phantom floors , roof eaves, and/or window projections from the FAR calculation. <ul style="list-style-type: none"> • <u>Keep phantom floors in FAR calculation</u> • <u>Add dimensions to maximum size for Bay Windows</u> 	X	X
Issue 18: City Council Appeal of Planning Commission Decision (Page 36) <u>PC review on 6/22/2015</u>		PENDING
Option 1: Maintain existing appeal process.		
Option 2: Add "call-up" procedure with 2 Council member support requirement to hear a call-up an application. <ul style="list-style-type: none"> • Council member may initiate review of any decision or action of the Planning Commission by giving notice to the City Clerk within appeal period. • City Clerk places "call-up" vote on next regularly scheduled meeting. • During next regularly scheduled meeting, Council member provides reasoning for "call-up" of Planning Commission decision. 2 Council members must vote in support of hearing "call-up" • <u>If supported by 2 members, City Clerk schedules review of Planning Commission decision.</u> 	X	
Option 3: Add "call-up" procedure and require majority vote by City Council to call-up an application.		

Attachment: Issues and Option Matrix (1240 : Zoning Code Update)

Summary of Special Zoning Code Update Meeting

October 26, 2015

Note: City Council additions/modifications are underlined.

Issue 15: Visitor-Serving Uses on Depot Hill

Direction: Option 2 and Option 4

Option 2: Modify permitted use.

- Land uses to be modified as follows:
 - A. Accessory structures and accessory uses appurtenant to any conditionally allowed use;
 - B. Hotels, motels, hostels, inns; bed and breakfast lodging;
 - C. Food service related to lodging;
 - ~~D. Assemblages of people, such as festivals, not exceeding ten days and not involving construction of permanent facilities;~~
 - E. Accessory structures and uses established prior to establishment of main use or structure;
 - F. Habitat restoration; habitat interpretive facility;
 - ~~G. Live entertainment;~~
 - H. Public paths;
 - ~~I. Business establishments that provide commercial places of amusement or recreation, live entertainment, or service of alcoholic beverages and that are located within two hundred feet of the boundary of a residential district;~~
 - J. Weddings;
 - K. Business establishments that sell or dispense alcoholic beverages for consumption upon the premises;
 - ~~L. Other visitor-serving uses of a similar character, density, and intensity as those listed in this section and determined by the planning commission to be consistent and compatible with the intent of this chapter and the applicable land use plan;~~
 - M. Offices and limited retail use, accessory to visitor-serving uses;
 - N. One caretaker unit for the purpose of providing on-site security;
 - O. Access roadway;
 - P. Residential use by the owners and their family members of up to one unit per parcel on the three parcels, as long as a minimum of six guest bedrooms are available for visitor-serving use within the three parcels;
 - ~~Q. Non-family residential use during the off-season months (November through April). (Ord. 886 § 3, 2005)~~
 - R. Add multi-family as a CUP

Option 4: Rezone ~~to R-1~~

- VS/R-1 on El Salto and Monarch Cove Property
- ~~• Eliminate the VS zoning on the El Salto property~~
- Eliminate Automatic Review from the parcels to the East of the El Salto property.
- The General Plan must be amended to reflect this direction.

ISSUE 8.A Non-Conforming. Calculation of Structural Alterations

Direction: Hybrid Option 3 with exception for reconstruction of historic structures.

Option 3: Remove valuation cap for structural alterations to non-conforming structures.

- Non-conforming structures may be rebuilt with the approval of a non-conforming permit issued by the Planning Commission.
- To approve a non-conforming permit, the Planning Commission must make a finding that the existing non-conforming structure does not have a negative impact on adjacent properties, the surrounding neighborhood, or the public.
- Alterations to non-conforming structure may not increase the degree of non-conformity.
- Any addition to a non-conforming structure would be required comply with all development standards of the zone.

Option 5: ~~Maintain the existing 80% threshold with~~ New exception for historic resources.

- Historic structures that do not comply with height, setbacks, floor area ratio, or parking standards may be reconstructed with the existing non-conformity as long as the structure is not modified or enlarged and the property exists in its entirety within the property lines of the site.

Issue 8.B. Non-conforming activities and structures on improved R-1 parcels.

Direction: Hybrid of Option 1, Option 4, and Option 5.

Option 1: Maintain existing sunset clause and opportunity to apply for extension.

- Require upgrades to mitigate impacts.
- Extensions are issued for 25 years maximum.
- Applicant must agree to participate in a future assessment district to mitigate impacts of multifamily. Confirm with City attorney that this condition is legal.
- Update code to include that the extension is publicly noticed and notice is sent to neighbor within 300 feet.

Option 4: Rezone areas with existing non-conforming multi-family uses to a multi-family zone.

- Rezone condominiums at Opal Cliff East and West to multi-family.

Option 5: Create an incentive program to allow participating non-conforming property owners to retain their uses subject to providing specified public benefits.

- City to work with City Architect to create design solutions to front facades and parking for typical Capitola four-plex.
- Create incentives for applicants to apply for extension and improve their property prior to sunset clause.
- Create a list of options for improvements that create more certainty within the extension process.

Issue 9: Secondary Dwelling Units

Direction: Option 2. Amend the code to encourage development of additional secondary dwelling units.

- Eliminate the current residency requirement and allow both the primary and secondary dwellings to be rented
- Allow secondary dwelling units to be built at the reduced setbacks for accessory structures (4' from rear property line) with reduced height (12' maximum). Administrative permit. The City Council was split on the decreased setback for secondary structure to 4'. Request to re-evaluate within draft ordinance.
- Create opportunity for secondary dwelling units above a garage.
 - Must comply with all development standards.
 - No decreased setbacks for detached garage with second story.
 - Require approval by Planning Commission. City Council request to re-evaluate permitting process for secondary units above garage within draft ordinance.



CITY COUNCIL AGENDA REPORT

MEETING OF NOVEMBER 12, 2015

FROM: City Manager Department

SUBJECT: Consider the 2016 Meeting Schedules for the City Council/Successor Agency and the Planning Commission/Architectural and Site Review Committee

RECOMMENDED ACTION: Approve the 2016 City meeting schedules and direct staff to post this information at City Hall, the Capitola Branch Library, on the City's website, and distribute to department heads, newspapers, and various groups that regularly submit items to the City.

DISCUSSION: At the end of each calendar year staff prepares the meeting schedules for the following year. Attached are the proposed schedules for City Council/Successor Agency and Planning Commission/Architectural and Site Review Committee for 2016.

City Council/Successor Agency Meetings: Regular meetings of the City Council are held on the second and fourth Thursday of the month at 7:00 p.m., with the exception of Tuesday, November 22nd due to the November 24th Thanksgiving holiday.

There is no second meeting held in December due to the Christmas holiday.

Staff is proposing two changes to the Summer schedule for 2016. First, staff is recommending the August recess be moved up two weeks, so that the one meeting in August would be held on August 25, 2016. Second, staff is recommending Council consider scheduling only one meeting for the month of July (July 28, 2016) and not schedule a meeting on July 14, 2016.

These changes are proposed to better align the City's schedule with the schedule of local school districts, which now begin instruction in late August. In addition, the proposed single meeting in July would provide Council members and staff with increased flexibility in summer scheduling.

The Successor Agency meetings are held on an as needed basis.

Planning Commission/Architectural and Site Review Committee Meetings: Regular meetings of the Planning Commission are held on the first Thursday of the month at 7:00 p.m. in the City Hall Council Chambers. The regular meeting of the Planning Commission for January has been scheduled for Thursday, January 21, 2016. In addition, the July Planning Commission meeting is scheduled for Thursday, July 21, 2016, due to the week the July 4th holiday.

Regular meetings of the Architectural & Site Review Committee are generally held on the second and fourth Wednesday of each month at 3:30 p.m. In the event there are no items for review by the Committee, meetings would be cancelled and noticed accordingly.

2016 Meeting Schedules
November 12, 2015

Public Accessing Meeting Videos: All regular meetings of the City Council, Successor Agency, and Planning Commission are televised “Live” on Charter Communications Cable Channel 8, and rebroadcast by Community Television of Santa Cruz County following the meetings on Charter Cable Channel 71 and Comcast Cable Channel 25. In addition, “Live Streaming” and “On Demand” replay of the meetings can be viewed via the Internet from the City’s website at: www.cityofcapitola.org.

FISCAL IMPACT: None

ATTACHMENTS:

1. DRAFT 2016 City Council/Successor Agency Schedule
2. DRAFT 2016 Planning Commission/Architectural & Site Review Committee Meeting Schedule

Report Prepared By: Susan Sneddon
City Clerk



Jamie Goldstein, City Manager

11/3/2015

2016 CITY OF CAPITOLA
City Council and Successor Agency Meeting Dates
and Deadline for Submittal of Agenda Items

SUBMITTAL DATE ¹	MEETING DATE ²
JANUARY 4	JANUARY 14
JANUARY 19	JANUARY 28
FEBRUARY 1	FEBRUARY 11
FEBRUARY 16	FEBRUARY 25
FEBRUARY 29	MARCH 10
MARCH 14	MARCH 24
APRIL 4	APRIL 14
APRIL 18	APRIL 28
MAY 2	MAY 12
MAY 16	MAY 26
MAY 31	JUNE 9
JUNE 13	JUNE 23
JULY 5	JULY 14 (<i>Consider not scheduling</i>)
JULY 18	JULY 28
AUGUST 1	AUGUST 25
AUGUST 29	SEPTEMBER 8
SEPTEMBER 12	SEPTEMBER 22
OCTOBER 3	OCTOBER 13
OCTOBER 17	OCTOBER 27
OCTOBER 31	NOVEMBER 10
NOVEMBER 14	TUESDAY, NOVEMBER 22 ▲ ▲
NOVEMBER 28	DECEMBER 8

Items to be included on a particular agenda must be submitted to the City Manager's Office NO LATER than 5 p.m. on the submittal date so that a staff report may be prepared. Items received after that date may be scheduled for the next available agenda.

NOTE: ▲ ▲ DUE TO THANKSGIVING HOLIDAY, THE MEETING WILL BE HELD ON TUESDAY

¹ Submittal dates are on Mondays, with the exception of Tuesdays that follow a holiday as indicated above.

² Regular Meetings of the City Council/Successor Agency are held on the 2nd & 4th Thursdays of each month. The Regular City Council meetings begin at 7:00 p.m. (or in no event earlier than 6:00 p.m.) in the Capitola City Hall Council Chambers, 420 Capitola Avenue, Capitola, CA.

CITY OF CAPITOLA
2016 MEETING SCHEDULES
ARCHITECTURAL & SITE REVIEW COMMITTEE AND PLANNING COMMISSION

●SUBMITTAL	■ARCH & SITE REVIEW	●SUBMITTAL	◆PLANNING COMMISSION
DECEMBER 14, 2015	JANUARY 13	DECEMBER 10, 2015	JANUARY 21**
DECEMBER 18, 2015	JANUARY 27		
JANUARY 11	FEBRUARY 10	JANUARY 5	FEBRUARY 4
JANUARY 25	FEBRUARY 24		
FEBRUARY 8	MARCH 9	FEBRUARY 2	MARCH 3
FEBRUARY 22	MARCH 23		
MARCH 11	APRIL 13	MARCH 1	APRIL 7
MARCH 25	APRIL 27		
APRIL 11	MAY 11	APRIL 5	MAY 5
APRIL 25	MAY 25		
MAY 9	JUNE 8	MAY 3	JUNE 2
MAY 23	JUNE 22		
JUNE 6	JULY 13	JUNE 14	JULY 21**
JUNE 20	JULY 27		
JULY 11	AUGUST 10	JULY 5	AUGUST 4
JULY 25	AUGUST 24		
AUGUST 15	SEPTEMBER 14	AUGUST 2	SEPTEMBER 1
AUGUST 29	SEPTEMBER 28		
SEPTEMBER 12	OCTOBER 12	SEPTEMBER 6	OCTOBER 6
SEPTEMBER 26	OCTOBER 26		
OCTOBER 11	NOVEMBER 9	OCTOBER 4	NOVEMBER 3
N/A	CANCELED NOV. 23		
NOVEMBER 14	DECEMBER 14	NOVEMBER 1	DECEMBER 1
N/A	CANCELED DEC. 28		

Meetings are held at Capitola City Hall, 420 Capitola Avenue, and are generally scheduled as follows:

- **Submittal Date:** Although applications may be submitted by the deadline, it does not guarantee a hearing date. Application completeness, staff review and analysis shall be completed prior to scheduling an application for a meeting date.
- **Architectural and Site Review Meetings:** 2nd and 4th Wednesday of each month at 3:30 p.m. in the City Hall Community Room.
- ◆ **Planning Commission Meetings:** 1st Thursday of each month at 7 p.m. in the City Hall Council Chambers.

NOTE: **The January and July Planning Commission meetings will be held on the third Thursday due to the holiday schedules.