

City of Capitola Agenda

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



REVISED

CAPITOLA CITY COUNCIL REGULAR MEETING

THURSDAY, NOVEMBER 14, 2013

**CITY HALL COUNCIL CHAMBERS
420 CAPITOLA AVENUE, CAPITOLA, CA 95010**

**CLOSED SESSION – 6:00 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 LABOR NEGOTIATOR (Govt. Code §54957.6)

Negotiator: Lisa Murphy, Administrative Services Director
Employee Organizations: (1) Association of Capitola Employees; (2) Confidential Employees; (3) Mid-Management Group; (4) Department Head Group

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

1. Schroedel et al. v. the City of Capitola, the Santa Cruz Superior Court Case No. CV 175684.

REGULAR MEETING OF THE CAPITOLA CITY COUNCIL – 7:00 PM

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 Dennis Norton, Sam Storey, Ed Bottorff, Michael Termini and Mayor Stephanie Harlan

2. PRESENTATIONS

A. Legislative update provided by Assemblymember Mark Stone.

3. REPORT ON CLOSED SESSION

4. ADDITIONAL MATERIALS

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

A. 10.B.

DETAILS:

Email from Ording.

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. Consider approving the City Council Minutes of the October 24, 2013, Regular City Council Meeting.

RECOMMENDED ACTION:

Approve Minutes.

CAPITOLA CITY COUNCIL REGULAR MEETING - Thursday, November 14, 2013

- B. Receive Planning Commission Action Minutes for the Regular Meeting of November 7, 2013.
RECOMMENDED ACTION:
Receive Minutes.
- C. Consider approving a request from the Capitola Soquel Chamber of Commerce to suspend Village parking meter enforcement for the holiday season.
RECOMMENDED ACTION:
Approve request.
- D. Receive and approve the 2014 Meeting Schedules for the City Council/Successor Agency, and the Planning Commission/Architectural and Site Review Committee.
RECOMMENDED ACTION:
Approve schedules.
- E. Consider a Resolution approving the 2014 City Hall Closure Schedule.
RECOMMENDED ACTION:
Adopt Resolution.
- F. Receive the Fiscal Year 2013/2014 First Quarter Budget Report and the Fiscal Year 2012/2013 Fourth Quarter Sales Tax Report.
RECOMMENDED ACTION:
Receive report.

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. Report on special events highlights and issues for 2013.
RECOMMENDED ACTION:
Receive report.
- B. Presentation of McGregor Park property plans.
RECOMMENDED ACTION:
Approve site plan, direct staff to prepare documents to go to the Planning Commission.
- C. Review of proposed Central Fire Protection District Amendments to the 2014 Fire Code.
RECOMMENDED ACTION:
Council direction.
- D. Continued from the October 24, 2013, City Council Meeting: Consider California Coastal Commission modifications to Title 10 Section 36.055 of the Capitola Municipal Code pertaining to parking meter rates and zones [1st Reading].
RECOMMENDED ACTION:
Continue the item to a date uncertain to allow staff additional time to negotiate with the Coastal Commission.

CAPITOLA CITY COUNCIL REGULAR MEETING - Thursday, November 14, 2013

11. ADJOURNMENT

Adjourn to the next Special Meeting of the City Council on Thursday, November 21, 2013, at 6:00 PM, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

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 Capitola 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 on the Internet at the City’s website: www.ci.capitola.ca.us. Agendas are also available at the Capitola Post Office located at 826 Bay Avenue, Capitola.

Agenda Document Review: The complete agenda packet is available at City Hall and at the Capitola Branch Library, 2005 Wharf Road, Capitola, on the Monday prior to the Thursday meeting. 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 replayed at 12:00 Noon on the Saturday following the meetings 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.ci.capitola.ca.us by clicking on the Home Page link “**View Capitola Meeting Live On-Line.**” Archived meetings can be viewed from the website at anytime.

Sneddon, Su

From: Molly Ording [mollyording@yahoo.com]
Sent: Thursday, November 14, 2013 11:51 AM
To: City Council
Subject: Skate Park & Dog & Park at "Lower Capitola Beach Park!"

Greetings All Valued City Council Members! I realize I am late getting this to you..but also perhaps... maybe about 5 years premature in hopeful planning and thinking???

I know, like so many of us, we have been so pleased and amazed by the beautiful space right in the center of our community that the clearing of the former "Lower Pac Cove" has brought into focus!
I think we all agree that this precious space may prove to be far too much a community asset than for solely parking cars for a possible 3-4 months a year!

I know you are considering a park plan for McGregor and I salute your determination to finally deliver on a such a long-overdue promise to provide space for dogs and skaters and kids a place to be active and enjoy together. You, of course, are all aware of all the many downsides of the McGregor Park location. As an almost daily beach walker at New Brighton, I can personally attest to the huge dangers of traffic on that frontage road with speeders and blind corners.

However, since this new area (LPC) has revealed itself to us..right in the **absolute safe & accessible, light and bright CENTER of our community**, I also urge you to proceed now with forward, long-term thinking & planning... i.e. the thoughtful consideration of the possibility of this "temporary" parking area NOT remaining either "*temporary*" or all for "*parking!*" It is clear to me that the future needs of our community could almost all be accommodated within that beautiful, central space, eventually, and with patience and perseverance, become our community's greatest physical asset, in addition to our beach, both in terms of community building and revenue generating!

Again, I salute your motivation and dedication to creating a park at this time but I am also strongly urging you to be both *forward thinking and creative* in looking at this new space as an integral part of Capitola's future ability to serve its residents, in whatever form that may take...the possibilities are MANY and could serve MANY. Please keep this in mind tonight as you move forward on your McGregor considerations.

Thanks to each of you, as always, for your dedication and hard work on behalf of our community!

Most sincerely,

Molly Ording

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CITY COUNCIL AGENDA REPORT

MEETING OF NOVEMBER 14, 2013

FROM: OFFICE OF THE CITY CLERK

SUBJECT: APPROVAL OF THE CITY COUNCIL MEETING MINUTES OF THE
OCTOBER 24, 2013, REGULAR CITY COUNCIL MEETING

RECOMMENDED ACTION: Approve the subject minutes as submitted.

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

ATTACHMENTS:

1. October 24, 2013, Regular City Council Meeting minutes

Report Prepared By: Susan Sneddon, CMC
City Clerk

Reviewed and Forwarded
By City Manager: _____

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**CAPITOLA CITY COUNCIL
REGULAR MEETING ACTION SUMMARY
THURSDAY, OCTOBER 24, 2013**

**CLOSED SESSION – 6:30 PM
CITY MANAGER’S OFFICE**

CALL TO ORDER

Mayor Harlan called the meeting to order at 6:30 PM and announced the items to be discussed in Closed Session, as follows:

CONFERENCE WITH LABOR NEGOTIATOR (Govt. Code §54957.6)

Negotiator: Lisa Murphy, Administrative Services Director
Employee Organizations: Capitola Police Captains

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Govt. Code § 54957)

City Council’s Performance Evaluation of the City Manager.

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

1. Schroedel et al. v. the City of Capitola
[Santa Cruz Superior Court Case No. CV 175684]
2. Rae Ellen Leonard vs. the City of Capitola et al.
[United States District, Case No. C13-3714]

The City Council recessed at 6:35 PM to the City Manager’s Office.

REGULAR MEETING OF THE CAPITOLA CITY COUNCIL – 7:00 PM

1. **ROLL CALL AND PLEDGE OF ALLEGIANCE**
Council Members Dennis Norton, Sam Storey, Ed Bottorff, Michael Termini and Mayor Stephanie Harlan
2. **PRESENTATIONS**
 - A. Proclamation declaring October 20 – 26, 2013, as “Freedom from Workplace Bullies Week.” [120-40]
 - B. Wi-Fi presentation by Citizens Against Wireless Radiation. [430-05]
3. **REPORT ON CLOSED SESSION [520-25]**

City Attorney Barisone stated that the City Council received a status report from Administration Services Director Murphy, City’s labor negotiator, regarding labor negotiations with the Capitola Police Captains; there was no reportable action. In addition. Council discussed the City Manager’s performance evaluation; there was no reportable action. Mr. Barisone stated the City Council did not discuss the existing litigation regarding Schroedel et al. v. the City of Capitola. Council received a report from the City Manager and City Attorney regarding the Rae Ellen Leonard vs. the City of Capitola et al.; there was no reportable action.

Item #: 9.A. Attach 1.pdf

CAPITOLA CITY COUNCIL ACTION SUMMARY – Thursday, October 24, 2013

The following local residents stated they are opposed wireless radiation:

Marilyn Garrett
Judy Moore
Catherine Herndon

Peter Pethoe, Santa Cruz resident, announced a correction on the October 10, 2013, City Council minutes. He also commented on options to avoid the use of wireless radiation.

4. **ADDITIONAL MATERIALS** (None provided)
5. **ADDITIONS AND DELETIONS TO AGENDA** (None provided)
6. **PUBLIC COMMENTS**

Casey Beyer, Silicon Valley Turkey Trot representative, stated that the Turkey Trot is an event to raise funds to assist in providing affordable housing resources, as well as funding the Second Harvest Food Bank Santa Cruz County.

Jeff Rangel, Brocade Director of Corporate Affairs for Silicon Valley Turkey Trot, provided information regarding the Mayor's Cup at the Turkey Trot fundraiser.

Donna Mosiah, Second Harvest Food Bank Boardmember, thanked the Turkey Trot organizers for supporting the local food bank.

7. **CITY COUNCIL / CITY TREASURER / STAFF COMMENTS**

City Clerk Sneddon announced various vacancies on City committees.

Council Member Norton asked the public for input regarding future long-term uses of the Lower Pacific Cove property after the proposed parking structure is constructed on the Upper Pacific Cove property.

Council Member Termini announced that the Capitola Village Children's Halloween Parade is to be held on Sunday, October 27, 2013, at 2 p.m.

Mayor Harlan reported on the status of the Central Coast Veterans Cemetery Capital Campaign to raise funds for a Veterans Cemetery on the Fort Ord property. In addition, she provided an Assembly Bill 1229 update regarding inclusionary zoning regulations.

8. **BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS** (None provided)

9. **CONSENT CALENDAR**

- A. Consider approving the City Council Minutes of the October 10, 2013, Regular City Council Meeting.
- B. Approval of City Check Register Reports dated September 20, 2013; September 27, 2013; October 4, 2013; and October 11, 2013. [300-10]
- C. Adoption of **Ordinance No. 986** amending Chapter 13.02 of the Capitola Municipal Code pertaining to Water Conservation Plumbing Fixture Retrofit Requirements [2nd Reading]. [570-10/1160-10]
- D. Adoption of **Resolution No. 3967** repealing Resolution No. 3424 and re-establishing the City's Commission on the Environment (COE). [430-05]

CAPITOLA CITY COUNCIL ACTION SUMMARY – Thursday, October 24, 2013

- E. Consider awarding a contract with Bear Electrical Solutions in an amount not to exceed \$25,000 per year for traffic signal maintenance. [490-70/500-10 A/C: Bear Electrical Solutions]
- F. Receive Annual Donations and Contributions Report.
- G. Consider approving the Memorandum of Understanding (MOU) with the Police Captains with the negotiated changes in benefits for July 1, 2013, through June 30, 2018. [600-10]

ACTION Motion made by Council Member Termini, seconded by Council Member Storey, to approve the following Consent Calendar items: 9.A.; 9.C.; 9.D.; 9.E., 9.F. and 9.G., noting the recommended correction to the Minutes of the October 10, 2013, meeting (Item 9.A.). The motion was passed unanimously.

ACTION Motion made by Council Member Storey, seconded by Council Member Bottorff, to approve the Item 9.B. The motion carried on the following vote: **AYES: Council Member Storey, Termini, Bottorff, and Mayor Harlan. NOES: Council Member Norton¹. ABSENT: None. ABSTAIN: None.**

There was Council consensus that the City Council receives a briefing regarding the General Plan Update scope of work and budget at the next possible meeting date.

10. GENERAL GOVERNMENT / PUBLIC HEARINGS

- A. Consider an Ordinance amending Section 10.36.055(b) of the Capitola Municipal Code pertaining to parking meter rates accepting the Coastal Commission's modifications [1st Reading]. [470-30/740-30]

ACTION Motion made by Council Member Termini, seconded by Council Member Storey, to continue this item to the November 14, 2013, City Council meeting. The motion was passed unanimously.

- B. Consider the approval a contract with JFS, Inc., DBA Capitola Boat and Bait for the Wharf Lease and Mooring Concession Agreement. [500-10 A/C: JFS, Inc]
Frank Ealy, Capitola Boat and Bait business owner, commented on the Capitola Boat and Bait operation schedule.

ACTION Motion made by Council Member Norton, seconded by Council Member Termini, directing staff to agendize on a future Council meeting a long-term Wharf Lease and Mooring Concession Agreement with JFS, Inc., DBA Capitola Boat and Bait that includes the authority for the City Manager to waive rents for up to four months each year based on the then-current fishing conditions. The motion was passed unanimously.

- C. Consider an Ordinance repealing Sections 17.57.020(B)(4), 17.57.060(F), and 17.57.040(D) pertaining to the Use of Sidewalk Signs in the Central Village Zoning District of the Capitola Municipal Code. [1st Reading]; and provide direction on code enforcement protocols within the Central Village. [740-30/720-50/100-10]

¹ Council Member Norton noted that he is favor of the approval of the Check Register Report with the exception of Check No. 74302 payable to the Santa Cruz Regional 911.

CAPITOLA CITY COUNCIL ACTION SUMMARY – Thursday, October 24, 2013

Peter Pethoe, Santa Cruz resident, stated that there are various types of advertising for businesses.

Karl Heiman, Mr. Toots Coffeehouse business owner, commented on the benefits of sidewalk signs, and suggested a complaint based system.

Michael Lavigne, Real Estate Broker, stated that the City should provide regulations that encourage business in the Central Village Zoning District.

Kimber De Martin, Soquel sign shop owner (Sign Authority), stated that she is available for signage questions.

ACTION

Motion made by Council Member Storey, seconded by Council Member Termini, to retain the existing Ordinance (Ordinance No. 973 adopted on July 12, 2012), and deny the 1st reading of the draft Ordinance repealing Sections 17.57.020(B)(4), 17.57.060(F), and 17.57.040(D) pertaining to the use of sidewalk signs in the Central Village Zoning District; to direct staff to do complaint-based enforcement of sidewalk signs in the Central Village Zoning District; to reduce the Sidewalk Sign Permit Application fee (\$127.05) by fifty percent; staff to obtain proof of liability insurance for sidewalk signs, and for City Council to review Ordinance No. 973 on an annual basis. The motion was passed unanimously.

- D. Consider a Resolution approving the submission of an application to the Santa Cruz County Regional Transportation Commission (SCCRTC) for funding under the State Transportation Improvement Program, Regional Surface Transportation Program, and the Monterey Bay Sanctuary Scenic Trail Network. [770-05]

Nels Westman, 507 Riverview Drive, suggested that any SCCRTC grant funds should be used to repair City streets.

ACTION

Motion made by Council Member Storey, seconded by Council Member Termini, to adopt Resolution No.3968 approving the submission of an application to the Santa Cruz County Regional Transportation Commission for funding under the State Transportation Improvement Program, Regional Surface Transportation Program, and the Monterey Bay Sanctuary Scenic Trail Network. The City Council directed Public Works to prepare applications for the following projects (listed in priority order): (1) Upper Pacific Cove Parking Lot Trail and Depot Hill Park Improvements; (2) Capitola Avenue/Bay Avenue Intersection Improvements. The motion carried with the following vote: AYES: Council Members Norton, Storey, Bottorff, and Termini. NOES: Mayor Harlan. ABSENT: None. ABSTAIN: None.

11. ADJOURNMENT

Mayor Harlan adjourned the meeting at 9:28 PM to the next Regular Meeting of the City Council on Thursday, November 14, 2013, at 7:00 PM, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

Stephanie Harlan, Mayor

ATTEST:

_____, CMC
Susan Sneddon, City Clerk



ACTION SUMMARY MINUTES
CAPITOLA PLANNING COMMISSION
THURSDAY, NOV. 7, 2013
7 P.M. CAPITOLA COUNCIL CHAMBERS

1. **ROLL CALL AND PLEDGE OF ALLEGIANCE**
Commissioners: Ron Graves, Gayle Ortiz, Linda Smith and TJ Welch, and
Chairperson Mick Routh
2. **ORAL COMMUNICATIONS**
 - A. **Additions and Deletions to Agenda**
 - B. **Public Comments**
 - C. **Commission Comments**
 - D. **Staff Comments**
3. **APPROVAL OF MINUTES**
 - A. **Oct. 3, 2013, Regular Meeting Minutes**
ACTION: Approved 3-0, 2 abstentions
4. **CONSENT CALENDAR**
 - A. **1066 41st Avenue #12-094 APN: 034-711-001, 002, and 003**
Master Sign Program for three commercial units in the PD (Planned Development) Zoning District.
Environmental Determination: Categorical Exemption
Property Owner: Macquarie Capitola Villas, Inc., filed 7/18/12
Representative: Steve Elmore

ACTION: Approved 5-0
5. **PUBLIC HEARINGS**
 - A. **110 Lawn Way #13-145 APN: 035-124-05**
Conceptual review for a second-story addition to a single-story home in the CV (Central Village) Zoning District.
Environmental Determination: Categorical Exemption
Owner: Norma Kettmann
Representative: Gary Lindeke, filed: 10/11/13

ACTION: Discussion only

6. DISCUSSION ITEMS

A. Review of Draft Conditions of Approval for Residential Projects

7. DIRECTOR'S REPORT

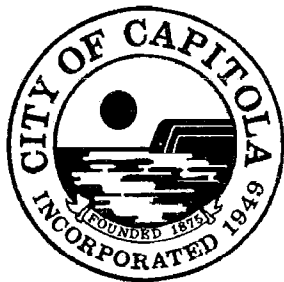
8. COMMISSION COMMUNICATIONS

Appointment of Ron Graves as the Planning Commission representative to the Traffic and Parking Commission.

ACTION: Approved 4-0, 1 abstention

9. ADJOURNMENT

Adjourned at 8:42 p.m. to a Special Joint Meeting of the City Council and Planning Commission on Thursday, November 21, 2013, at 6 p.m. in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.



CITY COUNCIL AGENDA REPORT

MEETING OF NOVEMBER 14, 2013

FROM: POLICE DEPARTMENT

SUBJECT: CAPITOLA-SOQUEL CHAMBER OF COMMERCE REQUEST TO OFFER FREE
VILLAGE PARKING NOVEMBER 28, 2013 THROUGH DECEMBER 25, 2013

RECOMMENDED ACTION: Authorize suspending parking meter and pay station operation to allow free three hour parking in the Village from November 28, 2013, through December 25, 2013.

BACKGROUND: The Capitola-Soquel Chamber of Commerce has submitted their annual request to the Council to offer free 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 (Chamber) 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 28, 2013, through Wednesday, December 25, 2013, in order to encourage holiday shopping (Attachment 1). The Chamber is also requesting that the two-hour parking limit be increased to three hours.

FISCAL IMPACT: It is estimated that last year's suspension of the parking meters and pay stations cost the City \$10,000. The Fiscal Year 2013/2014 takes into account suspending parking meter and pay station enforcement. Therefore, there is no budget impact.

ATTACHMENTS:

1. Letter dated September 30, 2013, from the Capitola Soquel-Chamber of Commerce.

Report Prepared By: Denice Pearson
Administrative/Records Analyst

Reviewed and Forwarded
By City Manager: 

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capitola soquel
CHAMBER of COMMERCE

716-G Capitola Avenue
Capitola, CA 95010
Phone: (831) 475-6522
Fax: (831) 475-6530

RECEIVED
OCT 03 2013
CITY OF CAPITOLA

September 30, 2013

City of Capitola
Mayor Harlan and
City Council Members
420 Capitola Avenue
Capitola, Ca. 95010

Mayor Harlan and City Council Members:

The Capitola-Soquel Chamber of Commerce would like to request that metered parking in the Village become free with a 3 hour limit for Holiday Shoppers starting Thursday, November 28th thru Christmas Day, December 25th 2013.

The Capitola Village Businesses have enjoyed more Holiday Sales during this period of time.

I understand that this item will be on your October 10th Council Agenda. I will be their to answer any questions.

Thank you for considering this item.

cc: Carin Hanna - BIA

Sincerely,

Toni Castro
Chief Executive Officer

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CITY COUNCIL AGENDA REPORT

MEETING OF NOVEMBER 14, 2013

FROM: CITY CLERK'S OFFICE

SUBJECT: 2014 MEETING SCHEDULES FOR THE CITY COUNCIL/SUCCESSOR AGENCY &
THE PLANNING COMMISSION/ARCHITECTURAL AND SITE REVIEW COMMITTEE

RECOMMENDED ACTION: Receive the 2014 City meeting schedules as an informational item 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, Planning Commission, and Architectural and Site Review Committee for 2014.

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 the second meeting in November, which falls on the Thanksgiving holiday and is generally held on the Tuesday prior to Thanksgiving. There is no second meeting held in December due to the Christmas holiday. Pursuant to past practice one meeting has been scheduled for the month of August. The Successor Agency meetings are held on an as needed basis.

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. Since City Hall offices will be closed December 23 - 27, 2013, and City Council will meet on Thursday, January 9, 2014, the regular meeting of the Planning Commission for January has been scheduled for Thursday, January 16, 2014. In addition, the July 2014 Planning Commission meeting is scheduled for Thursday, July 17, 2014, due to the July 4th holiday, and City Council meets on Thursday, July 10, 2014.

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.

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.ci.capitola.ca.us.

FISCAL IMPACT: None

ATTACHMENTS:

1. 2014 City Council/Successor Agency Meeting Dates and Deadline for Submittal of Agenda Items.
2. 2014 Meeting Schedules for the Planning Commission/Architectural & Site Review Committee

Report Prepared By: Susan Sneddon, CMC
City Clerk

Reviewed and Forwarded
By City Manager 

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2014 CITY OF CAPITOLA
City Council and Successor Agency Meeting Dates
and Deadline for Submittal of Agenda Items

SUBMITTAL DATE (MONDAY*)	MEETING DATE (THURSDAY)
DECEMBER 30, 2013	JANUARY 9
JANUARY 13	JANUARY 23
FEBRUARY 3	FEBRUARY 13
FEBRUARY 18*	FEBRUARY 27
MARCH 3	MARCH 13
MARCH 17	MARCH 27
MARCH 31	APRIL 10
APRIL 14	APRIL 24
APRIL 28	MAY 8
MAY 12	MAY 22
JUNE 2	JUNE 12
JUNE 16	JUNE 26
JUNE 30	JULY 10
JULY 14	JULY 24
AUGUST 4	AUGUST 14
SEPTEMBER 2*	SEPTEMBER 11
SEPTEMBER 15	SEPTEMBER 25
SEPTEMBER 29	OCTOBER 9
OCTOBER 14*	OCTOBER 23
NOVEMBER 3	NOVEMBER 13
NOVEMBER 17	TUESDAY, NOVEMBER 25♦
DECEMBER 1	DECEMBER 11

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. 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 will be scheduled for the next available agenda.

NOTE: *SUBMITTAL DATES NOT ON A TUESDAY DUE TO A MONDAY HOLIDAY
♦DUE TO THANKSGIVING HOLIDAY, THE MEETING WILL BE HELD ON TUESDAY

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CITY OF CAPITOLA
2014 MEETING SCHEDULES
ARCHITECTURAL & SITE REVIEW COMMITTEE AND PLANNING COMMISSION

●SUBMITTAL	■ARCH & SITE REVIEW	●SUBMITTAL	◆PLANNING COMMISSION
DECEMBER 9	JANUARY 8	DECEMBER 17	JANUARY 16*
DECEMBER 19	JANUARY 22		
N/A	HOLIDAY FEB. 12	JANUARY 7	FEBRUARY 6
JANUARY 27	FEBRUARY 26		
FEBRUARY 10	MARCH 12	FEBRUARY 4	MARCH 6
FEBRUARY 24	MARCH 26		
MARCH 10	APRIL 9	MARCH 4	APRIL 3
MARCH 24	APRIL 23		
APRIL 14	MAY 14	APRIL 4	MAY 1
APRIL 28	MAY 28		
MAY 12	JUNE 11	MAY 2	JUNE 5
MAY 26	JUNE 25		
JUNE 9	JULY 9	JUNE 17	JULY 17*
JUNE 23	JULY 23		
JULY 14	AUGUST 13	JULY 8	AUGUST 7
JULY 28	AUGUST 27		
AUGUST 11	SEPTEMBER 10	AUGUST 5	SEPTEMBER 4
AUGUST 25	SEPTEMBER 24		
SEPTEMBER 8	OCTOBER 8	SEPTEMBER 2	OCTOBER 2
SEPTEMBER 22	OCTOBER 22		
OCTOBER 13	NOVEMBER 12	OCTOBER 7	NOVEMBER 6
N/A	CANCELED NOV. 26		
NOVEMBER 10	DECEMBER 10	NOVEMBER 4	DECEMBER 4
N/A	HOLIDAY DEC. 24		

**Note: The January and July Planning Commission meetings will be held on the third Thursday due to the holidays.*

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 Council Chambers.
- ◆ **Planning Commission Meetings:** 1st Thursday of each month at 7 p.m. in the City Hall Council Chambers.

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CITY COUNCIL AGENDA REPORT

MEETING OF NOVEMBER 14, 2013

FROM: CITY CLERK'S OFFICE

SUBJECT: RESOLUTION ESTABLISHING DAYS FOR CLOSURE OF CITY OFFICES DURING
THE 2014 CALENDAR YEAR

RECOMMENDED ACTION: Adopt the proposed Resolution establishing days for closure of City Offices during the 2014 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 2014 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 week between the Christmas and the New Year's Day holidays.

FISCAL IMPACT: None

ATTACHMENTS:

1. Draft Resolution

Report Prepared By: Susan Sneddon, CMC
City Clerk

Reviewed and Forwarded
By City Manager

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RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
ESTABLISHING DAYS FOR CLOSURE OF CITY OFFICES
DURING THE 2014 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 2014 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 2014, unless otherwise noted:

- | | |
|---|----------------------------------|
| January 1 (Wednesday) | New Years Day |
| January 20 (Monday) | Martin Luther King, Jr. Birthday |
| February 12 (Wednesday) | Lincoln's Birthday |
| February 17 (Monday) | Presidents' Day |
| May 26 (Monday) | Memorial Day |
| July 4 (Friday) | Independence Day |
| September 1 (Monday) | Labor Day |
| October 13 (Monday) | Columbus Day |
| November 11 (Tuesday) | Veterans Day |
| November 27 & 28
(Thursday & Friday) | Thanksgiving Holiday |
| December 25 (Thursday) | Christmas Holiday |
| December 22, 23, 24, & 26
(Monday, Tuesday,
Wednesday & 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 14th day of November, 2013, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

ATTEST: _____, CMC
Susan Sneddon, City Clerk

Stephanie Harlan, Mayor

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CITY COUNCIL AGENDA REPORT

MEETING OF NOVEMBER 14, 2013

FROM: FINANCE DEPARTMENT

SUBJECT: QUARTERLY FINANCIAL REPORTS – FIRST QUARTER BUDGET REPORT AND
FOURTH QUARTER SALES TAX REPORT

RECOMMENDED ACTION: Receive the First Quarter Budget Report and Fourth Quarter Sales Tax Report.

BACKGROUND: The City's quarterly financial reports are typically posted to the City's website in the last week of the month for the preceding quarter. These reports are also placed on the City Council agenda for informational purposes.

DISCUSSION: The attached quarterly reports contain information for the following dates:

- First Quarter Budget Report: July 1 to September 30, 2013
- Fourth Quarter Sales Tax Report: April 1 to June 30, 2013

The Fourth Quarter sales tax report reflects revenues earned for the period from April 1 to June 30, 2013. The reporting cycle for sales tax is different than the budget because the State does not issue final quarterly sales tax revenues until September. Revenues received for this period are applied to Fiscal Year 2012/2013.

Detailed information on both subjects can be found in the attached documents.

FISCAL IMPACT: This action is administrative and should not result in a financial impact.

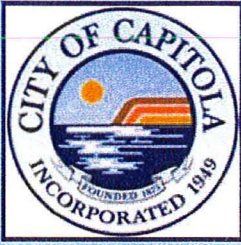
ATTACHMENTS:

1. First Quarter Budget Report
2. Fourth Quarter Sales Tax Report

Report Prepared By: Tori Hannah
Finance Director

Reviewed and Forwarded
by City Manager: 

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Budget Report First Quarter – FY13/14

Overview:

This report summarizes the City's overall financial position for the current fiscal year through September 2013. Except as noted below, revenue and operating expenditure trends are generally on target with annual projections.

News and Information:

- **Redevelopment Agency (RDA)/Successor Agency Update**

The State Controller's Office recently completed an Asset Transfer Review audit of the City's Former RDA. This review covered the period from January 1, 2011 to January 31, 2012. While the results were primarily positive, the final report concluded that the City must return \$52,313 to the Successor Agency for interest payments made on a City/RDA loan. Although the City disagrees with the report findings, the funds have been transferred back to the Successor Agency to maintain compliance. The Successor Agency and Oversight Board have applied for reinstatement of one of the City/RDA loans at a reduced interest rate through the Department of Finance's formal process; however their decision is still pending.

This unplanned expenditure was not included in the FY 13/14 General Fund Budget; however there is sufficient fund balance to cover the payment. This payment, combined with recaptures in the prior year, means that over \$252,000 in funds that were "clawed back" as part of the dissolution process.

- **Government Finance Officers Association (GFOA) Award**

The City will be receiving the Certificate for Excellence in Financial Reporting by the GFOA for the Fiscal Year 11/12 Comprehensive Annual Financial Report (CAFR). While the City has previously received state recognition for its CAFR and the FY12/13 Adopted Budget, this is the first time the City will receive a national award. The GFOA Certificate of Achievement is the highest form of recognition for governmental accounting and financial reporting. The award is granted to organizations that produce annual reports that are in the "spirit of full disclosure" and clearly communicate financial information to statement readers.

General Fund:

The fiscal year is 25% complete. The General Fund revenues are 13% of the annual projections, while expenditures are at 21%. While it may appear that revenues aren't performing as projected, the negative operating difference is typical due revenue receipting patterns. First quarter revenues have increased due to stronger economic performance, the addition of Measure O receipts, and timing of revenue receipts. The City's expenditures are primarily consistent with the number of payrolls processed through September 30, 2013.

General Fund	Budgetary Comparison			Prior Year
	Amended Budget	YTD Transactions	Percent	
Revenues	\$ 13,763,528	\$ 1,826,163	13%	\$ 1,540,277
Expenditures	13,762,574	2,822,272	21%	2,921,922
FY13/14 Operating Difference	\$ 954	\$ (996,109)		\$ (1,381,645)

An overview of the variances is provided in the following sections.

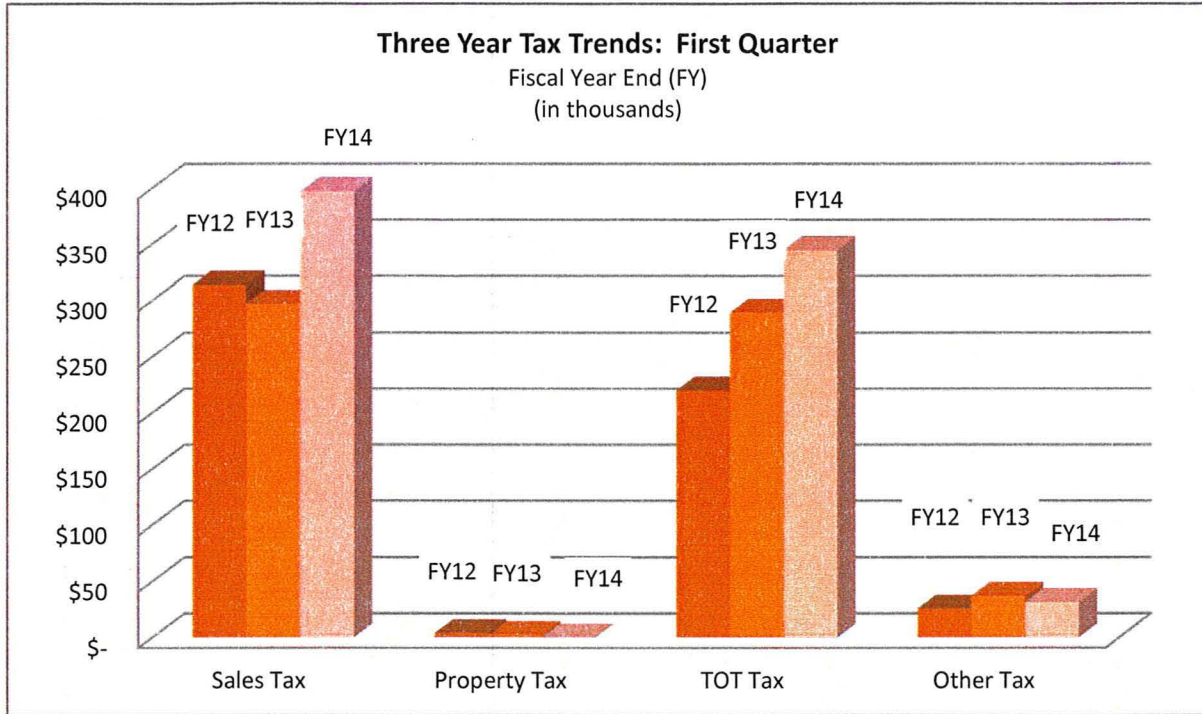
Key Revenues:

Revenue	Budgetary Comparison			Prior Year
	Amended Budget	YTD Transactions	% Used / Rec'd	
Taxes:				
Property Taxes	\$ 1,681,900	\$ -	0%	\$ 2,179
Sales and Use Tax	7,096,000	397,200	6%	297,200
Document Transfer Tax	-	5,631	-	4,911
Business License Tax	280,000	6,324	2%	12,789
Franchise Tax	479,200	19,517	4%	19,201
TOT Tax	984,300	344,614	35%	289,285
Subtotal - Taxes	\$ 10,521,400	\$ 773,285	7%	\$ 625,565
Other:				
Licenses and permits	\$ 224,600	\$ 68,538	31%	\$ 73,289
Intergovernmental revenues	236,128	21,086	9%	31,672
Charges for services	1,980,400	767,956	39%	698,104
Fines and forfeitures	707,500	154,563	22%	82,165
Use of money & property	19,300	5,678	29%	6,759
Other revenues	74,200	35,056	47%	22,725
Other financing sources	-	-	0%	-
Extraordinary Items	-	-	0%	-
Subtotal - Other Revenues	3,242,128	1,052,878	32%	914,713
Total Revenues	\$ 13,763,528	\$ 1,826,163	13%	\$ 1,540,277

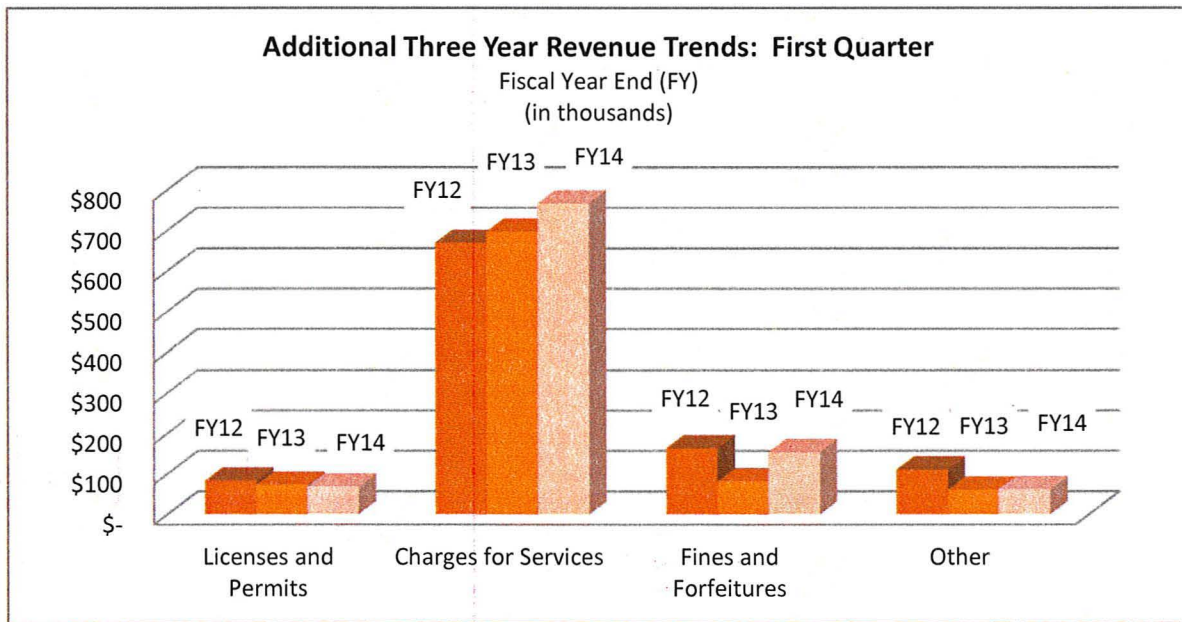
Taxes:

The City receives sales, property, franchise, and business license taxes on alternate schedules. Due to the year-end accruals and timing of revenue receipts, only 7% of the revenues were received in the First Quarter of FY 13/14. The 7% primarily reflects the receipt of Transient Occupancy Tax (TOT) and one month of sales tax revenues. Sales tax receipts are approximately \$100,000 greater than the prior year due to Measure O receipts of \$64,000 and improved economic performance. TOT year to date revenues are approximately \$55,000 or 19% greater than the prior year. The Finance Department is reviewing significant individual hotel increases to determine whether the increased performance represents a one-time event or ongoing improved operations.

A chart providing three-year tax trend information is provided for reference:



Additional three-year revenue trend information is presented below:



Charges for Services – An increase in recreation fees and the timing of classes resulted in a revenue growth of \$45,000. Due to the seasonality of major recreational programs, it may be difficult to project whether this trend will continue until the Fourth Quarter. Additional factors include an \$11,000 increase in Building Plan Check Fees and \$14,000 in parking meter revenues.

Fines and Forfeitures – In FY 12/13, there was a timing difference in parking citation revenues and fines. This difference in revenue receipts accounts for approximately \$50,000 in the quarterly comparisons. The additional \$17,000 difference can be primarily attributed to increased parking citation revenues.

Item #: 9.F. Attach 1.pdf

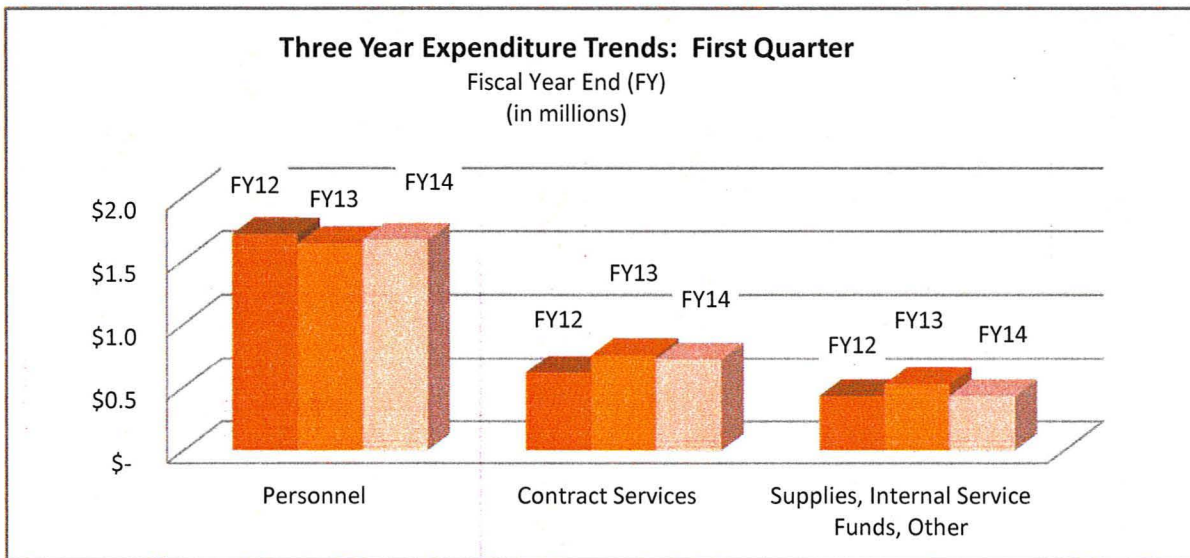
Expenditures:

All expenditures are relatively consistent with the budget and prior year expenditures. The number of payperiods processed represents 21% of the year. FY 13/14 salaries may be slightly greater than the prior year due to position vacancies in FY 12/13. Additional annual variances may exist due to timing differences in contract expenditures and payment of community grants. Community grants were previously paid each quarter; however they are now paid on a semi-annual basis.

Expenditures by Category	Budgetary Comparison			Prior Year
	Amended Budget	YTD Transactions	% Used/ Rec'd	
Personnel	\$ 7,768,290	\$ 1,665,126	21%	1,637,096
Contract Services	2,527,267	725,247	29%	758,541
Training & Memberships	72,280	24,246	34%	18,599
Supplies	523,702	123,246	24%	112,959
Grants and Subsidies	254,270	-	0%	63,095
Capital Outlay	11,928	1,177	10%	-
Internal Service Fund Charges	892,925	223,231	25%	235,093
Other Financing Uses	1,711,912	60,000	4%	96,538
Fund Totals: General Fund	\$ 13,762,574	\$ 2,822,272	21%	\$ 2,921,922

Expenditures By Department	Budgetary Comparison			Prior Year
	Amended Budget	YTD Transactions	% Used/ Rec'd	
City Council	\$ 118,245	\$ 38,841	33%	\$ 34,046
City Manager	803,222	179,493	22%	191,956
Personnel	209,302	37,742	18%	36,703
City Attorney	195,000	29,011	15%	44,851
Finance	768,477	121,681	16%	134,603
Community Grants	254,270	-	0%	63,095
Public Safety	5,812,826	1,418,056	24%	1,421,751
Public Works	2,252,045	505,161	22%	442,982
Community Development & Building	703,842	128,593	18%	126,283
Culture and Leisure	933,433	303,693	33%	329,114
Transfers	1,711,912	60,000	4%	96,538
Expenditure Totals	\$ 13,762,574	\$ 2,822,272	21%	\$ 2,921,922

Three year expenditure trend information by category is presented in the following chart.





Sales Tax Report Fourth Quarter - Fiscal Year 12/13

The total sales tax revenue for FY12/13 of \$6,040,541 exceeded FY11/12 by over \$895,000. Measure O, a newly added permanent 0.25% sales tax, became effective in the fourth quarter and contributed over \$250,000 towards the annual increase. The remaining increase can be attributed to the addition of a new major retailer and increased economic performance.

Full Year Sales Tax Revenue					
Description	2013		2012 Actual Amount	2013 Actual vs. 2013 Actual	
	2013 Actual Amount	Amended Budget		Amended Budget	vs. 2012 Actual
Bradley Burns (a)	\$ 3,662,708	\$ 3,559,800	\$ 3,281,468	2.9%	11.6%
In Lieu	\$ 1,102,418	\$ 1,102,400	\$ 946,996	0.0%	16.4%
Total Bradley Burns	\$ 4,765,126	\$ 4,662,200	\$ 4,228,464	2.2%	12.7%
0.25% Measure D	\$ 1,020,747	\$ 983,000	\$ 916,645	3.8%	11.4%
0.25% Measure O	\$ 254,668	\$ 245,600	\$ -	3.7%	New
Total Add-on	\$ 1,275,415	\$ 1,228,600	\$ 916,645	3.8%	39.1%
Total Sales Tax Revenue Rcvd.	\$ 6,040,541	\$ 5,890,800	\$ 5,145,109	2.5%	17.4%

(a) 3/4 of Bradley-Burns 1%

The total fourth quarter sales tax revenue of \$1,445,531 exceeded the prior year by \$368,640. Over \$254,000 or 69.1% of the increase can be attributed to Measure O. The remaining increase can be attributed to the addition of a new major retailer and improved economic performance.

Q4 2012-13 Results					
Description	2013		2012 Actual Amount	2013 Actual vs. 2013 Actual	
	2013 Actual Amount	Amended Budget		Amended Budget	vs. 2012 Actual
Bradley Burns (a)	\$ 927,382	\$ 889,300	\$ 843,196	4.3%	10.0%
In Lieu	n/a	n/a	n/a	n/a	n/a
Total Bradley Burns	\$ 927,382	\$ 889,300	\$ 843,196	4.3%	10.0%
0.25% Measure D	\$ 263,481	\$ 245,600	\$ 233,695	7.3%	12.7%
0.25% Measure O	\$ 254,668	\$ 245,600	\$ -	3.7%	New
Total Add-on	\$ 518,149	\$ 491,200	\$ 233,695	5.5%	121.7%
Total Sales Tax Revenue Rcvd.	\$ 1,445,531	\$ 1,380,500	\$ 1,076,891	4.7%	34.2%

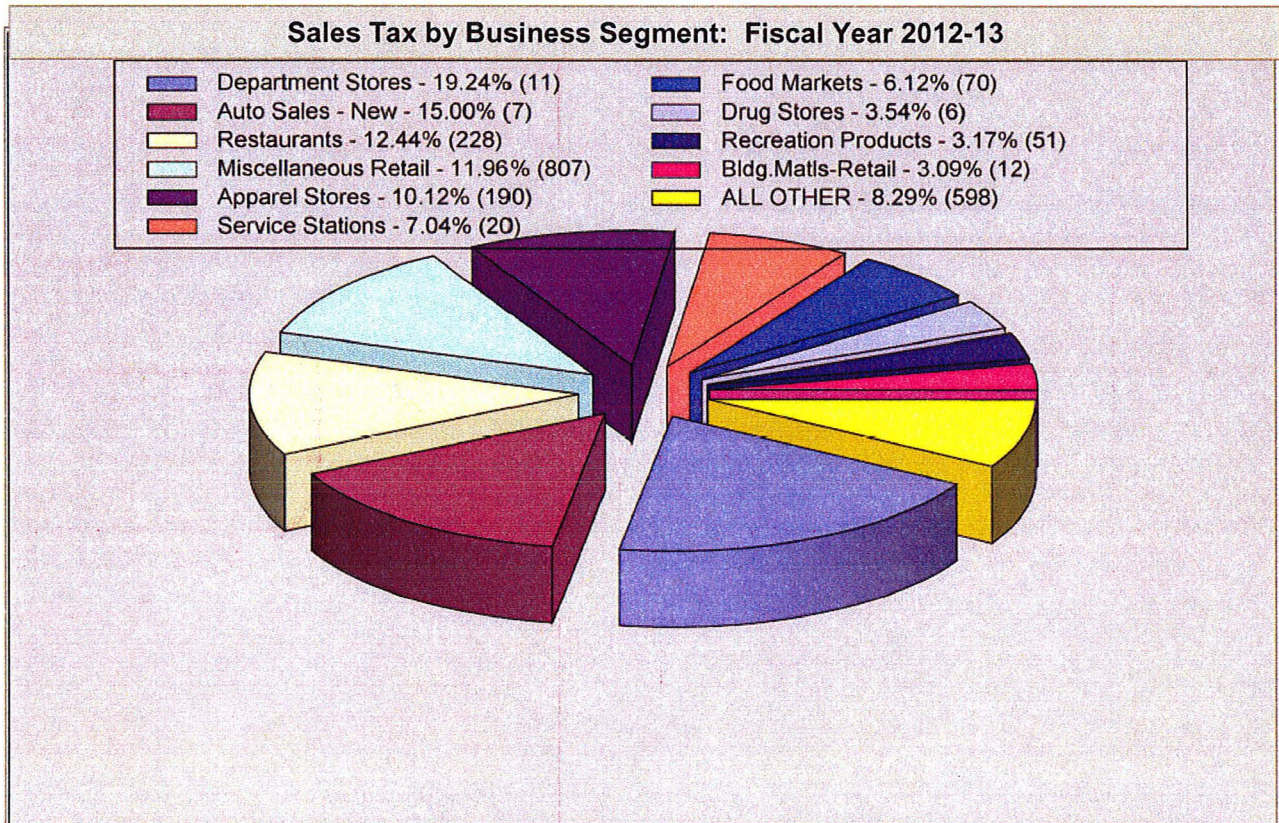
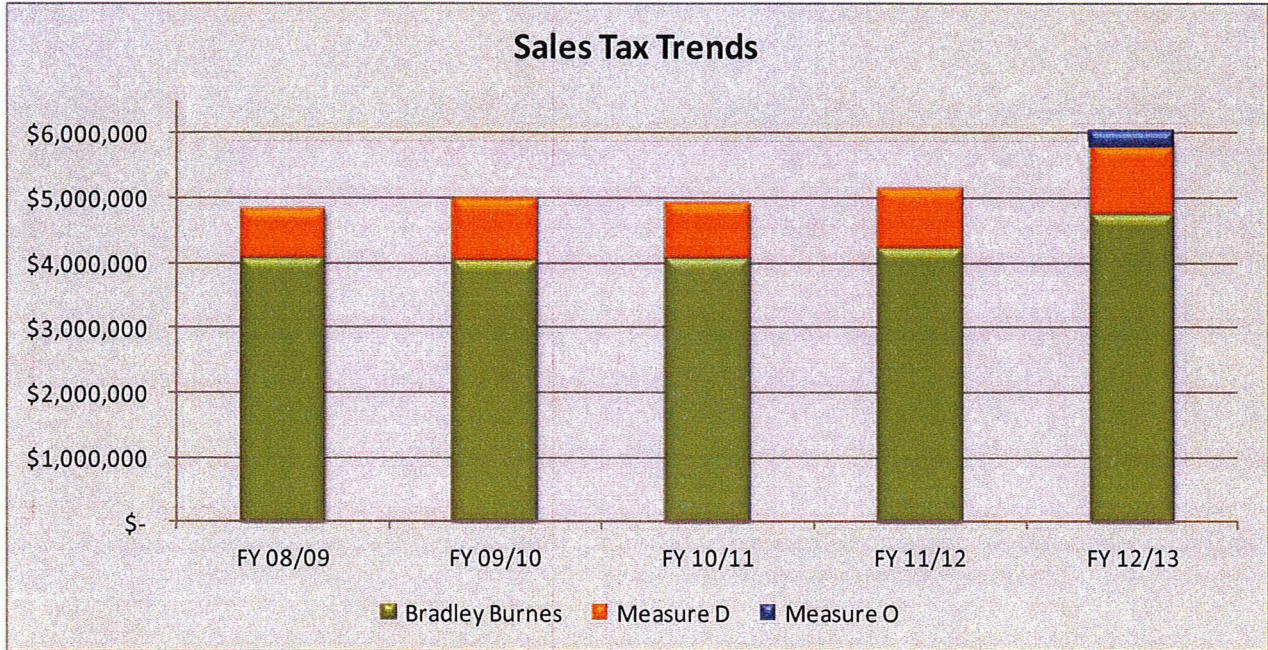
(a) 3/4 of Bradley-Burns 1%

Item #: 9.F. Attach 2.pdf

Five Year-Trends

A review of five-year trends indicate that sales tax revenues have risen steadily, without the addition of the FY12/13 fourth quarter Measure O receipts. Business segments contributing to sales tax growth include department stores, auto sales, and restaurants with growth rates of 57%, 14.6%, and 2.8% respectively. Some of the smaller business segments, including drug stores and retail building materials, experienced a reduction in sales tax revenues of 7.5% and 6.4%, respectively. The distribution of FY 12/13 sales tax revenues by business segment is provided for reference.

It is projected that sales tax revenues will continue to rise in FY 13/14 and FY 14/15.



Source: MuniServices, LLC



CITY COUNCIL AGENDA REPORT

MEETING OF NOVEMBER 14, 2013

FROM: POLICE DEPARTMENT

SUBJECT: REPORT ON SPECIAL EVENTS HIGHLIGHTS AND ISSUES FOR 2013

RECOMMENDED ACTION: Receive report.

BACKGROUND: In February 2002, the City Council approved Resolution No. 3202, adopting a Special Event Permit Program and Fee Schedule. The purpose of the Program was to provide regulations and guidelines for special events occurring within the City limits and to recover costs associated with those events.

Special Events are divided into two categories: (1) General Special Events and Minor Special Events. General Special Events are those with more than 200 attendees, or notable impacts to City services, or a particular neighborhood; and (2) Minor Special Events are events with less than 200 persons and limited impacts.

Minor Special Events can be approved by the City Manager providing the following:

1. The event, as proposed, can function safely;
2. The event will not cause undue interference with previously approved or ongoing activities, construction, road maintenance, public transit systems, or traffic;
3. The event provides a benefit to the City and/or community as a whole that outweighs the limited impacts of the event on the City and/or community.

General Special Events that were not held the previous year must be reviewed by the City Council. Events that were held the prior year may be approved by the City Manager providing the following:

1. There are no significant modifications or variations to the event as compared to prior years;
2. There were no major issues with the event in recent prior years;
3. The event, as proposed, can function safely;
4. The event will not cause undue interference with previously approved or ongoing activities, construction, road maintenance, public transit systems, or traffic;
5. The event provides a benefit to the City and/or community as a whole that outweighs the impacts of the event on the City and/or the community.

DISCUSSION: In 2013, the Police Department issued a total of 21 Special Event Permits. There were 10 General Special Events and 11 Minor Special Events. The General Events included the Wharf to Wharf, Art and Wine, Begonia Festival, Car Show, Motorcycle Show, Jay Moriarity Paddleboard Race, Surf City AIDS Ride, AIDS Lifecycle, Mermaid Triathlon and Capitola Half Marathon. The Minor Events were Art at the Beach, Twilight Concerts, Movies at the Beach, Easter Egg Hunt, Kite Classic, Halloween Parade, Surfing Santa, Women on Waves, the Heartland Hospice Holiday Event, and two block parties.

Item #: 10.A. staff report.pdf

AGENDA STAFF REPORT NOVEMBER 14, 2013
STATUS REPORT ON SPECIAL EVENTS FOR 2013

In 2012 the Council stopped issuing grants for permit fees and personnel costs. From November 2012 to November 2013, the Police Department billed 199.5 police personnel hours and 123.5 public works personnel hours, totaling \$19,703; those costs were reimbursed by the special event sponsors. In addition, the total Special Event Permit fees paid during the same time period were \$7,448.

In reviewing the After Action Reports for General Events, there was only one noteworthy change. During the Art and Wine Festival, booths were set up in the center of Capitola Avenue instead of along the sidewalks and curb line. This was done to prevent the businesses along Capitola Avenue from being blocked. The only suggestion was to have the booths opened in the front and back so visitors could walk on both sides of the street and patronize each booth from both sides. The Chamber of Commerce has agreed to work with the Village businesses during the planning process for next year's event to avoid future confusion.

There were no complaints regarding the Mermaid Triathlon. There was heavy traffic on McGregor Drive near Park Avenue which created issues for the participants. Staff suggested meeting with the Mermaid promoters to identify possible solutions.

FISCAL IMPACT: None

ATTACHMENTS: None

Report Prepared By: Rudy Escalante
Chief of Police

**Reviewed and Forwarded
By City Manager** 



CITY COUNCIL AGENDA REPORT

MEETING OF NOVEMBER 14, 2013

FROM: CITY MANAGERS DEPARTMENT

SUBJECT: MCGREGOR DRIVE PROPERTY – APPROVAL OF RECREATIONAL FACILITY

RECOMMENDED ACTION: Approve conceptual site plan for a multi-use recreational facility at the McGregor Drive property and direct staff to submit a planning application.

BACKGROUND: Over the years the City has discussed numerous alternative uses for the City owned McGregor Drive property, including parking lots, affordable housing, hotels and parks. However, due to the site's relatively remote location from the rest of the City, no option outside of a hotel project was actively pursued. When establishing this year's Budget Principles, City Council identified that establishing a use plan for the McGregor property was a priority.

The City Council received a report at the July 25, 2013, City Council meeting, where staff presented options for uses of the McGregor Drive property. The options were: (1) Continue to use as a construction yard; (2) a temporary recreation facility; or (3) design and entitle a hotel. Council discussed the merits of turning the McGregor property into a recreational facility even with its limitations. Having multiple types of uses with a variety of people will help to reduce any unwanted activity and given the lack of current available land, the Council voted to direct staff to develop a plan for a recreational facility which included a skateboard park, dog park, and bicycle pump track.

DISCUSSION: The City contracted with Michael Arnone & Associates to assist in the preparation of several design options for the site which included locations for a skateboard park, dog park and a bike pump track. Arnone & Associates prepared three plans which were then narrowed to two plans after receiving input from the Chief of Police and the Public Works Department staff. Three user groups composed of members of the public with specific interests in one of the three areas were established to review the plans. The two remaining plans were then presented to the three user groups. Utilizing their input the plans were then reduced to one preferred plan (Attachment 1).

The preferred plan calls for a 7,000 square foot pump track on the north end of the property, kids' play area, seating area visible from all locations, a 9,000 square foot skateboard park fronting McGregor Drive and a 10,800 square foot dog park located in the rear of the property. Parking for 30 vehicles would be at the southern portion of the lot with a gated entrance. The City would fund and install the basic infrastructure; ADA accessible paths, porta-potties, water service, parking and fencing. Funding for completing each area such as skateboard ramps, water fountains, and bike jumps would need to come from a collaboration of private donors, sponsors and possible grant money.

If Council approves this site plan, a comprehensive use plan with rules and regulations will be developed, as well as lighting and landscaping design. It will be brought to the Planning Commission for consideration in January 2014. If the Planning Commission approves the plan, staff will develop construction drawings, refine the cost and bring it back to Council for consideration in late February 2014. If approved by the Council construction could begin in May 2014.

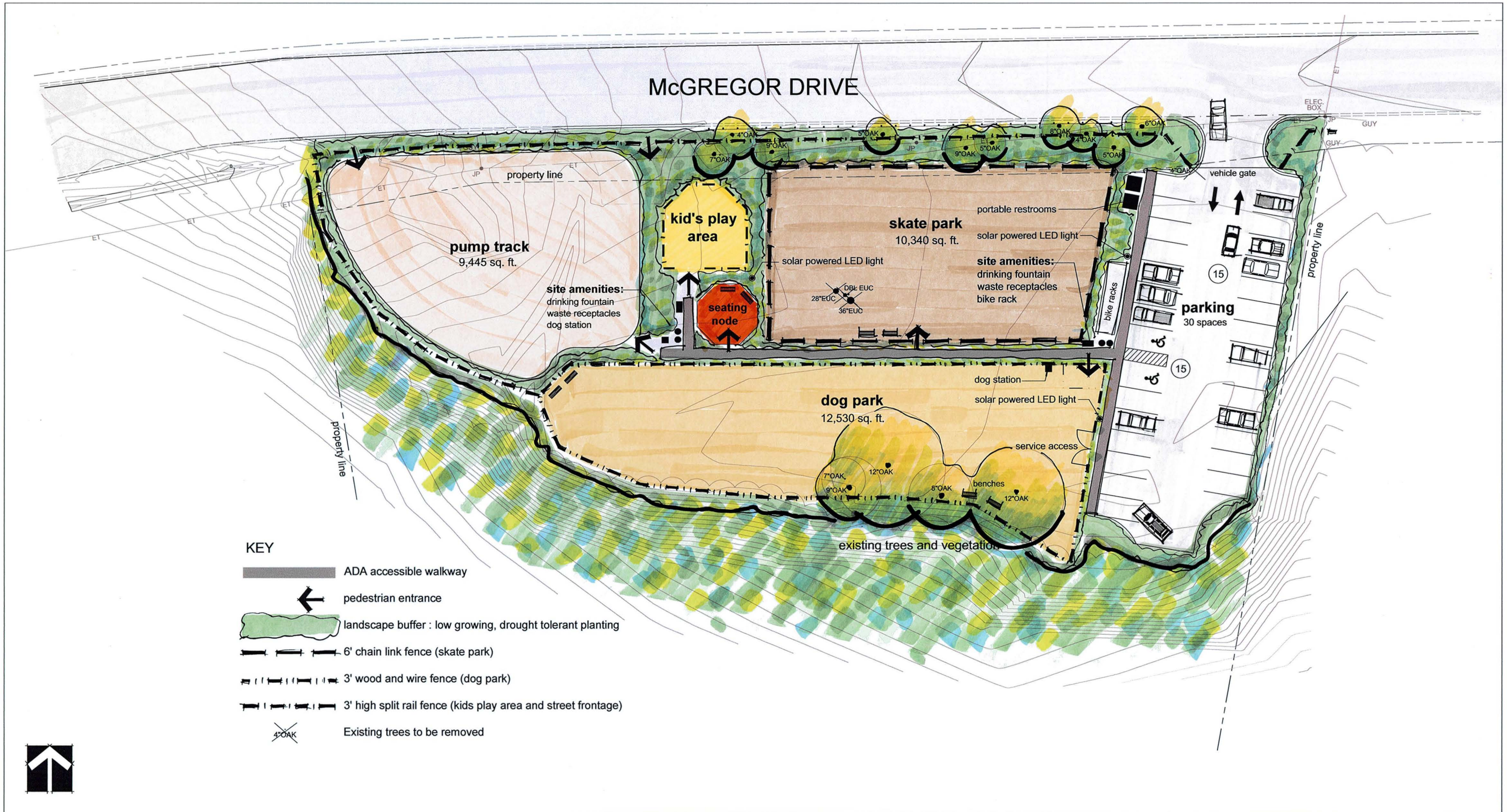
FISCAL IMPACT: The fiscal impact would be between \$100,000 to \$200,000 depending on the final design for the basic site infrastructure. Estimated cost for each individual area: Pump Track \$15,000, Dog Park \$5,000 and Skateboard Park depends upon the size and scale.

ATTACHMENTS: (1) McGregor Park Preliminary Site Plan; (2) Project Schedule.

Report Prepared By: Lisa Murphy
Administrative Services Director

Reviewed and Forwarded
By City Manager: 

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McGregor Park Preliminary Site Plan - Option A

Scale: 1" = 40'-0" November 7, 2013

Michael Arnone + Associates
LANDSCAPE ARCHITECTURE

3370 Samuel Place, Santa Cruz CA 95062
831.462.4988 rknown1@hotmail.com www.arnonelandscape.com

Item #: 10.B. Attach 1.pdf

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Month	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14
Project Description										
City Council Authorization	9/12/2013									
Meet with Users		October 5 - 10								
Council Conceptual Approval			11/14/2013							
Submit for Planning Application				12/1/2013						
Planning Commission Hearing					1/14/2014					
Complete Construction Drawings & Estimate						2/15/2014				
Council Approve Plans/Estimate/Bids						2/27/2014				
Bid Opening							3/26/2014			
Award Contract								4/10/2014		
Begin Construction									5/1/2014	

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CITY COUNCIL AGENDA REPORT

MEETING OF NOVEMBER 14, 2013

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: REVIEW OF PROPOSED CENTRAL FIRE PROTECTION DISTRICT FIRE CODE ORDINANCE

RECOMMENDED ACTION: That the City Council review the Ordinance Amendments proposed by the Central Fire Protection District, and direct staff to forward comments, if any, to the Central Fire Protection District Board.

BACKGROUND: The Central Fire Protection District (District) is proposing to amend the 2013 California Fire Code and requests that the City adopt their proposed amendments. The process for adoption, as mandated by State law, requires the District to forward a copy of their proposed Code amendments to the City Council for comments.

The District Board of Directors (Board) conducted its first reading of the proposed Resolution and Ordinance (Attachment 1) at their regular Board meeting on August 13, 2013. Followed by a public hearing and final reading at their regular Board meeting of October 8, 2013. The Board will consider any comments offered by the City and present a final Code to the City Council for consideration. At this time, the City Council may ratify, modify, or choose not to adopt the Amended Building and Fire Code Standards proposed by the District.

DISCUSSION: The City of Capitola has historically elected not to adopt the District's proposed amendments to the California Building and Fire Codes. During the most recent Code adoption cycle in 2010, the City Council voted unanimously to not adopt the District's proposed amendments. A number of concerns with the proposed amendments were expressed by the City Council, including:

- The fire history in Capitola does not warrant more restrictive building standards than state-wide standards which are considered acceptable throughout the majority of California;
- More restrictive building standards, including additional requirements for sprinklers in new construction and additions, would increase the costs for new construction, additions, and remodels for Capitola citizens;
- Sprinkler requirements for parking garages would significantly increase the cost of a future municipal parking structure in Capitola;
- Coverage limitations for rooftop photovoltaic systems would discourage Capitola residents from pursuing solar technology;
- Findings prepared by the District to adopt more restrictive building standards were not applicable to Capitola;

Item #: 10.C. staff report.pdf

AGENDA STAFF REPORT NOVEMBER 14, 2013

PROPOSED CENTRAL FIRE PROTECTION DISTRICT FIRE CODE ORDINANCE

Since the most recent Code update cycle in 2010, a number of amendments have been adopted to the State Code. Notably, the State Code now requires installation of automatic sprinklers in all new construction projects. The latest State Code update, which will go into effect on January 1, 2014, also includes coverage limitations for rooftop solar photovoltaic systems. The inclusion of these requirements effectively aligns the State Code and District Code as it relates to sprinklers for new construction projects and photovoltaic systems.

Notwithstanding recent State Code amendments, the proposed District amendments would require sprinklers for residential and commercial additions which are above and beyond current State Code requirements. As proposed by the District, automatic sprinkler systems would be required for all structures other than one and two family dwellings which exceed 6,000 square-feet when an addition is equal to or greater than 10% of the existing square-footage or when extensive renovations occur to 50% of the gross floor area. Sprinklers would also be required for one and two family dwellings when square footage is increased by 50% or more. The State Code does not require sprinklers to be installed for remodels or additions to existing structures.

In order to adopt the more restrictive building standards proposed by the District, findings must be made that local climatic, geological, or topographical conditions warrant stricter standards. The District has prepared findings which are representative of its 28 square-mile service area, which includes both rural and urban settings. However, many of the climatic, geological, and topographical conditions found in the District's rural areas and cited as conditions which require more restrictive building standards may not be applicable to Capitola. Accordingly, it is recommended that City Council review the findings and determine if the attached findings warrant the sprinkler requirements for additions, or if new findings specific to Capitola's urban environment would need to be prepared if the City elected to adopt the proposed Code amendments in their entirety. Alternatively, the Council may find that the regional findings are applicable to a portion of the proposed Code amendments.

The attached draft Ordinance includes the amended Code sections. Words, phrases or complete sections that are being removed or "struck" are shown as a strikethrough. Words, phrases or complete sections that are being added or changed are underlined.

FISCAL IMPACT: Potential construction cost increases for Capitola homeowners and builders.

ATTACHMENTS

1. Central Fire Protection District Ordinance and Resolution
2. Letter from Central Fire Protection District

Report Prepared By: Richard Grunow
Community Development Director

**Reviewed and Forwarded
By City Manager:** 

**CENTRAL FIRE PROTECTION DISTRICT
OF SANTA CRUZ COUNTY**

ORDINANCE NO. 2013-01

An ordinance of the Central Fire Protection District adopting the 2012 edition of the International Fire Code, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the Central Fire Protection District providing for the issuance of permits and collection of fees therefore; repealing Ordinance 2010-01 of the Central Fire Protection District and all other ordinances and parts of the ordinances in conflict therewith.

PART 1

The Board of Directors of the Central Fire Protection District does ordain as follows:

That portion of the 2013 California Fire Code that imposes substantially the same requirements as are contained in the International Fire Code, 2012 Edition published by the International Code Council and the California Building Standards Commission with Errata, together with those portions of the International Fire Code, 2012 Edition, including Appendices B and C as published by the International Code Council not included in the California Fire Code, as modified and amended by this ordinance, are adopted by this reference into this code, and are hereby collectively declared to be the Fire Code of the Central Fire Protection District, in the State of California regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees for same; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the Central Fire Protection District are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Part 2 of this ordinance.

PART 2

Chapter 34 of the Central Fire Protection District is hereby repealed and replaced with Title 34 to read as follows:

International Fire Code Adopted

That portion of the 2013 California Fire Code that imposes substantially the same requirements as are contained in the International Fire Code, 2012 Edition published by the International Code Council and the California Building Standards Commission with errata, together with those portions of the International Fire Code, 2012 Edition, including Appendices B and C published by the International Code Council not included in the 2013 California Fire Code, as modified and amended by this ordinance, are adopted by this reference into code, and are hereby collectively declared to be the Fire Code of the Central Fire Protection District for the purpose of regulating and governing the safeguarding of life, property and public welfare to a reasonable degree from the hazards of fire, hazardous materials release and explosion arising from the storage, use and handling of dangerous and hazardous materials, substances and devices, conditions hazardous to life or property in the occupancy and use of buildings and premises, the operation, installation, construction, location, safeguarding and maintenance of attendant equipment, the installation and maintenance of adequate means of egress not provided for by the building code, and providing for the issuance of permits and collection of fees for same.

SEP 16 2013

**CITY OF CAPITOLA
CITY CLERK**

Section 101.1 is amended – Title.

Section 101.1 of Chapter 1 of the Fire Code of the Central Fire Protection District is amended to read as follows:

101.1 Title. These regulations shall be known as the Fire Code of the Central Fire Protection District, hereinafter referred to as "this code."

Section 102.9 amended - Matters Not Provided For.

Section 102.9 of Chapter 1 of the Fire Code of the Central Fire Protection District is amended to read as follows:

102.9 - Matters Not Provided For. Requirements that are essential for the public safety of an existing or proposed activity, building or structure, or for the safety of the occupants thereof, which are not specifically provided for by this code shall be determined by the fire code official.

The fire chief is authorized to render interpretations of this code and to make and enforce rules, supplemental regulations and standards in order to carry out the application and intent of its provisions. Such interpretations, rules, regulations and standards shall be in conformance with the intent and purpose of this code and shall be available to the public during normal business hours. Those standards promulgated by the Santa Cruz County Fire Chiefs Association shall be deemed as prima facie evidence of compliance with this code.

Section 105.1 amended – General.

Section 105 of Chapter 1 of the Fire Code of the Central Fire Protection District is amended to read as follows:

105.1 - General. Permits shall be in accordance with Sections 105.1.1. through 105.7.16 or other provisions of this code as required by the jurisdiction having authority.

Section 108.1 amended - Board of Appeals Established.

Section 108.1 of Chapter 1 of the Fire Code of the Central Fire Protection District is amended to read as follows:

108.1 – Board of Appeals Established. In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be and is hereby created a Board of Appeals. The Board of Appeals shall be the Board of Directors of the Central Fire Protection District or a sub-committee as appointed by the Board of Directors of the Central Fire Protection District appointed by the governing body and shall hold office at its pleasure. The fire code official shall be an ex-officio member of said board but shall have no vote on any matter before the board. ~~The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.~~

Section 108.3 deleted – Qualifications

Section 108.3 of Chapter 1 of the Fire Code of the Central Fire Protection District is deleted.

~~The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions or fire protection systems and are not employees of the jurisdiction.~~

Section 108.4 added – Appeals Process

Section 108.4 of Chapter 1 of the Fire Code of the Central Fire Protection District is added to read as follows:

Section 108.4.1 - Initiating Appeal. Any beneficially interested party has the right to appeal the order served by the fire code official by filing a written "NOTICE OF APPEAL" with the office of the fire code

official within ten days after service of such order. The notice shall state the order appealed from, the identity and mailing address of the appellant, and the specific grounds upon which the appeal is made.

108.4.2 - Stay of Order. The filing of a properly completed notice of appeal shall have the effect of staying the implementation of the order appealed from, until the final decision of appeal.

EXCEPTION: Orders affecting acts or conditions which in the opinion of the fire code official, pose an immediate threat to life, property, or the environment as a result of panic, fire, explosion, or release.

108.4.3 - Hearing of Appeal. Following is the process for establishing and hearing appeals:

1. The Board of Appeals, or the secretary thereof, shall set the matter to be heard at a date within thirty days of receipt of such notice of appeal. Written notice of the time and place set for hearing shall be served on the appellant by first class mail to the mailing address given in the notice of appeal at least five days prior to the date set for the hearing. The fire code official shall transmit to the Board of Appeals all records related to the appeal.

2. At the hearing on the appeal, the appellant shall, in the first instance present evidence in support of the grounds enumerated in her/his notice of appeal. The fire code official shall next present evidence in support of her/his order. The appellant and the fire code official shall each have one opportunity to rebut the evidence presented by the other. The hearing shall be de novo in all respects.

108.4.4 - Decision of the Board of Appeals. Upon hearing the appeal, the Board of Appeals may issue a decision affirming, modifying or vacating the order of the fire code official. The decision shall be in writing and shall be served upon the appellant by first class mail to the mailing address given in the notice of appeal.

108.4.5 - Time of Decision. The Board of Appeals shall have the power to continue any hearing and may, in its discretion, take the appeal under submission. The Board of Appeals shall render a decision not later than the seventh day following the date the matter was taken under submission, and forthwith notify the interested parties as previously set forth.

Section 109.4 is amended – Violation penalties.

Section 109.4 of Chapter 1 of the Fire Code of the Central Fire Protection District is amended to read as follows:

109.4 – Violation Penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of an [SPECIFY OFFENSE] infraction.

Acts denominated as infractions shall not be punishable by imprisonment. Every violation determined to be an infraction is punishable by:

1. A fine not exceeding one hundred dollars for a first violation;
2. A fine not exceeding two hundred dollars for a second violation of the same provision of this code within one year;
3. A fine not exceeding five hundred dollars for each additional violation of the same provision of this code within one year.

A person charged with an infraction shall not be entitled to a trial by jury. A judgment that a person convicted of an infraction be punished by fine may also provide for the payment to be made within a specified time or in specified installments, contingent upon the person giving his written promise to either

pay the fine as provided or to appear in court on the due date. Any person who willfully violates any such written promise is guilty of a misdemeanor.

punishable by a fine of not more than [AMOUNT] plus court assigned fees or by imprisonment not exceeding [NUMBER OF DAYS] or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 109.4.1 is amended – Abatement of violation.

Section 109.4.1 of Chapter 1 of the Fire Code of the Central Fire Protection District is amended to read as follows:

109.4.1 – Abatement of violation. In addition to the imposition of the penalties herein described, the fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises. Any violation of this code shall be deemed a public nuisance pursuant to Santa Cruz County Code Section 1.12.050 and/or the Central Fire Protection District's Fire Code. In the event that a public nuisance is not abated in accordance with the fire code official's order or the order of the Board of Appeals, if any, the fire code official may, upon securing approval of the Board of Directors of the Central Fire Protection District, proceed to abate the nuisance by force account, contract, or any other method deemed most expedient by the Board. The cost of such abatement may be charged to the owner of record, or assessed to the property in a manner provided in Sections 1.14.040 through 1.14.080 of the County of Santa Cruz Code.

Section 109.4.2 is added – Enforcement.

Section 109.4.2 of Chapter 1 of the Fire Code of the Central Fire Protection District is added to read as follows:

109.4.2 - Enforcement. The fire code official and her/his delegated subordinates, pursuant to the provisions of Section 836.5 of the Penal Code of the State of California, are hereby authorized to arrest a person without a warrant whenever they have reasonable cause to believe that the person has committed a violation of any of the provisions of this Code in their presence. Upon making such an arrest, the fire code official or her/his delegated subordinate shall prepare a citation and release the person arrested pursuant to Section 853.6 of the Penal Code of the State of California, the provisions of which are hereby adopted by reference as part of this Section.

Section 111.4 is amended – Failure to comply.

Section 111.4 of Chapter 1 of the Fire Code of the Central Fire Protection District is amended to read as follows:

111.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars. It is unlawful for any person, firm or corporation to violate or fail to comply with any lawful order of the fire code official; fail to comply with an order by the Board of Appeals; or, fail to comply with an order of the court of competent jurisdiction within the time fixed therein. Every such violation shall be deemed a misdemeanor and shall be punishable by a fine of not more than \$500.00 plus court assigned fees or by imprisonment not exceeding 1 year in the county jail, or both such fine and imprisonment.

Section 202 is amended – Definition of All Weather Surface.

Definition of All Weather Surface in Section 202 of Chapter 2 of the Fire Code of the Central Fire Protection District is added after Alcohol-Blended Fuels to read as follows:

ALL WEATHER SURFACE. An all weather surface shall be a minimum of 6" of compacted Class II base rock for grades up to and including 5%, oil and screened for grades up to and including 15%, and asphaltic concrete for grades exceeding 15%. No grade shall be allowed to exceed 20%.

Section 202 is amended – Definition of Bridge.

Definition of Bridge in Section 202 of Chapter 2 of the Fire Code of the Central Fire Protection District is added after Bonfire to read as follows:

BRIDGE. A bridge shall be defined as a structure designed to carry a roadway over a depression or obstacle.

Section 202 is amended – Definition of De Novo.

Definition of De Novo in Section 202 of Chapter 2 of the Fire Code of the Central Fire Protection District is added after Deluge System to read as follows:

DE NOVO. adj. Latin for "anew," which means starting over, as in a trial de novo. For example, a decision in a small claims case may be appealed to a local trial court, which may try the case again, de novo.

Section 202 is amended – Definition of Fire Chief.

Definition of Fire Chief in Section 202 of Chapter 2 of the Fire Code of the Central Fire Protection District is amended to read as follows:

~~**FIRE CHIEF.** The chief officer of the fire department serving the jurisdiction, or a duly authorized representative.~~ The Chief of The Central Fire Protection District.

Section 202 is amended – Definition of Stage.

Definition of Stage in Section 202 of Chapter 2 of the Fire Code of the Central Fire Protection District is added after Spraying Space to read as follows:

STAGE. A space within a building utilized for entertainment or presentations, which includes overhead hanging curtains, drops, scenery or stage effects other than lighting and sound. Stage area shall be measured to include the entire performance area and adjacent backstage and support areas not separated from the performance area by fire-resistance rated construction. Stage height shall be measured from the lowest point on the stage floor to the highest point of the roof or floor deck above the stage.

Section 202 is amended – Definition of State Responsibility Area (SRA).

Definition of State Responsibility Area (SRA) in Section 202 of Chapter 2 of the Fire Code of the Central Fire Protection District is added after Standpipe, Types Of to read as follows:

STATE RESPONSIBILITY AREA (SRA) shall mean lands that are classified by the Board of Forestry pursuant to Public Resources Code Section 4125 where the financial responsibility of preventing and suppressing forest fires is primarily the responsibility of the State of California.

Section 304.1.2 is amended – Vegetation.

Section 304.1.2 of Chapter 3 of the Fire Code of the Central Fire Protection District is amended to read as follows:

304.1.2 – Vegetation. Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises. Vegetation clearance requirements in urban-wildland interface areas shall be in accordance with the *International Wildland-Urban Interface Code*, maintained around and adjacent to buildings and structures. A firebreak shall be made by removing and clearing away, for a distance of not less than 30 feet on each side of the building or structure or to the property line, whichever is nearer, all flammable vegetation or other combustible growth. This does not apply to single specimens of trees or other vegetation that is well-pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to any building or structure.

When required by state law, or local ordinance, rule or regulation, an additional fire protection zone or firebreak may be made by removing all brush, flammable vegetation, or combustible growth that is located within 100 feet from the building or structure or to the property line. This section does not prevent an insurance company that insures a building or structure from requiring the owner of the building or structure to maintain a firebreak of more than 100 feet around the building or structure. Grass and other vegetation located more than 30 feet from the building or structure and less than 18 inches in height above the ground may be maintained where necessary to stabilize the soil and prevent erosion. This does not apply to single specimens of trees or other vegetation that is well-pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to a dwelling or structure.

Section 307.2 - Open Burning And Recreational Fires.

Section 307.2 of Chapter 3 of the Fire Code of the Central Fire Protection District is amended to read as follows:

307.2 Permit required.

~~A-When required by the fire chief, a permit shall be obtained from the fire code official in accordance with Appendix Chapter 1, Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval permit shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.~~

The open burn season for Santa Cruz County unless otherwise declared shall be December 1st through April 30th of the calendar year. The dates may only be changed by the Monterey Bay Area Unified Air Pollution Control District.

Exceptions:

1. During the "declared open burn season" (as declared by the Monterey Bay Area Unified Air Pollution Control District) pile burning is allowed, at the discretion of the fire chief, when the "Guidelines for Pile Burning" (published by the California Department of Forestry and Fire Protection or Monterey Bay Area Unified Air Pollution Control District) are strictly adhered to.

Section 308.1.4 is deleted – Open-Flame cooking devices.

Section 308.1.4 of Chapter 3 of the Fire Code of the Central Fire Protection District is hereby deleted:

~~**308.1.4 – Open-flame cooking devices.** Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within 10 feet of combustible construction.~~

Exceptions:

- ~~1. One and two family dwellings.~~
- ~~2. Where building, balconies and decks are protected by an automatic sprinkler system.~~
- ~~3. LP-gas cooking devices having LP-gas container with a water capacity not greater than 2 1/2 pounds [nominal 1 pound (0.454 kg) LP-gas capacity].~~

Section 311.5 is amended – Placards.

Section 311.5 of Chapter 3 of the Fire Code of the Central Fire Protection District is amended to read as follows:

311.5 – Placards. When required by the fire code official, Any any building or structure determined to be unsafe pursuant to Section 110 of this code shall be marked as required by Sections 311.5 through 311.5.5.

Table 405.2 Footnote 'a' is amended - Fire and Evacuation Drill Frequency and Participation

Footnote 'a' to Table 405.2 of Chapter 4 of the Fire Code of the Central Fire Protection District is amended to read as follows:

a. The frequency in all school levels shall be allowed to be modified in accordance with Section 408.3.2. Secondary level schools need only conduct evacuation drills twice each school year.

Section 501.3 is amended – Construction Documents.

Section 501.3 of Chapter 5 of the Fire Code of the Central Fire Protection District is amended to read as follows:

501.3 – Construction Documents. Construction documents for proposed fire apparatus access, location of fire lanes and construction documents and hydraulic calculations for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction. When grading work is needed for the access road(s) within the jurisdiction of Santa Cruz County, application for a grading permit shall be made with the Santa Cruz County Planning Department pursuant to the Santa Cruz County Grading Ordinance. Such Permits shall be reviewed by the Santa Cruz County Environmental Coordinator as required.

Section 503.2.1 is amended – Dimensions.

Section 503.2.1 of Chapter 5 of the Fire Code of the Central Fire Protection District is amended to read as follows:

Section 503.2.1 – Dimensions. Fire Apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm) except for approved security gates in accordance with Section 503.7, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm). In addition, areas within 10 feet (3048 mm) on each side of portions of highways, public and private streets and roads which are ordinarily used for vehicular traffic shall be cleared of flammable vegetation and other combustible growth.

EXCEPTION: Single specimens of trees, ornamental shrubbery or cultivated ground cover such as green grass, ivy, succulents or similar plants used as ground covers, are exempt provided that they do not form a means of readily transmitting fire.

EXCEPTIONS: 1. Outside of the Urban Services Line as established by the County of Santa Cruz, access roads shall be a minimum of 18 feet wide for all access roads or driveways serving more than two habitable structures, and 12 feet for an access road or driveway serving two or fewer habitable structures. Where it is environmentally inadvisable to meet these criteria (due to excessive grading, tree removal or other environmental impacts), a 12-foot wide all-weather surface access road with 12-foot wide by 35-foot long turnouts located approximately every 500 feet may be provided with the approval of the fire code official.

2. Inside of the Urban Services Line, private access roads extending from a public road shall be a minimum of 18 feet wide for all access roads or driveways serving more than two habitable structures, and 12 feet for an access road or driveway serving two or fewer habitable structures. Where it is environmentally inadvisable to meet these criteria (due to excessive grading, tree removal or other environmental impacts), a 12-foot wide all-weather surface access road with 12-foot wide by 35-foot long turnouts located approximately every 500 feet may be provided with the approval of the fire code official.

3. Vertical clearance may be reduced, provided such reduction does not impair access by fire apparatus and approved signs are installed and maintained indicating the established vertical clearance when approved by the fire code official.

Section 503.2.6 is amended – Bridges and Elevated Surfaces.

Section 503.2.6 of Chapter 5 of the Fire Code of the Central Fire Protection District is amended to read as follows:

Section 503.2.6 - Bridges and Elevated Surfaces. When a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO HB-17 HS-20 (25 ton). Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges when required by the fire code official. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, approved barriers, approved signs or both shall be installed and maintained when required by the fire code official.

Section 503.2.6.1 is added – Width.

Section 503.2.6.1 of Chapter 5 of the Fire Code of the Central Fire Protection District is added to read as follows:

503.2.6.1 - Width. All bridges shall be a minimum of 20 feet of clear width. The fire code official may allow the width to be reduced for access to U-1, U-2 or R-3 occupancies in accordance with Objective 6.5 – Fire Hazards of the Santa Cruz County General Plan.

Section 503.2.6.2 is added – Certification.

Section 503.2.6.2 of Chapter 5 of the Fire Code of the Central Fire Protection District is added to read as follows:

503.2.6.2 - Certification. Every private bridge hereafter constructed shall be engineered by a licensed civil or structural engineer and approved by the fire code official. Certification shall be provided by the licensed engineer in writing that the bridge complies with the design standard required by this section to the fire code official.

Section 503.2.6.3 is added – Recertification

Section 503.2.6.3 of Chapter 5 of the Fire Code of the Central Fire Protection District is added to read as follows:

503.2.6.3 - Recertification. Every private bridge shall be recertified every ten years or whenever deemed necessary by the fire code official. Such recertification shall be in accordance with the requirements of 503.2.6.2.

Section 503.2.6.4 is added – Existing Private Bridges.

Section 503.2.6.4 of Chapter 5 of the Fire Code of the Central Fire Protection District is added to read as follows:

503.2.6.4 - Existing Private Bridges. An existing private bridge not conforming to these regulations may be required to conform when in the opinion of the fire code official, such repairs are necessary for public safety.

Section 503.2.6.5 is added – Fees.

Section 503.2.6.5 of Chapter 5 of the Fire Code of the Central Fire Protection District is added to read as follows:

503.2.6.5 - Fees. All fees charged for the purpose of certification or recertification shall be at the owners expense.

Section 503.7 is added – Gate.

Section 503.7 of Chapter 5 of the Fire Code of the Central Fire Protection District is added to read as follows:

503.7 – Gates. All Gates providing access from a road to a driveway, or within any access road, shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least 2 (two) feet wider than the access road being secured, but in no case shall the width be less than 14 (fourteen) feet. When gates are to be locked, the

installation of a key box or other acceptable means for immediate access may be required as in Section 503.6.

Section 505.2 is amended – Street and Road Signs.

Section 505.2 of Chapter 5 of the Fire Code of the Central Fire Protection District is amended to read as follows:

505.2 - Street and Road Signs. Streets and roads shall be identified with approved signs. Temporary signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles. Signs shall be of an approved size, weather resistant and be maintained until replaced by permanent signs. Posting of any road names and numbers not authorized by the Office of Street Naming and Numbering of the County of Santa Cruz, and the fire code official is prohibited.

Section 507.1 is amended – Required Water Supply.

Section 507.1 of Chapter 5 of the Fire Code of the Central Fire Protection District is amended to read as follows:

507.1 - Required Water Supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.

The minimum water supply for all new dwellings within State Responsibility Areas (SRA) shall be capable of supplying a flow of 500 gallons per minute for 20 minutes (10,000 gallons) for each parcel. Privately owned water that is not supplied by a licensed water purveyor shall: (1) serve no more than two dwellings and no more than 10,000 square feet of habitable dwelling space, and (2) be provided pursuant to a recorded covenant that runs with the land if the water supply originates from another parcel. If a water purveyor supplies the water, the applicant must submit with the building plan written verification from the licensed purveyor that the water supply meets the flow requirement.

Exceptions:

1. A 2% reduction will be allowed for flow supplied by approved stationary water tanks, to account for the nominal standardized capacity of such tanks.
2. The fire chief may reduce the flow requirement to 250 gallons per minute for 20 minutes by substituting approved enhanced access, defensible space, and/or ignition-resistant material requirements.

Section 507.5.7 is added – Painting.

Section 507.5.7 of Chapter 5 of the Fire Code of the Central Fire Protection District is added to read as follows:

507.5.7 – Painting. When required by the fire code official, fire hydrants shall be painted in accordance with NFPA 291.

Section 605.12 is added – Alternate Power Sources.

Section 605.12 of Chapter 6 of the Fire Code of the Central Fire Protection District is added to read as follows:

Section 605.12 - Alternate Power Sources. All permanent installations of electrical generators, wind generators, solar photovoltaic cells, or other power sources shall be approved by the building code official. In addition to all applicable provisions of Title 24 CCR for any such installation, a sign reading:

**“WARNING – This premise is provided with an Alternate Power Source.
Disconnection of commercial power may not disable the electrical power source”**

shall be permanently affixed. Sign shall be red in color with a minimum of ½” tall contrasting lettering and shall be permanently affixed on each electrical panel subject to back-feed from alternate power sources. Any and all power disabling switches shall be clearly labeled.

IFC Sections 903.1 through 903.2.10.1 are Deleted – Automatic Sprinkler Systems

Sections 903.1 through 903.2.10.1 of Chapter 9 of the Fire Code of the Central Fire Protection District are deleted and replaced to read as follows:

903.1 General. Automatic sprinkler systems shall comply with this section.

903.1.1 Alternative Protection. Alternative automatic fire-extinguishing systems complying with Section 904 shall be permitted in lieu of automatic sprinkler protection where recognized by the applicable standard and approved by the fire code official.

903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in this section.

903.2.1 New Structures. An automatic fire sprinkler system shall be provided in all new occupancies as defined in Chapter 3 of the California Building Code, regardless of type of construction and/or floor area, unless otherwise pre-empted by the California Health and Safety Code. Any occupancy not specifically mentioned shall be included in the group that it most nearly resembles based on the proposed life and fire hazard;

EXCEPTIONS:

1. Private garages, carports, sheds not more than 1,000 square feet (93 m²) of total floor area shall not require fire sprinklers where they are detached and separate from other structures and provided with exterior wall and opening protection as per the California Building Code.

2. Sheds exceeding 1,000 square feet (93 m²) but not exceeding 3,000 square feet (278 m²) shall not require fire sprinklers at the discretion of the fire chief when the applicant demonstrates that the applicant's proposal does not increase the fire hazard or fire load.

3. Agricultural buildings as defined in Appendix Chapter C, of the California Building Code not exceeding 2,000 square feet (186 m²), not exceeding 25 feet (7620 mm) in height, having a clear unobstructed side yard exceeding 60 feet (18,280 mm) in all directions, and located within an Agricultural zoned district, as defined in the Santa Cruz County Planning Code, or as exempted by the fire chief, shall not require fire sprinklers.

Additionally, agricultural buildings exceeding 2,000 square feet (186 m²) but not exceeding 5,000 square feet, not exceeding 25 feet (7620 mm) in height, having a clear unobstructed side yard exceeding 60 feet (18,280 mm) in all directions, and located within an Agricultural zoned district, as defined in the Santa Cruz County Planning Code, shall not require fire sprinklers at the discretion of the fire chief when the applicant demonstrates the applicant's proposal does not increase the fire hazard or fire load.

4. Group B and Group M Occupancies not more than 500 square feet (46.5 m²) shall not require fire sprinklers where they are detached and separate from other structures and provided with exterior wall and opening protection as per the California Building Code, Section 508.

5. Greenhouses of non-combustible construction shall not require fire sprinklers.

903.2.1.1 Ambulatory care facilities. An automatic sprinkler system shall be installed throughout the entire floor containing an ambulatory care facility where either of the following conditions exists at any time:

1. Four or more care recipients are incapable of self-preservation, whether rendered incapable by staff or staff has accepted responsibility for care recipients already incapable.
2. One or more care recipients that are incapable of self-preservation are located at other than the level of exit discharge serving such a facility.

In buildings where ambulatory care is provided on levels other than the level of exit discharge an automatic sprinkler system shall be installed throughout the entire floor when such care is provided as well as all floors below, and all floors between the level of ambulatory care and the nearest level of exit discharge including the level of exit discharge.

903.2.1.2 Group I. An automatic sprinkler system shall be provided throughout buildings with a Group I fire area.

Exceptions:

1. An automatic sprinkler system installed in accordance with Section 903.3.1.2 shall be permitted in Group I-1 facilities.
2. An automatic sprinkler system installed in accordance with Section 903.3.1.3 shall be allowed in Group I-1 facilities when in compliance with all of the following:
 - 2.1.1 A hydraulic design information sign is located on the system riser;
 - 2.1.2 Exception 1 of Section 903.4 is not applied; and
 - 2.1.3 Systems shall be maintained in accordance with the requirements of Section 903.3.1.2.
3. An automatic sprinkler system is not required where day care facilities are at the level of exit discharge and where every room where care is provided has at least one exterior exit door.
4. In buildings where Group I-4 day care is provided on levels other than the level of exit discharge, an automatic sprinkler system in accordance with Section 903.3.11 shall be installed on the entire floor where care is provided and all floors between the level of care and the level of exit discharge, all floors below the level of exit discharge, other than areas classified as an open parking garage.

Exception:

An automatic sprinkler system installed in accordance with Section 903.3.1.2 shall be permitted in Group I-1 facilities.

903.2.1.3 Group I-2. In an existing, unsprinklered Group I-2, nurses' station open to fire-resistive exit access corridors shall be protected by an automatic sprinkler system located directly above the nurses' station; it shall be permitted to connect the automatic sprinkler system to the domestic water service.

903.2.1.4 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

Exception:

1. Existing Group R-3 occupancies converted to Group R-3.1 occupancies not housing bedridden clients, not housing nonambulatory clients above the first floor, and not housing clients above the second floor.
2. Existing Group R-3 occupancies converted to Group R-3.1 occupancies housing only one bedridden client and complying with section 425.8.3.3 of the California Building Code.
3. Pursuant to Health and Safety Code Section 13113 occupancies housing ambulatory children only, none of whom are mentally ill or mentally retarded, and the buildings or portions thereof in which such children are housed are not more than two stories in height, and buildings or portions thereof housing such children have a automatic fire alarm system activated by approved smoke detectors.

4. Pursuant to Health and Safety Code Section 13143.6 occupancies licensed for protective social care which house ambulatory clients only, none of whom is a child (under the age of 18 years), or who is elderly (65 years of age or over).
When not used in accordance with Section 504.2 or 506.3 of the California Building Code an automatic sprinkler system installed in accordance with Section 903.3.1.2 shall be allowed in Group R-2.1 occupancies.

903.2.1.5 Group R-3 congregate residences. An automatic sprinkler system installed in accordance with Section 903.3.1.3 shall be permitted in Group R-3 congregate living facilities with 16 or fewer residents.

903.2.1.6 Care facilities. An automatic sprinkler system installed in accordance with Section 903.3.1.3 shall be permitted in care facilities with 5 or fewer individuals in a single-family dwelling.

903.2.2 Existing Buildings and Structures except for One and Two Family Dwellings. An automatic sprinkler system shall be installed in existing buildings and structures, except One and Two Family Dwellings, after the effective date of this code, when a building permit is issued to allow additions to be made, as follows:

1. For existing buildings less than 6,000 square feet in gross floor area when an addition to the building causes the structure to exceed 6,000 square feet, the entire structure shall be provided with an automatic sprinkler system.
2. For existing buildings larger than 6,000 square feet in gross floor area when an addition is equal to or greater than 10% of the existing square footage or when extensive renovation or remodeling is done to more than 50% of the gross floor area, the entire structure shall be provided with an automatic sprinkler system.

For the purposes of this section, extensive renovation or remodeling shall be defined as any change, addition or modification in construction or occupancy or structural repair or change in primary function to an existing structure made by, on behalf of or for the use of a public accommodation or commercial facility that affects or could affect the usability of the building or facility or part thereof. Alterations include, but are not limited to, remodeling, renovation, rehabilitation, reconstruction, historic restoration, changes or rearrangement of the structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions.

Exceptions to Section 903.2.2 (1 and 2)

- (a) Group A-2 occupancies exceeding 5,000 square feet shall have an automatic sprinkler system installed.
- (b) Group A-5 occupancies exceeding 1,000 square feet in the following areas: concession stands, retail areas, press boxes and other accessory use areas shall have an automatic sprinkler system installed.
- (c) Group F-1 occupancies exceeding 2,500 square feet used for the manufacture of upholstered furniture or mattresses shall have an automatic sprinkler system installed.
- (d) Group H occupancies shall be provided with an automatic sprinkler system.
- (e) Group I fire areas shall be provided with an automatic sprinkler system.

Exceptions:

- (1) An automatic sprinkler system installed in accordance with Section 903.3.1.2 shall be permitted in Group I-1 facilities.
- (2) An automatic sprinkler system installed in accordance with Section 903.3.1.3 shall be allowed in Group I-1 facilities when in compliance with all of the following:
2.1 A hydraulic design information sign is located on the system riser;
2.2 Exception 1 of Section 903.4 is not applied; and
2.3 Systems shall be maintained in accordance with the requirements of Section 903.3.1.2.
- (3) An automatic sprinkler system is not required where day care facilities are at the level of exit discharge and where every room where care is provided has at least one exterior exit door.

- (4) In buildings where Group I-4 day care is provided on levels other than the level of exit discharge, an automatic sprinkler system in accordance with Section 903.3.11 shall be installed on the entire floor where care is provided and all floors between the level of care and the level of exit discharge, all floors below the level of exit discharge, other than areas classified as an open parking garage.
- (f) Group S-1 occupancies exceeding 2,500 square feet used for the storage of upholstered furniture or mattresses shall have an automatic sprinkler system installed.
- (g) Group S-1 fire areas exceeding 5,000 square feet used for the repair of commercial trucks or buses and commercial parking garages used for the storage of commercial trucks and buses shall have an automatic sprinkler system installed.
- (h) Group U occupancies exceeding 1,000 square feet shall have an automatic sprinkler system installed. Group U occupancies not exceeding 1,000 square feet are exempt where they are detached and separate from other structures and provided with exterior wall and opening protection as per the California Building Code.
- (i) Sheds exceeding 1,000 square feet but not exceeding 3,000 square feet shall not require fire sprinklers at the discretion of the fire chief when the applicant demonstrates that the applicant's proposal does not increase the fire hazard or fire load.
- (j) Agricultural buildings as defined in Appendix Chapter C, of the California Building Code not exceeding 2,000 square feet, not exceeding 25 feet in height, having a clear unobstructed side yard exceeding 60 feet in all directions, and located within an Agricultural zoned district, as defined in the Santa Cruz County Planning Code, or as exempted by the fire chief, shall not require fire sprinklers. Additionally, agricultural buildings exceeding 2,000 square feet but not exceeding 5,000 square feet, not exceeding 25 feet in height, having a clear unobstructed side yard exceeding 60 feet in all directions, and located within an Agricultural zoned district, as defined in the Santa Cruz County Planning Code, shall not require fire sprinklers at the discretion of the fire chief when the applicant demonstrates the applicant's proposal does not increase the fire hazard or fire load.
- (k) Greenhouses of non-combustible construction shall not require fire sprinklers.
- 3 Any alteration and/or repair within a building that contains an automatic fire sprinkler system requires that the automatic fire sprinkler system be extended/modified to the area of proposed work, thus, creating fire sprinkler protection throughout the entire building.
4. Any change in use or occupancy creating a more hazardous fire/life safety condition, as determined by the Fire Chief, requires that the entire structure be provided with an automatic sprinkler system.
5. Any combination of addition, alteration, repair and/or change of use shall comply with Sections 903.2.11 through 903.6.

Exceptions to Section 903.2.2:

- (a) Seismic or Accessibility improvements.
- (b) Any exemption otherwise allowable under the Fire Code, if in the discretion of the Fire Chief, the safety of the public is not compromised.
- (c) Exterior improvements and work not requiring permits as provided in the Building Code.
- (d) Work requiring only a mechanical, electrical, plumbing and/or demolition permit.

903.2.3 Existing One and Two Family Dwellings. An automatic sprinkler system shall be installed in existing one and two family dwellings, after the effective date of this code, when a building permit is issued to allow additions to be made, as follows:

1. Any addition is made which increases the total existing square footage by 50% or more.
2. The proposed total floor area exceeds the available fire flow as specified in Section 507.1 or APPENDIX B.
3. Any addition to a one or two family dwelling that contains an automatic fire sprinkler system requires that the automatic fire sprinkler system be extended/modified to the area of proposed

work, thus, creating fire sprinkler protection throughout the entire dwelling.

Exceptions to Section 903.2.3:

- (a) Additions of 500 square feet or less when the proposed total floor area does not exceed the available fire flow are exempt from fire sprinklers unless the dwelling is already protected by a fire sprinkler system.

Section 903.3.1.3 is amended – NFPA 13D Sprinkler Systems.

Section 903.3.1.3 of Chapter 9 of the Fire Code of the Central Fire Protection District is amended to read as follows:

903.3.1.3 NFPA 13D sprinkler systems. Automatic sprinkler systems installed in one and two-family dwellings, Group R-3 and R-4 congregate living facilities and townhouses shall be permitted to be installed throughout in accordance with NFPA 13D and installation guidelines as promulgated by the Santa Cruz County Fire Chiefs Association.

Section 903.3.7 is amended – Fire Department Connections.

Section 903.3.7 of Chapter 9 of the Fire Code of the Central Fire Protection District is amended to read as follows:

903.3.7 Fire Department Connections. Buildings equipped with a fire sprinkler system in accordance with this chapter shall have a fire department connection located within 100 feet (183m). The location of the fire department connections shall be approved by the fire code official.

EXCEPTION: Single and two family dwellings protected by a fire sprinkler system in accordance with Section 903.3.1.3.

Section 5303.5.3 is amended – Securing compressed gas containers, cylinders and tanks.

Section 5303.5.3 of Chapter 53 of the Fire Code of the Central Fire Protection District is amended to read as follows:

5303.5.3 Securing compressed gas containers, cylinders and tanks. Compressed gas containers, cylinders and tanks shall be secured to prevent falling caused by contact, vibration or seismic activity. Securing of compressed gas containers, cylinders and tanks shall be by one of the following methods:

1. Securing containers, cylinders and tanks to a fixed object with one two or more non-combustible restraints. The object used to anchor the restraint to shall be capable of withstanding the anticipated load(s) imposed. Anchor(s) shall be attached to a structural framing member or similar.
2. Securing containers, cylinders and tanks on a cart or other mobile device designed for the movement of compressed gas containers, cylinders or tanks.
3. Nesting of compressed gas containers, cylinders and tanks at container filling or servicing facilities or in seller's warehouses not accessible to the public. Nesting shall be allowed provided the nested containers, cylinders or tanks, if dislodged, do not obstruct the required means of egress.
4. Securing of compressed gas containers, cylinders and tanks to or within a rack, framework, cabinet or similar assembly designed for such use.

Exception: Compressed gas containers, cylinders and tanks in the process of examination, filling, transport or servicing.

Chapter 56 – Explosives and Fireworks

IFC Chapter 56 is deleted in entirety. The following shall become Chapter 56 of the Fire Code of the Central Fire Protection District.

5601.1 Scope. For explosives requirements see California Code of Regulations, Title 19, Division 1, Chapter 10. For fireworks requirements see California Code of Regulations, Title 19, Division 1, Chapter 6.

Exceptions:

1. The Armed Forces of the United States, Coast Guard or National Guard.
2. Explosives in forms prescribed by the official United States Pharmacopoeia.
3. The possession, storage and use of small arms ammunition when packaged in accordance with DOTn packaging requirements.
4. The use of explosive materials by federal, state and local regulatory, law enforcement and fire agencies acting in their official capacities.
5. Items preempted by federal regulations.

5601.1.2 – Fireworks. Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

Exceptions:

1. The use of fireworks for display as allowed in Section 5608 etal.

5608 – Display Fireworks

5608.1 General. Outdoor fireworks displays, use of pyrotechnics before a proximate audience and pyrotechnic special effects in theatrical and group entertainment productions shall comply with California Code of Regulations, Title 19, Division 1, Chapter 6 – Fireworks.

5608.1.1 Scope. Fireworks and temporary storage, use, and handling of pyrotechnic special effects material used in motion pictures, television, and theatrical and group entertainment productions shall be in accordance with California Code of Regulations, Title 19, Division 1, Chapter 6 – Fireworks.

5608.1.2 Permit Restrictions. The fire code official is authorized to limit the quantity of fireworks permitted at a given location. No person, possessing a permit for storage of fireworks at any place, shall keep or store an amount greater than authorized in such permit.

5608.1.3 – Financial Responsibility. The permit holder shall furnish a bond or certificate of insurance in an amount deemed adequate by the fire code official for the payment of all potential damages to a person or persons or to property by reason of the permitted display, and arising from any acts of the permit holder, the agent, employees or subcontractors. The permit holder shall comply with all provisions of Title 19 California Code of Regulations, Chapter 6.

Chapter 90 is added – Suppression and Control of fire in Wildfire Risk Areas.

Chapter 90 of the Fire Code of the Central Fire Protection District is added to read as follows:

9001— SCOPE. The unrestricted use of grass-, grain-, brush- or forest-covered land in wildfire risk areas is a potential menace to life and property from fire and resulting erosion. Safeguards to prevent the occurrence of fires and to provide adequate fire-protection facilities to control the spread of fire which might be caused by recreational, residential, commercial, industrial or other activities shall be in accordance with Chapter 90.

9002— DEFINITIONS. For the purpose of this chapter, certain terms are defined as follows:

TRACER is any bullet or projectile incorporating a feature which marks or traces the flight of said bullet or projectile by flame, smoke or other means which results in fire or heat.

TRACER CHARGE is any bullet or projectile incorporating a feature designed to create a visible or audible effect by means which result in fire or heat and shall include any incendiary bullets and projectiles.

9003— PERMITS. The fire code official is authorized to stipulate conditions for permits. Permits shall not be issued when public safety would be at risk, as determined by the fire code official.

9004 — RESTRICTED ENTRY. The fire code official shall determine and publicly announce when wildfire risk areas shall be closed to entry and when such areas shall again be opened to entry. Entry on and occupation of wildfire risk areas, except public roadways, inhabited areas or established trails and camp sites which have not been closed during such time when the wildfire risk area is closed to entry, is prohibited.

- EXCEPTIONS:**
1. Residents and owners of private property within wildfire risk areas and their invitees and guests going to or being upon their lands.
 2. Entry, in the course of duty, by peace or police officers, and other duly authorized public officers, members of a fire department and members of the United States Forest Service.

9005 — TRESPASSING ON POSTED PROPERTY.

9005.1 General. When the fire code official determines that a specific area within a wildfire risk area presents an exceptional and continuing fire danger because of the density of natural growth, difficulty of terrain, proximity to structures or accessibility to the public, such areas shall be closed until changed conditions warrant termination of closure. Such areas shall be posted as hereinafter provided.

9005.2 Signs. Approved signs prohibiting entry by unauthorized persons and referring to §9004 shall be placed on every closed area.

9005.3 Trespassing. Entering and remaining within areas closed and posted is prohibited.

EXCEPTION: Owners and occupiers of private or public property within closed and posted areas, their guests or invitees, and local, state and federal public officers and their authorized agents acting in the course of duty.

9006— SMOKING. Lighting, igniting or otherwise setting fire to or smoking tobacco, cigarettes, pipes or cigars in hazardous fire areas is prohibited.

EXCEPTION: Places of habitation or within the boundaries of established smoking areas or campsites as designated by the fire code official.

9007— SPARK ARRESTERS. Chimneys used in conjunction with fireplaces, barbecues, incinerators or heating appliances in which solid or liquid fuel is used, upon buildings, structures or premises located within 200 feet (60 960 mm) of wildfire risk areas, shall be provided with a spark arrester constructed with heavy wire mesh or other noncombustible material with openings not to exceed $\frac{1}{2}$ inch (12.7 mm).

9008 — TRACER BULLETS, TRACER CHARGES, ROCKETS AND MODEL AIRCRAFT. Tracer bullets and tracer charges shall not be possessed, fired or caused to be fired into or across wildfire risk areas.

Rockets, model planes, gliders and balloons powered with an engine, propellant or other feature liable to start or cause fire shall not be fired or projected into or across wildfire risk areas.

9009 — APIARIES. Lighted and smoldering material shall not be used in connection with smoking bees in or upon hazardous fire areas except by permit from the fire code official.

9010 — OPEN-FLAME DEVICES. Welding torches, tar pots, decorative torches and other devices, machines or processes liable to start or cause fire shall not be operated or used in or upon wildfire risk areas, except by permit from the fire code official.

EXCEPTION: Use within habited premises or designated campsites which are a minimum of 30 feet (9144 mm) from grass-, grain-, brush- or forest-covered areas.

Flame-employing devices, such as lanterns or kerosene road flares, shall not be operated or used as a signal or marker in or upon hazardous fire areas.

EXCEPTION: The proper use of fusees at the scenes of emergencies or as required by standard railroad operating procedures.

9011 — OUTDOOR FIRES. Outdoor fires shall not be built, ignited or maintained in or upon wildfire risk areas, except by permit from the fire code official.

EXCEPTION: Outdoor fires within habited premises or designated campsites where such fires are built in a permanent barbecue, portable barbecue, outdoor fireplace, incinerator or grill manufactured for such use.

Permits shall incorporate such terms and conditions which will reasonably safeguard public safety and property. Outdoor fires shall not be built, ignited or maintained in or upon wildfire risk areas under the following conditions:

1. When high winds are blowing.
2. When a person age 17 or over is not present at all times to watch and tend such fire, or
3. When public announcement is made that open burning is prohibited.

Permanent barbecues, portable barbecues, outdoor fireplaces or grills shall not be used for the disposal of rubbish, trash or combustible waste material.

9012 — INCINERATORS AND FIREPLACES. Incinerators, outdoor fireplaces, permanent barbecues and grills shall not be built, installed or maintained in wildfire risk areas without prior approval of the fire code official.

Incinerators, outdoor fireplaces, permanent barbecues and grills shall be maintained in good repair and in a safe condition at all times. Openings in such appliances shall be provided with an approved spark arrester, screen or door.

EXCEPTION: When approved, unprotected openings in barbecues and grills necessary for proper functioning.

9013 — CLEARANCE OF BRUSH AND VEGETATIVE GROWTH FROM ELECTRICAL TRANSMISSION LINE

9013.1 General. Clearance of brush and vegetative growth from electrical transmission and distribution lines shall be in accordance with Section 9013.

EXCEPTION: Section 9013 does not authorize persons not having legal right of entry to enter on or damage the property of others without consent of the owner.

9013.2 Support Clearance. Persons owning, controlling, operating or maintaining electrical transmission or distribution lines shall have an approved program in place that identifies poles or towers with equipment and hardware types that have a history of becoming an ignition source, and provides a combustible free space consisting of a clearing of not less than 10 feet (3048 mm) in each direction from the outer circumference of such pole or tower during such periods of time as designated by the fire chief.

EXCEPTION: Lines used exclusively as telephone, telegraph, messenger call, alarm transmission or other lines classed as communication circuits by a public utility.

9013.3 Electrical Distribution and Transmission Line Clearances.

9013.3.1 General. Clearances between vegetation and electrical lines shall be in accordance with Section 9013.3.

9013.3.2 Trimming clearance. At the time of trimming, clearances not less than those established by Table 9013-A should be provided. The radial clearances shown below are minimum clearances that should be established, at time of trimming, between the vegetation and the energized conductors and associated live parts.

EXCEPTION: The fire code official is authorized to establish minimum clearances different than those specified in Table 9013-A when evidence substantiating such other clearances is submitted to the fire code official and approved.

9013.3.3 Minimum clearance to be maintained. Clearances not less than those established by Table 9013-B shall be maintained during such periods of time as designated by the fire code official. The site specific clearance achieved, at time of pruning, shall vary based on species growth rates, the utility company specific trim cycle, the potential line sway due to wind, line sway due to electrical loading and ambient temperature, and the tree's location in proximity to the high voltage lines.

EXCEPTION: The fire code official is authorized to establish minimum clearances different than those specified by Table 9013-B when evidence substantiating such other clearances is submitted to the fire code official and approved.

TABLE 9013-A—MINIMUM CLEARANCES BETWEEN VEGETATION AND ELECTRICAL LINES AT TIME OF TRIMMING

LINE VOLTAGE	MINIMUM RADIAL CLEARANCE FROM CONDUCTOR (feet)
	× 304.8 mm
2,400-72,000	4
72,001-110,000	6
110,001-300,000	10
300,001 or more	15

TABLE 9013-B—MINIMUM CLEARANCES BETWEEN VEGETATION AND ELECTRICAL LINES TO BE MAINTAINED

LINE VOLTAGE	MINIMUM CLEARANCE (inches)
	× 25.4 MM
750-35,000	6
35,001-60,000	12
60,001-115,000	19
115,001-230,000	30 ¹ / ₂
230,001-500,000	115

9013.3.4 Electrical power line emergencies. During emergencies, the utility company shall perform the required work to the extent necessary to clear the hazard. An emergency can include situations such as trees falling into power lines, or trees in violation of Table 9013-B.

9013.4 Correction of Condition. The fire code official is authorized to give notice to the owner of the property on which conditions regulated by Section 9013 exist to correct such conditions. If the owner fails to correct such conditions, the legislative body of the jurisdiction is authorized to cause the same to be done and make the expense of such correction a lien on the property where such condition exists.

9014 — CLEARANCE OF BRUSH OR VEGETATIVE GROWTH FROM STRUCTURES

9014.1 General. Persons owning, leasing, controlling, operating or maintaining buildings or structures in, upon or adjoining wildfire risk areas, and persons owning, leasing or controlling land adjacent to such buildings or structures, shall:

9014.1.1 Clearance. Maintain an effective firebreak through clearance of brush and vegetation in accordance with Section 304.1.2.

9014.1.2 Trees and Deadwoods. Maintain trees adjacent to or overhanging a building free of deadwood.

9014.2 Corrective Actions. The executive body is authorized to instruct the fire chief to give notice to the owner of the property upon which conditions regulated by Section 9014.1 exist to correct such conditions. If the owner fails to correct such conditions, the executive body is authorized to cause the same to be done and make the expense of such correction a lien upon the property where such condition exists.

9015 — CLEARANCE OF BRUSH OR VEGETATIVE GROWTH FROM ROADWAYS. The fire code official is authorized to cause areas within 10 feet (3048 mm) on each side of portions of highways and private streets which are improved, designed or ordinarily used for vehicular traffic to be cleared of flammable vegetation and other combustible growth. The fire code official is authorized to enter upon private property to do so.

EXCEPTION: Single specimens of trees, ornamental shrubbery or cultivated ground cover such as green grass, ivy, succulents or similar plants used as ground covers, provided that they do not form a means of readily transmitting fire.

9016 — UNUSUAL CIRCUMSTANCES. If the fire code official determines that difficult terrain, danger of erosion or other unusual circumstances make strict compliance with the clearance of vegetation provisions of Sections 9013, 9014 or 9015 is undesirable or impractical, enforcement thereof may be suspended and reasonable alternative measures shall be provided.

9017 — DUMPING. Garbage, cans, bottles, papers, ashes, refuse, trash, rubbish or combustible waste material shall not be placed, deposited or dumped in or upon hazardous fire areas or in, upon or along trails, roadways or highways in hazardous fire areas.

EXCEPTION: Approved public and private dumping areas.

9018 — DISPOSAL OF ASHES. Ashes and coals shall not be placed, deposited or dumped in or upon wildfire risk areas.

EXCEPTIONS:

1. In the hearth of an established fire pit, camp stove or fireplace.
2. In a noncombustible container with a tight-fitting lid, which is kept or maintained in a safe location not less than 10 feet (3048 mm) from combustible vegetation or structures.

3. Where such ashes or coals are buried and covered with .1 foot (304.8 mm) of mineral earth not less than 25 feet (7620 mm) from combustible vegetation or structures.

9019 — USE OF FIRE ROADS AND FIREBREAKS. Motorcycles, motor scooters and motor vehicles shall not be driven or parked upon, and trespassing is prohibited upon, fire roads or firebreaks beyond the point where travel is restricted by a cable, gate or sign, without the permission of the property owners. Vehicles shall not be parked in a manner which obstructs the entrance to a fire road or firebreak.

EXCEPTION: Public officers acting within their scope of duty.

Radio and television aerials, guy wires thereto, and other obstructions shall not be installed or maintained on fire roads or firebreaks unless located 16 feet (4877 mm) or more above such fire road or firebreak.

9020 — USE OF MOTORCYCLES, MOTOR SCOOTERS AND MOTOR VEHICLES. Motorcycles, motor scooters and motor vehicles shall not be operated within wildfire risk areas, without a permit by the fire code official, except upon clearly established public or private roads. Permission from the property owner shall be presented when requesting a permit.

9021 — TAMPERING WITH FIRE DEPARTMENT LOCKS, BARRICADES AND SIGNS. Locks, barricades, seals, cables, signs and markers installed within wildfire risk areas, by or under the control of the fire code official, shall not be tampered with, mutilated, destroyed or removed.

Gates, doors, barriers and locks installed by or under the control of the fire code official shall not be unlocked.

9022 — LIABILITY FOR DAMAGE. The expenses of fighting fires which result from a violation of this chapter shall be a charge against the person whose violation caused the fire. Damages caused by such fires shall constitute a debt of such person and are collectable by the fire code official in the same manner as in the case of an obligation under a contract, expressed or implied.

PART 3

The geographic limits referred to in certain sections of the Fire Code of the Central Fire Protection District are hereby established as follows:

Establishment of limits of districts in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited. The limits referred to in Sections 5704.2.9.6.1 and 5706.2.4.4 of the Fire Code of the Central Fire Protection District in which the storage of Class I flammable liquids or Class II combustible liquids in aboveground tanks outside of buildings is restricted are hereby established as the incorporated area of the political boundary of the Central Fire Protection District.

Exceptions: Such use is allowed in the following zoning districts:

1. The storage of Class I flammable liquids or Class II combustible liquids in aboveground tanks outside of buildings is allowed in A or A-1 Zones;
2. The storage of Class I flammable liquids or Class II combustible liquids in aboveground tanks outside of buildings is allowed in M-1, M-2 or M-3 Zones;
3. The storage of Class I flammable liquids or Class II combustible liquids in aboveground tanks outside of buildings is allowed in NR Zones.

Establishment of limits of districts in which storage of flammable cryogenic fluids in stationary containers is to be prohibited. The limits referred to in Section 5806.2 of the Fire Code of the Central Fire Protection District in which storage of flammable cryogenic fluids in stationary containers is prohibited are hereby established as the political boundary of the Central Fire Protection District.

- Exceptions:**
1. The storage of flammable cryogenic fluids in stationary containers is allowed in an M-2 Zone with a Conditional Use Permit issued by the Planning Department.
 2. The storage of flammable cryogenic fluids in stationary containers is allowed in an M-3 Zone.

Establishment of limits for storage of Liquefied Petroleum Gas. The limits referred to in Section 6104.2 of the Fire Code of the Central Fire Protection District are hereby limited to a maximum of 2,000 gallons water capacity within the political boundary of the Central Fire Protection District.

PART 4

Ordinance No. 2010-01 of the Central Fire Protection District entitled "2010 Fire Code" and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

PART 5

That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Directors of the Central Fire Protection District hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

PART 6

That nothing in this ordinance or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Part 4 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

PART 7

That the fire chief of the Central Fire Protection District is hereby ordered and directed to cause a notice of this ordinance to be published in a newspaper in general circulation in accordance with Section 6066 of the California Government Code.

PART 8

That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect on January 1, 2014 pursuant to Health and Safety Code Section 18941.5. This Ordinance shall remain in full force and effect until a subsequent superseding ordinance becomes effective.

PASSED AND ADOPTED this 8th day of **October**, 2013, by the Board of Directors of the Central Fire Protection District by the following vote:

AYES: _____
NOES: _____
ABSENT: _____
ABSTAIN: _____

 President of the Board of Directors

Attest:

Secretary of Said Board

APPROVED AS TO FORM:

District Counsel

DISTRIBUTION: Board of Supervisors

REF 7113

RATIFIED _____

DENIED _____

MODIFIED _____

this _____ day of _____, 2013, by the Board of Supervisors of the County of Santa Cruz
by the following vote:

AYES: _____ SUPERVISORS

NOES: _____ SUPERVISORS

ABSENT: _____ SUPERVISORS

ABSTAIN: _____ SUPERVISORS

Chairperson of the Board of Supervisors

Attest:

Clerk of the Board

DISTRIBUTION: County Administrative Office
County Counsel
Planning Department
General Services Department/O.E.S.
State of California Housing & Community Development
Office of the California State Fire Marshal

CENTRAL FIRE PROTECTION DISTRICT
OF SANTA CRUZ COUNTY

RESOLUTION 2013-14

On motion of Director Howard
Duly seconded by Director Benson
the following Resolution is adopted.

NOTICE OF INTENT TO ADOPT THE 2013 CALIFORNIA FIRE CODE AND 2012 INTERNATIONAL FIRE CODE WITH AMENDMENTS AND PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE AND EXPLOSION AND FOR PROVIDING FOR THE ISSUANCE OF PERMITS AND ESTABLISHING CERTAIN FEES.

The Board of Directors of the Central Fire Protection District ("District"), on October 8, 2013 at 7:30 pm will conduct a public meeting to consider adoption of a District Ordinance which would adopt the 2013 California Fire Code and the 2012 International Fire Code with amendments, and to prescribe regulations governing conditions hazardous to life and property from fire and explosion and to provide for the issuance of permits and establishing certain fees. The hearings will be held at the Administrative Offices of the Central Fire Protection District, 930 17th Avenue, Santa Cruz, CA.


Copies of the proposed Ordinance are available for review at the District Office, located at 930 17th Avenue, Santa Cruz, CA 95062

AYES: **Benson, Bettencourt, Cupples, Howard, Mitchell, Phillips, Pederson**


NOES: none

ABSENT: none

ABSTAIN: none


Ronald D. Pederson / President of the Board

ATTEST:


Clerk of the Board

APPROVED AS TO FORM:


Counsel for the District

DATED:

9-12-13

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**CENTRAL FIRE PROTECTION DISTRICT
OF SANTA CRUZ COUNTY**

RESOLUTION NO. 2013-15

**On motion of Director Howard
Duly seconded by Director Bettencourt
the following Resolution is adopted.**

**RESOLUTION FINDING MODIFICATION OF STATE
HOUSING LAW BY ORDINANCE 2013-01, REASONABLY
NECESSARY BECAUSE OF LOCAL CONDITIONS**

WHEREAS, Health and Safety Code Section 13869.7 provides that a fire protection district organized under the Bergeson Fire District Law may adopt building standards relating to fire and panic safety that are more stringent than those building standards adopted by the State Fire Marshal and contained in the California Building Standards Code, and;

WHEREAS, Health and Safety Code Section 13869.7 provides that any such changes or modifications that are more stringent and relate to fire and panic safety are subject to subdivision (b) of Health and Safety Code Section 18941.5, and;

WHEREAS, subdivision (b) of Health and Safety Code Section 13869.7 allows a fire district to establish more restrictive building standards reasonably necessary because of local climatic, geological or topographical conditions after making the findings required by Health and Safety Code Section 17958.7.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that insofar as Ordinance 2013-01 of the Central Fire Protection District may change or modify the State Housing Standards adopted pursuant to Health and Safety Code Section 17922, as to the requirement for installation of an automatic sprinkler system in all new buildings and in specific cases existing buildings when altered, the Board of Directors of the Central Fire Protection District, after duly noticed and held public meeting, expressly finds that such change or modification to Section 903 et al of Part 9 of the California Building Standards Code is reasonably necessary because of local conditions as more specifically set forth as follows:

1. The Central Fire Protection District is extraordinarily inaccessible for firefighting purposes due to mountainous topography; or
2. The Central Fire Protection District poses an extreme fire hazard due to the high percentage of forested land (approximately 50%),
3. The Central Fire Protection District is subject to major disasters such as earthquakes, flooding, landslides and major wildland fires which greatly limit traditional fire suppression capabilities for individual property protection. The Central Fire Protection District is situated on and near the most active seismic zones in California, the San Andreas, San Gregorio, Zayante, and Hayward Faults. The great potential for earthquakes influences our community. As witnessed in the 1989 Loma Prieta Earthquake, a major seismic event will create a demand on fire protection services, and through the use of automatic fire suppression systems, the high demand for services can be partially mitigated.
4. The Central Fire Protection District is favored with many sources of high quality water, including springs, wells, reservoirs, and surface streams, mutual and municipal water companies. However, the underground water sources are becoming depleted and extensive steps have been taken to reduce the amount of water consumed. The water supply in the Central Fire Protection District makes extensive use of automatic fire

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sprinkler systems feasible as a means to reduce our dependency on large volumes of water for fire suppression.

5. The local climatic conditions affect acceleration, intensity and size of fire in the community. Times of little or no rainfall, create extremely hazardous conditions when a fire is introduced to the environment. Fires in structures can easily spread to the wildland as well as a fire in the wildland into a structure. Such devastating fires can be witnessed by reviewing the damage to the environment and property from the Summit Fire, Trabing Fire, Loma Fire, Martin Fire and Lexington Fire to name a few.
6. Most of the roadways connecting our community are classified as rural arterial and collectors. These roadways in many cases do not allow for 2-way traffic to safely pass. Additionally during events such as wildfires, earthquake and flooding, the roadways have proven to be less than adequate for the response of emergency vehicles.
7. The experience and efficiency of automatic fire sprinkler systems within the Central Fire Protection District exceed those of the National Fire Protection Association which indicate that automatic fire sprinkler systems have established an efficiency record of approximately 96% satisfactory performance in the United States since 1925. The local statistics show that all fires have been extinguished with fewer than 2 fire sprinkler heads activating, and that no further fire suppression was necessary upon arrival of fire suppression forces.

NOW, THEREFORE, BE IT FURTHER RESOLVED AND ORDERED that the Secretary of the Board is directed to mail a copy of these findings together with the modification or change expressly marked and identified to the California Department of Housing and Community Development and obtain a file stamped endorsed copy from the commission for retention in the District's office.

PASSED AND ADOPTED BY THE Board of Directors of the Central Fire Protection District, County Santa Cruz, State of California, at a regular meeting held prior to October 8, 2013 by the following roll call vote:

AYES: Benson, Bettencourt, Cupples, Howard, Mitchell, Phillips, Pederson

NOES: none

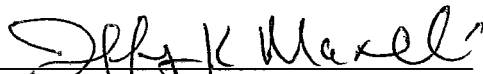
ABSENT: none

ABSTAIN: none



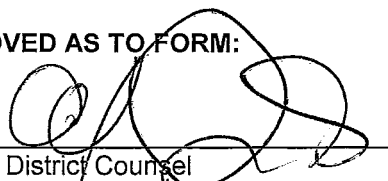
Ronald D. Pederson Chairperson of the Board

Attest:



Secretary of the Board

APPROVED AS TO FORM:



District Counsel

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CENTRAL FIRE PROTECTION DISTRICT
OF SANTA CRUZ COUNTY

RESOLUTION 2013-16

On motion of Director Bettencourt
Duly seconded by Director Benson
the following Resolution is adopted.

**NOTICE OF INTENT TO CONSIDER A NEGATIVE DECLARATION FOR AN ORDINANCE
ADOPTING THE 2013 CALIFORNIA FIRE CODE AND THE 2012 INTERNATIONAL FIRE
CODE WITH AMENDMENTS PRESCRIBING REGULATIONS GOVERNING CONDITIONS
HAZARDOUS TO LIFE AND PROPERTY FROM FIRE AND EXPLOSION AND FOR
PROVIDING FOR THE ISSUANCE OF PERMITS AND ESTABLISHING CERTAIN FEES.**

The Board of Directors of the Central Fire Protection District ("District"), on October 8, 2013 at 7:30 pm will conduct a public meeting to consider adoption of District Ordinance 2013-01 which prescribes regulations governing conditions hazardous to life and property from fire and explosion and to provide for the issuance of permits and establishing certain fees. The hearings will be held at the Administrative Offices of the Central Fire Protection District, 930 17th Avenue, Santa Cruz, CA.

A draft negative declaration has been prepared with respect to the environmental analysis of the Ordinance under the provisions of the California Environmental Quality Act, (Public Resources Code 21000 et seq.).

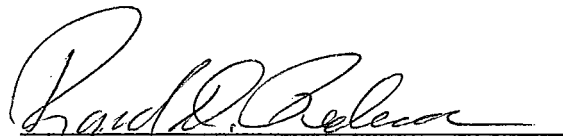
Copies of the proposed Ordinance and negative declaration are available for review at the the Administrative Offices of the Central Fire Protection District, 930 17th Avenue, Santa Cruz, CA 95062.

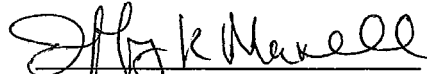
AYES: Benson, Bettencourt, Cupples, Howard, Mitchell, Phillips, Pederson

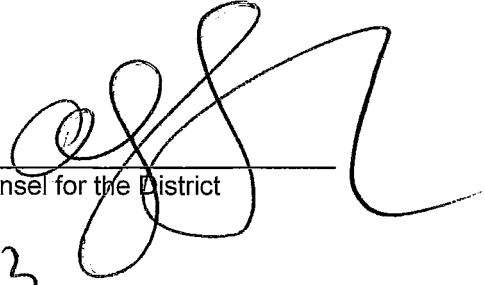
NOES: none

ABSENT: none

ABSTAIN: none


Ronald D. Pederson / President of the Board

ATTEST: 
Clerk of the Board

APPROVED AS TO FORM: 
Counsel for the District

DATED: 9-12-13

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CENTRAL FIRE PROTECTION DISTRICT of Santa Cruz County

930 17th Avenue, Santa Cruz, CA 95062-4125
 phone (831) 479-6842 fax (831) 479-6848
 www.centralfpd.com

2013 Fire Code Adoption – Relevance and Risk to the City of Capitola

The Fire Code is a compilation of recognized standards that build from a base document. The International Fire Code (IFC) is a building design document that provides essential fire department access, a water supply and fire protection systems while addressing firefighter safety, safe use and storage of hazardous processes, and storage principles using prescriptive and performance based provisions.

The 2012 IFC was reorganized in its entirety during this cycle with the purpose to improve the correlation between the International Building Code and the International Fire Code. The IFC is one of 15 International Codes published by the International Code Council (ICC).

The Central Fire District in conjunction with every Fire Jurisdiction in the County and Building Officials have started the triennial adoption process to adopt the new codes, hold public hearings and complete the mandated process.

The California Building Standards Law (HSC 13869.7) provides that any city/county, or fire protection district may establish more restrictive building standards than those contained in the California Building Standards Code (Title 24CCR Part 9) if such amendments are justified because of local geologic, topographic or climatic conditions. In addition, any fire protection district may adopt building standards relating to fire and panic safety that are more stringent than those building standards adopted by the State Fire Marshal and contained in the California Building Standards Code.

The State Fire Marshal adopts sections of the IFC pertinent to State of California regulated occupancies and authority whereby creating the California Fire Code but leaving several IFC sections omitted. This relationship necessitates local amendments to provide a comprehensive code reflective of local conditions. Fire Codes may be adopted at the local level that are more restrictive based on local conditions.

The Central Fire Protection District has consistently recognized our local challenges to fire protection to include mountainous topography causing extraordinary accessibility issues and inadequate roadways; a high percentage of forested lands causing high fire hazard conditions; the community is subject to a long history of local disasters sourcing from earthquakes, flooding, landslides, winter storm events, wildland fires all contribute to greatly limit traditional fire suppression capabilities for individual property protection.

In recognition of the principle that early detection in conjunction with fire suppression at the incipient stage of a fire increases the chance for citizen survival, and the regions dependence on groundwater sources force the District to make extensive use of automatic fire sprinkler systems. Their feasibility is a means to reduce our dependency on large volumes of water for fire suppression. Our experience over 30 years with automatic sprinkler systems in Santa Cruz County is that they outperform the National average of 96% satisfactory performance and that locally all fires have been extinguished with fewer than 2 fire sprinkler heads activating, suppressing and alleviating the needs for further suppression efforts and resulting in lower property loss and fewer civilian casualties.

The City of Capitola historically objected to the implementation of automatic fire sprinkler systems until the State requirement in 2010 mandating residential fire sprinklers; leaving residents in Capitola at greater risk for life and property loss than their neighbors in Live Oak and Soquel. There is an observation that the City is generally built out. The updated general plan projects an additional 79 units through the year 2035. The 2013 Fire Code continues the State mandate for residential fire sprinklers thus negating the primary reported obstacle for adoption of the Central Fire District Code.

A secondary stated objection in the 2010 code adoption process by the City of Capitola also included life safety measures associated with photovoltaic installations on roofs. These measures were a proactive component of the Santa Cruz County Fire Code and adopted by the Central Fire District. The 2012 IFC and 2013 California Fire Code (CFC) have adopted these same life safety measures to provide access and egress on roofs for firefighters working in conjunction with photovoltaic (solar panel) installations.

Historically the City of Capitola has adopted a base model code. The Building Official has stated his position of adopting the California Fire Code (CFC). In referencing the Capitola Municipal Code 15.04.010 the 2009 IFC is noted as the adopted model code. By taking no action during the adoption process the City of Capitola is therefore required by default to apply the 2010 CFC.

As an sample illustration of the significant divergence between the needs of the IFC and the State Fire Marshal – ***the following are omitted in the CFC and are unregulated by the City of Capitola without adopting the Central Fire Protection District Fire Code:*** omitted code sections, conditions and protections addressed in the following regulated occupancies and systems:

Chapter 3 General Requirements: control of ignition sources, open burning, recreation fires, portable outdoor fireplaces, open flame devices, vacant or abandoned premises, hazards to firefighters including security devices, obstructions, pitfalls and booby traps.

Chapter 4 Emergency Planning and Preparedness: evacuation drills, employee training and response procedures, occupancy seating requirements and plans for restaurant, school emergency drills, Group I (care facilities) plans, training and assembly requirements.

Chapter 5 Fire Service Features: omitted includes design requirements for fire department access roads including specifications, surface, angles of approach and departure, bridges, traffic calming devices, gate and gate setback requirements.

Chapter 7 Fire-Resistance-Rated Construction: omitted sections include upholstered furniture and mattress fire resistance requirements in Group I (care facilities, board and care, nursing homes) including design features to address ignition by cigarettes, establish heat release rate for materials, addresses decorative materials such as curtains, drapes, wall coverings, ceiling coverings and the use of foams and plastics relative to flame spread characteristics.

Chapter 9 Fire Protection Systems: omits requirement for certification of service personnel for fire extinguishers and equipment.

Chapter 11 Construction Requirements for existing buildings: requirements for exit sign illumination, illumination back up power supply requirements, Emergency power for Group I occupancies, standards for exit door opening force requirements, fire escape design, dimensions, materials and strength.

Additional concerns relative to the fire protection within the City of Capitola. The CFPD current code requires automatic fire sprinklers in commercial and regulated occupancies group A-1, B, F-1, M or S-1 over 12,000 square feet and A-2 occupancies over 5000 square feet. The Fire District threshold is 500 square feet for new construction and includes ambulatory care facilities, day care, nursing homes. Retrofitting commercial and residential occupancies is only required in the Fire District code if remodels exceed 50% of the square footage of the building or there is insufficient fire flow available to suppress anticipated fire loads.

The District has supported the City with weed and vegetation management issues over the years but does not have authority to enforce without adoption of the Central Fire District code section 304.1.2 or Chapter 90 as these sections are amendments to the CFC.

The City of Capitola has the responsibility for action ranging from Ratification, Modification or Denial of the Central Fire Protection District Fire Code. City Staff will coordinate a compacted schedule in conjunction with the schedules of the State of California, County of Santa Cruz, City of Capitola and the Fire District.

As the Fire Chief providing services to the City of Capitola I strongly urge you to consider the clear collaborative benefit to ratification of the Central Fire District Fire Code. Historic barriers have been removed at the National and State levels. The Fire District has made a conscious effort to mirror the State Code and address the voids between the IFC and the CFC while respecting and addressing local conditions.

I am available for questions and concerns,

Jeffrey K. Maxwell

Fire Chief

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CITY COUNCIL AGENDA REPORT

MEETING OF NOVEMBER 14, 2013

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: CONSIDERATION OF CALIFORNIA COASTAL COMMISSION MODIFICATIONS TO TITLE 10 SECTION 36.055 OF THE CAPITOLA MUNICIPAL CODE PERTAINING TO PARKING METER RATES AND ZONES [1ST READING]

RECOMMENDED ACTION: Continue the item to a date uncertain to allow staff additional time to negotiate with the Coastal Commission.

BACKGROUND/DISCUSSION: The City Council considered the proposed Coastal Commission modifications to the City's requested Local Coastal Program (LCP) amendment on September 26, 2013. The Council continued the item to October 24, 2013 and directed staff to meet with Coastal Commission staff to clarify requirements to continue to provide a "free park and ride shuttle" and "free and low cost" parking. The Council subsequently continued the item to November 14, 2013, because Coastal Commission staff was unavailable to meet prior to the October 24, 2013 hearing.

Staff met with the Coastal Commission on November 4, 2013, and discussed the issues identified by Council. Coastal staff's explanation regarding the term "free and low cost parking" was that they felt the definition of the term would depend on the context, which would be driven by inflation and other local factors including the pricing of parking in adjacent communities.

Staff discussed two potential options to resolve the "free park and ride shuttle" condition. The first option was for the City to submit a modified LCP amendment, slightly changing that condition to mirror existing language in the adopted LCP which requires the City to operate a "free shuttle program." The second option discussed was to entirely withdraw the current LCP amendment and submit a new amendment only to establish a meter zone in Lower Pacific Cove. Coastal Commission staff requested additional data before they were willing to support either option.

In light of the ongoing discussions with the Coastal Commission, staff recommends that this item be continued. Staff would re-notice the item prior to returning for City Council consideration.

ATTACHMENTS: None

Report Prepared By: Richard Grunow
Community Development Director

Reviewed and Forwarded
by City Manager: 

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