

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



**REVISED**

**CAPITOLA CITY COUNCIL  
REGULAR MEETING**

**TUESDAY, NOVEMBER 24, 2015**

**7:00 PM**

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

**CLOSED SESSION - 6:30 PM  
CITY MANAGER'S OFFICE**

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

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

Water Rock Construction, Inc. v. City of Capitola  
[Arbitration Claim]

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Govt. Code §54956.8)**

Property: 2091 Wharf Road, APN 034-241-05, Capitola, CA  
City Negotiator: Jamie Goldstein, City Manager  
Negotiating Parties: Joseph K. and Debbie A. Genge  
Under Negotiation: Terms for potential purchase of property by City

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

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

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

### 1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Council Members Stephanie Harlan, Ed Bottorff, Jacques Bertrand, Michael Termini, and Mayor Dennis Norton

### 2. REPORT ON CLOSED SESSION

### 3. ADDITIONAL MATERIALS

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

A. Item 9.B. Revised Draft Resolution regarding City's Fee Schedule

### 4. ADDITIONS AND DELETIONS TO AGENDA

### 5. PUBLIC COMMENTS

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

### 6. CITY COUNCIL / CITY TREASURER / STAFF COMMENTS

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

### 7. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS

### 8. CONSENT CALENDAR

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

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

A. Consider the November 12, 2015, Regular City Council Minutes  
RECOMMENDED ACTION: Approve minutes.

CAPITOLA CITY COUNCIL REGULAR MEETING AGENDA  
November 24, 2015

- B. Approval of City Check Register Reports Dated October 2, October 9, October 16, October 23, and October 30, 2015  
RECOMMENDATION: Approve Check Register Reports.
- C. Quarterly Financial Reports - First Quarter Budget and Fourth Quarter Sales Tax Report  
RECOMMENDED ACTION: Receive the First Quarter Fiscal Year 2015/2016 Budget Report and Fourth Quarter Fiscal Year 2014/2015 Sales Tax Report.
- D. Consider a Resolution Repealing Resolution No. 3463 Amending the Art and Cultural Commission Bylaws Regarding Membership  
RECOMMENDED ACTION: Consider a Resolution repealing Resolution No. 3463 amending the Bylaws of the Art and Cultural Commission to Reflect the Number of Members in Capitola Municipal Code Section 2.56.010.
- E. Consider authorizing the Rosedale Avenue, Bay Avenue, Alma Court Area Paving Project  
RECOMMENDED ACTION: Consider authorizing the expenditure of \$85,000 from the Capital Improvement Program for pavement restoration along Rosedale Avenue, Bay Avenue, Alma Court in conjunction with the Santa Cruz County Sanitation District's Noble Gulch Sewer Project; and authorizing the Director of Public Works to negotiate and sign an agreement with the Santa Cruz County Sanitation District to manage the construction contract.

**9. 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. 1575 38th Avenue - Application for a Tentative Map, Conditional Use Permit, Variance, and Design Permit for an 11-unit Residential Subdivision  
RECOMMENDED ACTION: Adopt the Resolution approving the Tentative Map, Conditional Use Permit, Variance, and Design Permit for Application #15-160.
- B. Public Hearing to Consider the Proposed Fee Schedule for Fiscal Year 2015/16; and a Resolution repealing Resolution No. 3964 and Amending the City's Fee Schedule to reflect updated Fees  
RECOMMENDED ACTION: Conduct the noticed public hearing on the proposed City Fee Schedule for Fiscal Year 2015/16 and adopt the proposed resolution repealing Resolution No. 3964, and updating the existing fee and approve administrative adjustments.
- C. Consider Approving the Peery Park Vegetation Restoration Project  
RECOMMENDED ACTION: Approve a project plan for the removal of non-native vegetation from Peery Park as recommended by the Commission on the Environment.
- D. Consider Adoption of the Housing Element Update  
RECOMMENDED ACTION: Approve the Addendum to the General Plan Update Environmental Impact Report and adopt the proposed Housing Element Update.

**10. ADJOURNMENT**

# CAPITOLA CITY COUNCIL REGULAR MEETING AGENDA

## November 24, 2015

**Note:** Any person seeking to challenge a City Council decision made as a result of a proceeding in which, by law, a hearing is required to be given, evidence is required to be taken, and the discretion in the determination of facts is vested in the City Council, shall be required to commence that court action within ninety (90) days following the date on which the decision becomes final as provided in Code of Civil Procedure §1094.6. Please refer to code of Civil Procedure §1094.6 to determine how to calculate when a decision becomes “final.” Please be advised that in most instances the decision become “final” upon the City Council’s announcement of its decision at the completion of the public hearing. Failure to comply with this 90-day rule will preclude any person from challenging the City Council decision in court.

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

**Agenda and Agenda Packet Materials:** The City Council Agenda and the complete Agenda Packet are available for review on the City’s website: [www.cityofcapitola.org](http://www.cityofcapitola.org) and at Capitola City Hall and at the Capitola Branch Library, 2005 Wharf Road, Capitola, prior to the meeting. Agendas are also available at the Capitola Post Office located at 826 Bay Avenue, Capitola. Need more information? Contact the City Clerk’s office at 831-475-7300.

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

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

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

**DRAFT**  
**RESOLUTION NO. \_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA REPEALING  
RESOLUTION NO. 3964 AND AMENDING THE CITY'S FEE SCHEDULE FOR  
FISCAL YEAR 2015/2016**

**WHEREAS**, the Government Code of the State of California, Section 66018 requires local agencies to notice and hold at least one open and public meeting prior to levying a new fee or increasing an existing fee; and

**WHEREAS**, the City Council of the City of Capitola has held a duly noticed public hearing on November 24, 2015, to consider increases to existing fees charged for various City services; and

**WHEREAS**, this fee schedule sets forth the City's cost recovery fee programs, which includes minimum deposits against which staff costs, adjusted for overhead, are assessed; and

**WHEREAS**, the City Council adopted Resolution No. 3964 on September 12, 2013, stating that all flat fees, with the exception of those established by law, shall be adjusted annually by the Consumer Price Index (CPI) for the San Francisco, Oakland, San Jose area; and

**WHEREAS**, the City of Capitola will analyze the fee schedule on a yearly basis to ensure hour estimate and staff cost are reasonable; and

**WHEREAS**, the comprehensive fee study ensures that the City of Capitola is charging a reasonable level of fees for cost recovery; and

**WHEREAS**, the City of Capitola plan to conduct a comprehensive fee study review every five years; and

**WHEREAS**, the fee schedule has been updated as described in Exhibit A; and

**WHEREAS**, the City of Capitola has made available to the public the required data pursuant to Government Code Section 66018 for at least ten days prior to adoption of a revised fee schedule.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Capitola does hereby resolve as follows:

- Adopts the City of Capitola Fee Schedule pursuant to the changes in Exhibit A attached hereto are hereby approved to become effective on January 1, 2016 ~~November 25, 2015~~; and
- Adopts the Animal Services Fees identified in Exhibit B attached hereto are hereby approved to become effective on January 1, 2016 ~~November 25, 2015~~.

**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 24<sup>th</sup> day of November, 2015, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Dennis Norton, Mayor

ATTEST:

\_\_\_\_\_, CMC



# CITY COUNCIL AGENDA REPORT

**MEETING OF NOVEMBER 24, 2015**

FROM: City Manager Department

SUBJECT: Consider the November 12, 2015, Regular City Council Minutes

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RECOMMENDED ACTION: Approve minutes.

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

ATTACHMENTS:

1. Draft November 12, 2015, Regular City Council Minutes

Report Prepared By: Susan Sneddon  
City Clerk

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

Jamie Goldstein, City Manager

11/19/2015

**CAPITOLA CITY COUNCIL  
REGULAR MEETING ACTION MINUTES  
THURSDAY, NOVEMBER 12, 2015 – 7:00 PM**

**CLOSED SESSION - 6:15 PM  
CITY MANAGER'S OFFICE**

**CALL TO ORDER**

Mayor Norton called the meeting to order at 6:15 PM. He announced the items to be discussed in Closed Session, as follows:

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

(Two cases)

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

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

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

One potential case

Mayor Norton asked if anyone from the public wished to address the City Council regarding closed session items.

Bill Gray, 1440 Prospect Avenue, Capitola, stated that he supports staff's recommendation regarding initiating legal action regarding the anticipated litigation.

The City Council recessed at 6:18 p.m. to the Closed Session in the City Manager's Office.

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

**1. ROLL CALL AND PLEDGE OF ALLEGIANCE**

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

City Treasurer McBroom was absent.

**2. PRESENTATIONS**

- A. Introduction of New Police Officer Jackie Yeung [480-05]  
Introduction provided by Police Chief Escalante.
- B. Proclamation in the Observance of November 13, 2015, as World Pancreatic Cancer Day [120-40]  
Proclamation received by Jennifer Flaniken, Silicon Valley affiliate of the Pancreatic Cancer Action Network volunteer.

**3. REPORT ON CLOSED SESSION**

City Attorney Condotti stated that the Council received a status report regarding one case of anticipated litigation; and two existing litigation cases (1) Schroedel et al. v. the City of Capitola, and (2) Water Rock Construction, Inc. v. City of Capitola. There was no reportable action on any of the items discussed in closed session.

**4. ADDITIONAL MATERIALS**

City Clerk Sneddon stated one communication was received regarding Item 10.A. – regarding Surf School Regulations

**5. ADDITIONS AND DELETIONS TO AGENDA** (None provided)

**6. PUBLIC COMMENTS**

Teresa Green, Capitola Begonia Festival Chair, reported on the success of this year's Begonia Festival.

George Ankeney, commented on the new LED street lighting.

Public Works Director Jesberg provided a report regarding the Soquel Creek Lagoon opening last Monday.

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

City Clerk Sneddon provided an update on the recruitment process for various City boards/committees/commissions.

Council Member Termini stated that the City's first Plein Air event held on November 6<sup>th</sup> and November 8<sup>th</sup> was a success.

Council Member Bertrand complimented Molly Ording for her article in Capitola/Soquel Times regarding the Capitola Mall.

Council Member Harlan presented a copy of a historical menu from the Saba Food and Grog restaurant located in Capitola. In addition she stated that she has printouts from the League of California Cities 2015 Annual Conference available for the public and staff.

City Manager Goldstein announced that City Treasurer McBroom had her baby, Kingston James McBroom.

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

**9. CONSENT CALENDAR**

Council Member Bottorff requested that Item 9.E. be pulled from the Consent Calendar for further discussion.

Mayor Norton requested that Item 9.F. be pulled from the Consent Calendar for further discussion.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS] ITEMS 9.A., 9.B., 9.C., 9.D. AND 9.E.</b>
<b>MOVER:</b>	Michael Termini, Council Member
<b>SECONDER:</b>	Ed Bottorf, Council Member
<b>AYES:</b>	Norton, Bottorff, Bertrand, Harlan, Termini

- A. Approval of the October 22, 2015, Regular City Council Minutes, and the October 26, 2015, Special City Council Minutes  
**RECOMMENDED ACTION:** Approve Minutes.

Attachment: Draft November 12, 2015, Regular City Council Minutes (1260 : Approval of November 12, 2015 City Council Minutes)



- B. Receive Planning Commission Action Minutes for the Regular Meeting of November 5, 2015  
RECOMMENDED ACTION: Receive Minutes.
  
- C. Suspend Village Parking Meter and Pay Station Operation for Holiday Season  
RECOMMENDED ACTION: Authorize suspending parking meter and pay station operation to allow free three-hour parking in the Village Parking Meter Zone A(1) from November 26, 2015, through December 25, 2015.
  
- D. Adopted **Resolution No. 4034** Approving a New Hourly and Seasonal Pay Schedule [600-10]  
RECOMMENDED ACTION: Adopt a Resolution repealing Resolution No. 3978 and approving a New Hourly/Seasonal Pay Schedule.
  
- E. Award a Contract to Moffatt & Nichol for a Condition Assessment for Capitola Wharf [280-10/330-10]  
RECOMMENDED ACTION: Take the following actions:
  - 1. Approve a contract with Moffatt & Nichol in the amount of \$31,900 for inspections and engineering services for Capitola Wharf; and
  - 2. Approve a budget amendment by increasing the Wharf Fund expenditure by \$32,000 for engineering using \$32,000 from fund balance in the Wharf Fund.
  
- F. Consider a Resolution Establishing Days for Closure of City Offices during the 2016 Calendar Year [630-10]  
RECOMMENDED ACTION: Adopt the proposed Resolution establishing days for closure of City Offices during the 2016 Calendar Year.

Regarding Item No. 9.E. of the Consent Calendar: Council Member Bottorff asked if the agreement between Moffatt & Nichol and the City could include an estimate to replace the Capitola Wharf.

Public Works Director Jesberg responded that he will obtain an estimate from Moffatt & Nichol regarding replacing the entire Capitola Wharf.

**10. GENERAL GOVERNMENT / PUBLIC HEARINGS**

- A. Accept Report and the Consideration of an Ordinance Amending Capitola Municipal Code Section 9.30.020 (B) Regarding Surf School Regulations [1020-20]  
RECOMMENDED ACTION: Accept report on the status of an Uncodified Ordinance to the Capitola Municipal Code (CMC) Section 9.30.020 (b), Surf School Regulations, that allowed five permitted surf schools to operate in the City for the 2015 calendar year, and consider options outlined below:  
Options:
  - 1. Allow the Uncodified Ordinance amendment to expire and return to allowing four permitted surf schools; or
  - 2. Introduce an Ordinance to amend section 9.30.020 to permit five surf schools; and approve the amended Surf Permits Administrative Policy I-34.

Attachment: Draft November 12, 2015, Regular City Council Minutes (1260 : Approval of November 12, 2015 City Council Minutes)

Matt Arthur, Capitola Beach Company, provided a history of the development of the City's Surf School Ordinance. He stated that he does not support amending the City's Municipal Code to permit five surf schools in the City, but rather return to allowing four permitted surf schools.

Ed Guzman, Club Ed Surf School, stated that he does not support amending the City's Municipal Code to permit five surf schools in the City.

<b>RESULT:</b>	<b>ALLOW THE UNCODIFIED ORDINANCE AMENDMENT TO EXPIRE AND RETURN TO ALLOWING FOUR PERMITTED SURF SCHOOLS</b>
<b>MOVER:</b>	Michael Termini, Council Member
<b>SECONDER:</b>	Stephanie Harlan, Council Member
<b>AYES:</b>	Norton, Harlan, Termini
<b>NOES:</b>	Ed Bottorff, Council Member and Jacques Bertrand, Council Member

- B. Receive Lifeguard Seasonal Report [1020-50]  
RECOMMENDED ACTION: Accept report and provide direction.

<b>RESULT:</b>	<b>CITY COUNCIL RECEIVED REPORT</b>
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City Manager Goldstein stated that staff will continue negotiations with the City of Santa Cruz Fire Department to perform lifeguard services, and will bring back to the City Council the terms of the agreement.

- C. Consider the Capitola Avenue Storm Drain Repair Project [900-20]  
RECOMMENDED ACTION: Take the following actions:

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

Autumn Roof and Whitney Mathews, Vice Salon owners, spoke in support of the Capitola Avenue Storm Drain Repair Project.

Annie Rook, City resident, stated concerns Vice Salon losing business due to the flooding issues.

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

Attachment: Draft November 12, 2015, Regular City Council Minutes (1260 : Approval of November 12, 2015 City Council Minutes)

**The following issues were discussed (see attached Exhibit A – November 12, 2015 Regular City Council Meeting Summary Notes):**

- D. Zoning Code Update: Review Issues and Options Report [730-85]  
RECOMMENDED ACTION: Accept staff presentation and provide direction on each of the zoning issues.

Craig Rowell, requested that property owners be allowed to do improvements on non-conforming buildings

Peter Pethoe, Santa Cruz Hostel, commented on the Coastal Commission's review of the Zoning Code Update, and the approval process for future hotel projects.

**RESULT: CITY COUNCIL RECEIVED REPORT**

- E. Consider the 2016 Meeting Schedules for the City Council/Successor Agency and the Planning Commission/Architectural and Site Review Committee [520-40]

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

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

*The City Council took separate action on the following action items (Item 9.F.) on the Consent Calendar.*

- F. Consider a Resolution Establishing Days for Closure of City Offices during the 2016 Calendar Year [630-10]

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

Mayor Norton stated that he is opposed to calling the October 12th holiday "Columbus Day."

Peter Pethoe, Santa Cruz Hostel, stated that he supports keeping the name "Columbus Day" for a City staff holiday.

**RESULT: ADOPTED [UNANIMOUS]**  
**MOVER:** Michael Termini, Council Member  
**SECONDER:** Jacques Bertrand, Council Member  
**AYES:** Norton, Bottorff, Bertrand, Harlan, Termini

**11. ADJOURNMENT**

Meeting adjourned at 9:56 p.m.

\_\_\_\_\_  
Dennis Norton, Mayor

ATTEST:

\_\_\_\_\_, CMC  
Susan Sneddon, City Clerk

Attachment: Draft November 12, 2015, Regular City Council Minutes (1260 : Approval of November 12, 2015 City Council Minutes)

**EXHIBIT A**  
**Summary of Special Zoning Code Update Meeting**  
**November 12, 2015**

Note: City Council additions/modifications are underlined.

**Issue 7A: Signs: Threshold for Review**  
**Direction: Option 2**

**Option 7: Allow staff-level review with new standards.**

- Revise sign standards to include new, well-defined and well-illustrated design standards that create new maximum allowances within staff-level administrative review. Signs can be approved administratively within an over-the-counter permit.
- Include an option for Planning Commission review for signs that go beyond the maximum administrative review allowance.
- Ensure high quality signs within new standards.

**Issue 7B: Signs: Tailored Standards**  
**Direction: Option 2**

**Option 2: Create tailored standards for different commercial areas.**

- Sign standards will be adjusted to address the unique character of different commercial areas. Tailored standards will include types of permitted signs, maximum sign area, sign dimensions, sign location and placement, illumination, materials, and other place appropriate standards.
- The general desired signage character for different districts in Capitola could be as follows:
  - Village: Pedestrian oriented signs, village scale;
  - Neighborhood Commercial: Neighborhood-scale signs serving pedestrians and vehicles;
  - 41<sup>st</sup> Avenue: Larger-scale, auto-oriented signs to support corridor as a regional shopping destination;
  - Auto Plaza Drive: Unique to the use (auto-dealers) and address visibility challenges;
  - Industrial Zone (Kennedy Drive): More industrial design aesthetic and flexibility of type and materials.

**Issue 7C: Signs. Monument Signs.**  
**Direction: New Option**

**New Option:**

- Preference for monument signs to be drafted into tailored standards for each commercial zone.
- Update to allow digital gas pricing signs.

Attachment: Draft November 12, 2015, Regular City Council Minutes (1260 : Approval of November 12, 2015 City Council Minutes)

**Issue 11A: Authority of Architecture and Site Review Committee**  
**Direction: New Option**

**New Option:**

- ~~Replace~~ Rename the Arch and Site committee ~~with a~~ to reflect function as development review committee.
- Function: Review applications and make preliminary recommendations to applicant prior to Planning Commission review.

**Issue 11B: Timing of Design Permit Review**  
**Direction: Option 1**

**Option 1: Maintain existing timing of Architecture and Site Review.**

**Issue 11C: Composition of Architecture and Site Committee**  
**Direction: Revise committee.**

**Revise Committee as follows:**

- ~~All positions on committee to be either staff or contracted long-term consultant on as-needed basis.~~
- City to contract Architect to review substantial projects. Threshold for “substantial” to be determined.
- City to continue requiring review of historic modifications by contracted Architectural Historian outside of Arch and Site committee.
- Committee to include:
  - Architect (Contracted Consultant) for substantial projects.
  - Landscape Architect (Appointed)
  - Historian (Appointed)
  - Staff Planner, Public Works, and Building representatives.

**Issue 13: Planned Development**  
**Direction: Option 2\***

**Option 2: Reduce or eliminate minimum parcel size requirement and exclude from Single-Family zone.**

- Eliminate minimum parcel size requirement.
- Exclude PD from Single-Family zone.

\*Note: Planning Commission direction was to eliminate Planned Developments citywide.



# CITY COUNCIL AGENDA REPORT

## MEETING OF NOVEMBER 24, 2015

FROM: Finance Department

SUBJECT: Approval of City Check Register Reports Dated October 2, October 9, October 16, October 23, and October 30, 2015

RECOMMENDATION: Approve Check Register Reports.

BACKGROUND: Check Registers are attached for:

Date	Starting Check #	Ending Check #	Check/EFT Count	Amount
10/02/2015	81762	81828	67	\$226,735.25
10/09/2015	81829	81887	62	\$159,683.91
10/16/2015	81888	81912	25	\$46,529.93
10/23/2015	81913	81987	79	\$183,819.15
10/30/2015	81988	82028	42	\$82,326.51

The check register of September 25, 2015 ended with check #81761.

Following is a list of checks issued for more than \$10,000.00 and a brief description of the expenditure:

Check	Issued to	Dept	Description	Amount
81795	Kimley-Horn and Associates	PW	Rail Trail, Drainage Assessment, Bike Lanes, Roundabout, Housing Update	\$16,711.65
81812	Santa Cruz Regional 911	PD	FY 15/16 debt service, 2 <sup>nd</sup> qtr 911 service, SCRMS service	\$131,534.50
81814	Soquel Creek Water District	CM	Monthly Water	\$10,921.89
81831	Atchison Barisone & Condotti	CM	City Attorney General Services	\$14,047.81
81868	Pacific Gas & Electric	CM	Monthly Electricity	\$16,244.91
EFT176	CalPERS Member Services	FN	PERS Contributions	\$46,091.57
EFT178	Internal Revenue Service	FN	Federal Taxes & Medicare	\$23,854.22
81890	Atchison Barisone & Condotti	CM	City Attorney General Services	\$13,381.71
81909	SCC Auditor-Controller	PD	Citation Surcharges Sept 2015	\$14,711.00
81962	SCCCVC	FN	July – Sept. TMD	\$40,506.35
EFT180	CalPERS Member Services	FN	PERS Contributions	\$45,350.55
EFT182	Internal Revenue Service	FN	Federal Taxes & Medicare	\$22,873.68

Approval of City Check Register Reports  
November 24, 2015

81996	Community Action Board	CDD	Emergency Housing Assistance	\$10,066.67
82005	Kimley-Horn and Associates	PW	Hill St. Pedestrian Improvements, Roundabout Project, Stockton Ave. Bridge Parkway Design, Rispin Park ADA Path	\$12,381.50
82013	Nichols Consulting Engineers	PW	Pavement Management Survey	\$15,600.00

ATTACHMENTS:

1. City Check Register October 2, 2015
2. City Check Register October 9, 2015
3. City Check Register October 16, 2015
4. City Check Register October 23, 2015
5. City Check Register October 30, 2015

Report Prepared By: Maura Herlihy  
Account Technician

Jamie Goldstein, City Manager

11/19/2015

Accounts payable checks dated 10/02/15 and numbered 81762 to 81828, totaling \$226,735.25, plus payroll checks numbered 4623 to 4635 and 80 EFTs, totaling \$144,077.58, for a total disbursement of \$370,812.83, have been reviewed and authorized for distribution by the City Manager.

As of 10/02/2015 the unaudited cash balance is \$4,324,454.13.

**CASH POSITION - CITY OF CAPITOLA 10/02/2015**

	<u>Net Balance</u>
General Fund	\$859,269.81
Payroll Payables	\$150,169.12
Contingency Reserve Fund	\$1,803,945.66
PERS Contingency Fund	\$0.00
Facilities Reserve Fund	\$159,870.00
Capital Improvement Fund	\$683,238.03
Stores Fund	\$24,167.08
Information Technology Fund	\$140,878.64
Equipment Replacement	\$128,995.83
Self Insurance Liability Fund	\$74,861.90
Worker's Comp. Ins. Fund	\$318,106.79
Compensated Absences Fund	(\$19,048.73)
<b>TOTAL UNASSIGNED GENERAL FUNDS</b>	<u><u>\$4,324,454.13</u></u>

The Emergency Reserve Fund Balance is \$1,049,205.54 (not included above).

  
\_\_\_\_\_  
Jamie Goldstein, City Manager

\_\_\_\_\_  
10/02/2015  
Date

\_\_\_\_\_  
Christine McBroom, City Treasurer

\_\_\_\_\_  
Date

Attachment: City Check Register October 2, 2015 (1124 : Approval of City Check Register Reports)



# City Checks Issued 10/02/2015

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transac Am
81762	10/02/2015	Open			ADRIENNE HARRELL	\$47
	Invoice		Date	Description		Amount
	HarrellFall2015		09/28/2015	Early Fall Instructor Payments 2015		\$476.45
81763	10/02/2015	Open			AIMEE FITZGERALD	\$30
	Invoice		Date	Description		Amount
	FitzgeraFall2015		09/28/2015	Early Fall Instructor Payments 2015		\$304.20
81764	10/02/2015	Open			ALLSAFE LOCK COMPANY	\$
	Invoice		Date	Description		Amount
	47654		09/24/2015	3 keys		\$6.75
81765	10/02/2015	Open			AT&T/CALNET 2	\$1,72
	Invoice		Date	Description		Amount
	7050737		09/13/2015	Monthly Telephone Svc & T-1 Access		\$1,729.69
				1000 - General Fund	\$1,404.11	
				2211 - ISF - Information Technology	\$325.58	
81766	10/02/2015	Open			B & B SMALL ENGINE REPAIR	\$23
	Invoice		Date	Description		Amount
	335409		09/24/2015	Mix oil		\$238.49
81767	10/02/2015	Open			BAY AREA POLYGRAPH	\$75
	Invoice		Date	Description		Amount
	623		09/28/2015	Personnel Expenses and Benefits		\$750.00
81768	10/02/2015	Open			BAY PHOTO LAB	\$1
	Invoice		Date	Description		Amount
	4923432		09/30/2015	16x20 print		\$17.90
81769	10/02/2015	Open			BECKY ADAMS	\$27
	Invoice		Date	Description		Amount
	AdamsFall2015		09/28/2015	Early Fall Instructor Payments 2015		\$270.40
81770	10/02/2015	Open			BRUCE INK	\$44
	Invoice		Date	Description		Amount
	InkFall2015		09/28/2015	Early Fall Instructor Payments 2015		\$444.60
81771	10/02/2015	Open			CALIFORNIA COAST UNIFORM COMP,	\$8
	Invoice		Date	Description		Amount
	4415		09/05/2015	Vazquez pin		\$14.08
	4408		09/02/2015	Valdez uniform patches		\$54.00
	4387		08/28/2015	Zamora patch		\$14.08
81772	10/02/2015	Open			CHARMAINE MONIZ	\$7
	Invoice		Date	Description		Amount
	MonizFall2015		09/28/2015	Early Fall Instructor Payments 2015		\$70.20
81773	10/02/2015	Open			CHUCK DICKS	\$22
	Invoice		Date	Description		Amount
	DicksFall2015		09/28/2015	Early Fall Instructor Payments 2015		\$222.30

Attachment: City Check Register October 2, 2015 (1124 : Approval of City Check Register Reports)

# City Checks Issued 10/02/2015

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transa An	t
81774	10/02/2015 Invoice FrancaFall2015	Open	Date 09/28/2015	Description Early Fall Instructor Payments 2015	CLAUDIO FRANCA	\$1	)
						Amount \$119.60	
81775	10/02/2015 Invoice 83095	Open	Date 09/01/2015	Description PD legal sourcebook 2211 - ISF - Information Technology	COPWARE INC.	\$4	)
						Amount \$400.00	
81776	10/02/2015 Invoice JohnstonFall2015	Open	Date 09/28/2015	Description Early Fall Instructor Payments 2015	DAVE JOHNSTON	\$4	)
						Amount \$429.00	
81777	10/02/2015 Invoice MaclaughFall2015	Open	Date 09/28/2015	Description Early Fall Instructor Payments 2015	DAWN MAC LAUGHLIN	\$9	)
						Amount \$904.15	
81778	10/02/2015 Invoice 915-04	Open	Date 09/27/2015	Description Fish & Wildlife Monitoring of Soquel Creek Year 2 of 3 FY	DONALD W ALLEY	\$2,5	)
						Amount \$2,589.86	
81779	10/02/2015 Invoice 03	Open	Date 10/01/2015	Description Public works contract services Sept. 2015	ED MORRISON	\$2,3	)
						Amount \$2,380.00	
81780	10/02/2015 Invoice 103285	Open	Date 09/21/2015	Description K-9 supplies	ELITE K-9 INC.	\$	)
						Amount \$85.16	
81781	10/02/2015 Invoice 0111796-in	Open	Date 09/18/2015	Description Explorer badges	ENTENMANN-ROVIN CO.	\$6	)
						Amount \$627.49	
81782	10/02/2015 Invoice FatemiFall2015	Open	Date 09/28/2015	Description Early Fall Instructor Payments 2015	FERESHTEH FATEMI	\$2	)
						Amount \$292.50	
81783	10/02/2015 Invoice 4371000	Open	Date 09/21/2015	Description Plumbing supplies	FERGUSON ENTERPRISES INC.	\$	)
						Amount \$18.56	
81784	10/02/2015 Invoice 15-137125 15-137123	Open	Date 09/18/2015 09/18/2015	Description 200 gallon diesel 363 gallons ethanol	FLYERS ENERGY LLC	\$1,6	)
						Amount \$539.24 \$1,137.63	
81785	10/02/2015 Invoice CharleFall2015	Open	Date 09/28/2015	Description Early Fall Instructor Payments 2015	FREDERIC CHARLEBOIS	\$3,9	)
						Amount \$3,993.50	

Attachment: City Check Register October 2, 2015 (1124 : Approval of City Check Register Reports)

# City Checks Issued 10/02/2015

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transactl Amo
81786	10/02/2015	Open			GLOBAL ENVIRONMENTAL PRODUCT	\$1,257
	Invoice		Date	Description		Amount
	628029		09/18/2015	sweeper parts and maintenance		\$1,152.39
	628107		09/23/2015	shock absorber - sweeper part 1310 - Gas Tax Fund		\$104.72
81787	10/02/2015	Open			HANYA FOJACO	\$936
	Invoice		Date	Description		Amount
	FojacoFall2015		09/28/2015	Early Fall Instructor Payments 2015		\$936.00
81788	10/02/2015	Open			HARRIS & ASSOCIATES	\$6,865
	Invoice		Date	Description		Amount
	29507		09/08/2015	Park Ave. Sidewalk project Aug 2015 1200 - Capital Improvement Fund		\$6,865.00
81789	10/02/2015	Open			HOLLISTER HONDA	\$950
	Invoice		Date	Description		Amount
	158874		09/08/2015	2012 Honda NC700X repairs/maintenance		\$950.11
81790	10/02/2015	Open			HOPE REHABILITATION SERVICES	\$1,785
	Invoice		Date	Description		Amount
	S156736		09/15/2015	Litter Abatement, Beach Clean Up & Sidewalk Maintenanc		\$1,785.00
81791	10/02/2015	Open			INTERNATIONAL INSTITUTE OF MUNI	\$95
	Invoice		Date	Description		Amount
	24033		09/15/2015	Deiter membership		\$95.00
81792	10/02/2015	Open			INTERWEST CONSULTING GROUP IN	\$1,481
	Invoice		Date	Description		Amount
	23614		09/22/2015	Aug building plan checks		\$1,481.29
81793	10/02/2015	Open			JEANI MITCHELL	\$351
	Invoice		Date	Description		Amount
	MitchellFall2015		09/28/2015	Early Fall Instructor Payments 2015		\$351.00
81794	10/02/2015	Open			KAREN NEVIS FINE ARTS	\$45
	Invoice		Date	Description		Amount
	1555		09/12/2015	2016 Calendars (6)		\$45.00
81795	10/02/2015	Open			KIMLEY-HORN AND ASSOCIATES INC	\$16,711
	Invoice		Date	Description		Amount
	7003046		08/31/2015	Pacific Cove Rail Trail Phase I		\$5,865.45
	6888765		08/31/2015	Village Drainage Assessment - Capitola Avenue		\$5,755.00
	6970025		08/31/2015	Enhanced Bike Lane @ Highway 1 Crossing		\$2,555.70
	7017398		08/31/2015	Capitola Roundabout Aug 2015		\$1,842.60
	7004340		08/31/2015	Housing element update		\$692.90
				1200 - Capital Improvement Fund	\$16,018.75	
				1313 - General Plan Update and Maint	\$692.90	
81796	10/02/2015	Open			KING'S CLEANERS	\$317
	Invoice		Date	Description		Amount
	09142015		09/14/2015	uniform cleaning		\$317.25

Attachment: City Check Register October 2, 2015 (1124 : Approval of City Check Register Reports)

# City Checks Issued 10/02/2015

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transacti Amo
81797	10/02/2015 Invoice 26-52649	Open	Date 09/25/2015	Description contract labor	LABORMAX STAFFING	\$961 \$961.50
81798	10/02/2015 Invoice KinnamonFall2015	Open	Date 09/28/2015	Description Early Fall Instructor Payments 2015	LORRAINE KINNAMON	\$57 \$57.20
81799	10/02/2015 Invoice 37087	Open	Date 09/14/2015	Description Portable radios 1300 - SLESF - Supplemental Law Enforce	METRO MOBILE COMMUNICATIONS	\$1,957 \$1,957.48
81800	10/02/2015 Invoice FaiaFall2015	Open	Date 09/28/2015	Description Early Fall Instructor Payments 2015	MICHELE FAIA	\$637 \$637.00
81801	10/02/2015 Invoice IN1603690	Open	Date 09/22/2015	Description Gloves	MICROFLEX CORP	\$778 \$778.26
81802	10/02/2015 Invoice 303055503	Open	Date 09/23/2015	Description Pavement Management Program-Design Plans 1200 - Capital Improvement Fund	NICHOLS CONSULTING ENGINEERS C	\$6,410 \$6,410.00
81803	10/02/2015 Invoice 250413 250414	Open	Date 09/23/2015 09/25/2015	Description Rear Lamp Assembly Fender Assembly	NORTH BAY FORD	\$211 \$38.38 \$173.09
81804	10/02/2015 Invoice EvansFall2015	Open	Date 09/28/2015	Description Early Fall Instructor Payments 2015	PAT EVANS	\$222 \$222.30
81805	10/02/2015 Invoice BlissFall2015	Open	Date 09/28/2015	Description Early Fall Instructor Payments 2015	PAULA BLISS	\$426 \$426.40
81806	10/02/2015 Invoice SuzukiFall2015	Open	Date 09/28/2015	Description Early Fall Instructor Payments 2015	Paula Yoshiko Suzuki	\$254 \$254.80
81807	10/02/2015 Invoice 20279 20280	Open	Date 09/18/2015 09/18/2015	Description Repair village light pole EVC charger repair	PHIL ALLEGRI ELECTRIC INC.	\$368 \$188.00 \$180.00
81808	10/02/2015 Invoice 082015070	Open	Date 09/23/2015	Description Aug 2015 citation admin	PHOENIX GROUP INFORMATION SYS	\$2,439 \$2,439.97

Attachment: City Check Register October 2, 2015 (1124 : Approval of City Check Register Reports)

# City Checks Issued 10/02/2015

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transact Amo
81809	10/02/2015	Open			PITNEY BOWES INC.	\$2,020
	Invoice		Date	Description		Amount
	PBSept2015		09/18/2015	Refill Postage Machine 2210 - ISF - Stores Fund		\$2,020.99
81810	10/02/2015	Open			SANDY MARRUJO	\$573
	Invoice		Date	Description		Amount
	MarrujoFall2015		09/28/2015	Early Fall Instructor Payments 2015		\$573.30
81811	10/02/2015	Open			SANTA CRUZ COUNTY ANIMAL SHEL1	\$5,500
	Invoice		Date	Description		Amount
	15-16-2cap		09/21/2015	animal shelter services		\$5,500.00
81812	10/02/2015	Open			SANTA CRUZ REGIONAL 911	\$131,534
	Invoice		Date	Description		Amount
	15-16		09/24/2015	Regional 911 1/2 FY15/16 debt service		\$32,558.00
	15-16-2ndQTR		09/24/2015	2nd Quarter Regional 911 service		\$91,659.75
	15-16-2ndQTR-A		09/24/2015	SCRMS 2nd qtr		\$7,316.75
81813	10/02/2015	Open			SIGN WAVE	\$1,012
	Invoice		Date	Description		Amount
	2464		09/08/2015	Double sided banner with 4 interchangeable event inserts		\$1,012.14
81814	10/02/2015	Open			SOQUEL CREEK WATER DISTRICT	\$10,921
	Invoice		Date	Description		Amount
	SCWDSSept2015pt3		09/13/2015	Monthly water usage, irrigation (early)		\$1,177.65
	SCWDSSept2015		09/22/2015	Monthly water usage, irrigation (early)		\$3,790.81
	SCWDSSept2015pt2		09/22/2015	Monthly water use (late)		\$5,953.43
				1000 - General Fund	\$10,887.15	
				1311 - Wharf Fund	\$34.74	
81815	10/02/2015	Open			SPECTRUM BUSINESS	\$2,376
	Invoice		Date	Description		Amount
	SpectrumSept2015		09/13/2015	internet/phone services		\$2,376.07
				1000 - General Fund	\$1,011.90	
				2211 - ISF - Information Technology	\$1,364.17	
81816	10/02/2015	Open			STEPFORD INC	\$5,081
	Invoice		Date	Description		Amount
	1501871		09/17/2015	computer memory		\$81.10
	1501879		09/20/2015	Nov. monthly IT charges		\$5,000.00
				2211 - ISF - Information Technology		
81817	10/02/2015	Open			SUELLEN MCCUTCHEN	\$107
	Invoice		Date	Description		Amount
	MccutchFall2015		09/28/2015	Early Fall Instructor Payments 2015		\$107.25

Attachment: City Check Register October 2, 2015 (1124 : Approval of City Check Register Reports)

# City Checks Issued 10/02/2015

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transact Amc
81818	10/02/2015	Open			SUMMIT UNIFORM CORP	\$730
	Invoice		Date	Description		Amount
	24996		08/29/2015	Blankenship hat		\$182.70
	24995		08/30/2015	Vazquez hat		\$182.70
	24997		08/30/2015	Farotte hat		\$182.70
	24919		08/28/2015	Evans hat		\$182.70
81819	10/02/2015	Open			SUPPLYWORKS	\$650
	Invoice		Date	Description		Amount
	1698554-00		09/22/2015	Cleaning supplies		\$650.78
81820	10/02/2015	Open			TRENISE POT	\$1,768
	Invoice		Date	Description		Amount
	PotFall2015		09/28/2015	Early Fall Instructor Payments 2015		\$1,768.00
81821	10/02/2015	Open			WATSONVILLE BLUEPRINT	\$15
	Invoice		Date	Description		Amount
	55916		09/08/2015	24x36 bond copy of city documents 2210 - ISF - Stores Fund		\$15.26
81822	10/02/2015	Open			Yolozochitz Hunter	\$175
	Invoice		Date	Description		Amount
	YolozochFall2015		09/28/2015	Early Fall Instructor Payments 2015		\$175.50
81823	10/02/2015	Open			Alfred Pinard III	\$33
	Invoice		Date	Description		Amount
	Pinard09-28-15		09/28/2015	Refund cite #111125412		\$33.00
81824	10/02/2015	Open			Jennifer or Steven Highland	\$39
	Invoice		Date	Description		Amount
	Highland09242015		09/24/2015	refund cite 133125413		\$39.00
81825	10/02/2015	Open			Maggie Driscoll	\$300
	Invoice		Date	Description		Amount
	CoC633		09/13/2015	Recreation Supplies		\$300.00
81826	10/02/2015	Open			Michael Adams	\$43
	Invoice		Date	Description		Amount
	Adams09082015		09/08/2015	fence permit refund		\$43.05
				1000 - General Fund	\$41.00	
				1317 - Technology Fee Fund	\$2.05	
81827	10/02/2015	Open			Mostafa Masri	\$36
	Invoice		Date	Description		Amount
	Masri09232015		09/23/2015	Refund cite 155124460		\$36.00
81828	10/02/2015	Open			Nelson Membreno	\$168
	Invoice		Date	Description		Amount
	2016-00000260		09/12/2015	Training		\$168.00
Type Check Totals:				67 Transactions		\$226,735

Attachment: City Check Register October 2, 2015 (1124 : Approval of City Check Register Reports)

# City Checks Issued 10/02/2015

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transac Am
<b>CITY - Main City Totals</b>						
Checks						67
EFTs						0
All						67
						\$226,73
<b>WELLS - Payroll Totals</b>						
Checks						13
EFTs						80
All						93
						\$10,51
						\$133,56
						\$144,07
<b>Grand Totals</b>						
Checks						80
EFTs						80
All						160
						\$237,24
						\$133,56
						\$370,81

Attachment: City Check Register October 2, 2015 (1124 : Approval of City Check Register Reports)

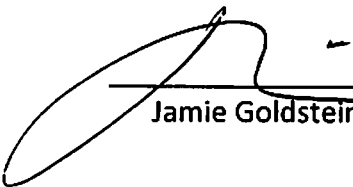
Accounts payable checks dated 10/09/15 and numbered 81829 to 81887, totaling \$83,964.28, plus 3 EFTs, totaling \$75,719.63, for a total disbursement of \$159,683.91, have been reviewed and authorized for distribution by the City Manager.

As of 10/09/2015 the unaudited cash balance is \$4,116,038.22.

**CASH POSITION - CITY OF CAPITOLA 10/09/2015**

	<u>Net Balance</u>
General Fund	(\$1,539.87)
Payroll Payables	\$73,239.34
Contingency Reserve Fund	\$1,803,945.66
PERS Contingency Fund	\$0.00
Facilities Reserve Fund	\$79,870.00
Capital Improvement Fund	\$1,495,119.28
Stores Fund	\$22,146.09
Information Technology Fund	\$140,341.93
Equipment Replacement	\$128,995.83
Self Insurance Liability Fund	\$74,861.90
Worker's Comp. Ins. Fund	\$318,106.79
Compensated Absences Fund	(\$19,048.73)
<b>TOTAL UNASSIGNED GENERAL FUNDS</b>	<u><u>\$4,116,038.22</u></u>

The Emergency Reserve Fund Balance is \$1,049,205.54 (not included above).

  
 \_\_\_\_\_  
 Jamie Goldstein, City Manager

10/09/2015  
 \_\_\_\_\_  
 Date

\_\_\_\_\_  
 Christine McBroom, City Treasurer

\_\_\_\_\_  
 Date

Attachment: City Check Register October 9, 2015 (1124 : Approval of City Check Register Reports)



# City Checks Issued 10/09/2015

Check #	Invoice #	Status	Invoice Date	Description	Payee Name	Transaction Amo
81829	10/09/2015	Open			APTOS LANDSCAPE SUPPLY INC.	\$149
	Invoice		Date	Description		Amount
	403687		09/10/2015	Firbark		\$149.39
81830	10/09/2015	Open			ARACELLY BIBL	\$24
	Invoice		Date	Description		Amount
	Bibl09282015		09/28/2015	Early Fall Instructor Payments 2015		\$24.70
81831	10/09/2015	Open			ATCHISON BARISONE & CONDOTTI	\$14,047
	Invoice		Date	Description		Amount
	July2015Atchison		07/31/2015	General City Attorney Services		\$14,047.81
81832	10/09/2015	Open			BELLOWS PLUMBING HEATING & SE	\$599
	Invoice		Date	Description		Amount
	Z323939		09/29/2015	Hydrojetted sewer line		\$599.00
81833	10/09/2015	Open			CA DEPARTMENT OF CONSERVATIO	\$2,184
	Invoice		Date	Description		Amount
	Q3-2015		10/05/2015	July-Sept seismic mapping fee		\$2,184.67
81834	10/09/2015	Open			CALIF ASSOC FOR PROPERTY & EVI	\$200
	Invoice		Date	Description		Amount
	cape09222015		09/30/2015	Evidence school for Barbara Garrett		\$200.00
81835	10/09/2015	Open			CALIFORNIA BUILDING STANDARDS	\$261
	Invoice		Date	Description		Amount
	CBSCQ3-2015		10/05/2015	July-Sept building permit valuation fees		\$261.00
81836	10/09/2015	Open			CALIFORNIA LAW ENFORCEMENT A:	\$514
	Invoice		Date	Description		Amount
	CLEAoct2015		10/02/2015	October CLEA Long Term Disability 1001 - Payroll Payables		\$514.50
81837	10/09/2015	Open			CAPITOLA PEACE OFFICERS ASSOC	\$1,525
	Invoice		Date	Description		Amount
	POA10022015		10/02/2015	POA Dues Sept 2015 1001 - Payroll Payables		\$1,525.50
81838	10/09/2015	Open			CAROL HILL MORGAN	\$629
	Invoice		Date	Description		Amount
	Morgan09292015		09/29/2015	Early Fall Instructor Payments 2015		\$629.20
81839	10/09/2015	Open			CASEY PRINTING	\$3,826
	Invoice		Date	Description		Amount
	29378011		09/25/2015	Late Fall brochure printing		\$3,826.08
81840	10/09/2015	Open			COASTAL WATERSHED COUNCIL	\$8,048
	Invoice		Date	Description		Amount
	1434		09/30/2015	Sept 2015 First Flush		\$3,316.51
	1432		09/30/2015	NPDES Public Education & Outreach 15/16		\$292.00
	1433		09/30/2015	Urban Watch Sept 2015		\$4,440.02

Attachment: City Check Register October 9, 2015 (1124 : Approval of City Check Register Reports)

# City Checks Issued 10/09/2015

Check #	Invoice #	Status	Invoice Date	Description	Payee Name	Transaction Amo
81841	10/09/2015	Open			COLEY HEATH INVESTIGATIONS	\$300
	Invoice		Date	Description		Amount
	300		10/02/2015	Public Safety Background Investigation		\$300.00
81842	10/09/2015	Open			COMPLETE MAILING SERVICE INC	\$1,645
	Invoice		Date	Description		Amount
	66188		09/30/2015	Mailing Services Late Fall		\$1,645.41
81843	10/09/2015	Open			CRAIG FEENEY	\$600
	Invoice		Date	Description		Amount
	43		10/07/2015	HVAC maintenance		\$600.00
81844	10/09/2015	Open			D & G SANITATION	\$757
	Invoice		Date	Description		Amount
	225403		09/30/2015	Portable toilets		\$558.71
	225404		09/30/2015	Pac Cove portable toilets		\$198.43
				1000 - General Fund	\$198.43	
				1311 - Wharf Fund	\$558.71	
81845	10/09/2015	Open			EWING IRRIGATION	\$202
	Invoice		Date	Description		Amount
	381796		09/18/2015	Irrigation supplies		\$43.07
	448188		09/30/2015	Irrigation supplies		\$135.80
	448189		09/30/2015	Irrigation supplies		\$23.19
81846	10/09/2015	Open			FARWEST NURSERY	\$11
	Invoice		Date	Description		Amount
	195350		09/29/2015	Bedding plants		\$11.66
81847	10/09/2015	Open			FEDERAL EXPRESS	\$23
	Invoice		Date	Description		Amount
	5-163-26470		09/18/2015	Shipping		\$23.97
81848	10/09/2015	Open			FERGUSON ENTERPRISES INC.	\$124
	Invoice		Date	Description		Amount
	4350164-1		09/25/2015	Plumbing supplies		\$124.60
81849	10/09/2015	Open			FLYERS ENERGY LLC	\$2,195
	Invoice		Date	Description		Amount
	15-142017		09/30/2015	nozzle x2, coaxial hose, farm hose x2		\$684.07
	15-139755		09/25/2015	100 gallon diesel		\$282.82
	15-139747		09/25/2015	400 gallons ethanol		\$1,228.87
81850	10/09/2015	Open			G2 FORENSIC INVESTIGATIONS	\$1,920
	Invoice		Date	Description		Amount
	255		09/30/2015	PD background check		\$1,000.00
	257		10/05/2015	PD background check		\$920.00
81851	10/09/2015	Open			GRANITE ROCK COMPANY	\$198
	Invoice		Date	Description		Amount
	917821		09/26/2015	Masonry supplies		\$198.97

Attachment: City Check Register October 9, 2015 (1124 : Approval of City Check Register Reports)

City of Capitola

# City Checks Issued 10/09/2015

Check #	Invoice #	Status	Invoice Date	Description	Payee Name	Transaction Amo
81852	10/09/2015	Open			HUB INTERNATIONAL	\$66
	Invoice		Date	Description		Amount
	09302015		09/30/2015	Insurance for Renters		\$66.12
81853	10/09/2015	Open			ICMA RETIREMENT TRUST 457	\$5,485
	Invoice		Date	Description		Amount
	ICMA10022015		10/02/2015	ICMA 457 10-02-2015 paydate 1001 - Payroll Payables		\$5,485.01
81854	10/09/2015	Open			JAMES P ALLEN	\$540
	Invoice		Date	Description		Amount
	093015		09/30/2015	Wharf road tree assessment		\$540.00
81855	10/09/2015	Open			KIMLEY-HORN AND ASSOCIATES INC	\$1,887
	Invoice		Date	Description		Amount
	7058217		08/31/2015	Stockton Avenue Bridge Parkway Design 1200 - Capital Improvement Fund		\$1,887.00
81856	10/09/2015	Open			KINGS PAINT AND PAPER INC.	\$52
	Invoice		Date	Description		Amount
	A0225115		09/29/2015	Paint		\$52.43
81857	10/09/2015	Open			MAR MONTE MEDICAL CLINIC	\$55
	Invoice		Date	Description		Amount
	MarMonte10012015		10/01/2015	Employee medical exam		\$55.00
81858	10/09/2015	Open			MAR-KEN K-9 TRAINING CENTER	\$480
	Invoice		Date	Description		Amount
	0480-15		09/23/2015	Sept 2015 K-9 training		\$480.00
81859	10/09/2015	Open			MARC KRAFT	\$572
	Invoice		Date	Description		Amount
	Kraft09282015		09/28/2015	Early Fall Instructor Payments 2015		\$572.00

Attachment: City Check Register October 9, 2015 (1124 : Approval of City Check Register Reports)

# City Checks Issued 10/09/2015

Check #	Invoice #	Status	Invoice Date	Description	Payee Name	Transaction Amount
81860	10/09/2015	Open			MID COUNTY AUTO SUPPLY	\$769
	Invoice		Date	Description		Amount
	427954		07/01/2015	sweeper repair		\$147.31
	43064		08/24/2015	sweeper repair		\$46.77
	434923		08/31/2015	4oz. black		\$9.74
	435228		09/02/2015	trailer connector kit		\$9.60
	435184		09/02/2015	primer sealer		\$13.25
	435512		09/04/2015	adhesive		\$10.86
	435402		09/03/2015	connector and reflectors		\$16.38
	435811		09/08/2015	Large All Season 4pc rubber		\$54.33
	437319		09/21/2015	Misc. Supplies		\$73.85
	436593		09/15/2015	Booster cables		\$20.49
	437016		09/18/2015	Grease		\$23.89
	437413		09/22/2015	PAG Lubricant		\$5.65
	438142		09/28/2015	dual beam headlight - 89 mazda truck		\$12.35
	438235		09/29/2015	filter		\$26.63
	438057		09/28/2015	piston tool		\$13.00
	438052		09/28/2015	2014 Ford Explorer - Extended ware pads and rotors		\$236.55
	438550		10/01/2015	circuit tester tool		\$26.00
	438503		10/01/2015	connector		\$9.81
	438399		09/30/2015	gasket		\$3.00
	438439		09/30/2015	Swivel Filter		\$5.06
	438385		09/30/2015	Chain/Band Filter		\$4.59
81861	10/09/2015	Open			MISSION LINEN SUPPLY	\$643.
	Invoice		Date	Description		Amount
	500785996		08/26/2015	linen service		\$30.46
	500785997		08/26/2015	linen service		\$66.23
	500831974		09/02/2015	Linen Service		\$87.61
	500831960		09/02/2015	mat cleaning service		\$43.50
	500877468		09/09/2015	linen service, shop towels		\$30.46
	500877469		09/09/2015	linen service		\$66.23
	500932518		09/16/2015	linen service, shop towels		\$30.46
	500877465		09/09/2015	dust mop, mat cleaning service		\$60.87
	500932519		09/16/2015	uniform cleaning, mat cleaning		\$87.61
	500968080		09/23/2015	Linen Service, shop towels		\$30.46
	500932515		09/16/2015	mats		\$43.50
	500968081		09/23/2015	linen service		\$66.23
81862	10/09/2015	Open			MV TRANSPORTATION INC.	\$5,396.
	Invoice		Date	Description		Amount
	63345		10/02/2015	Sept. Beach Shuttle Service 15/16		\$5,396.40
81863	10/09/2015	Open			NEW PIG	\$616.
	Invoice		Date	Description		Amount
	21761478-00		09/25/2015	Type II gas cans		\$616.50
81864	10/09/2015	Open			NORTH BAY FORD	\$22.
	Invoice		Date	Description		Amount
	250576		10/01/2015	Direct Relay		\$22.66

Attachment: City Check Register October 9, 2015 (1124 : Approval of City Check Register Reports)

# City Checks Issued 10/09/2015

Check #	Invoice #	Status	Invoice Date	Description	Payee Name	Transaction Amount
81865	10/09/2015	Open			NUZ Inc. dba GOOD TIMES	\$325
	Invoice		Date	Description		Amount
	2015-25593		08/13/2015	Ad in Open Studios Artist Guide		\$325.00
81866	10/09/2015	Open			O'REILLY AUTO PARTS	\$48
	Invoice		Date	Description		Amount
	2763-146022		10/01/2015	paint		\$48.90
81867	10/09/2015	Open			ORCHARD SUPPLY HARDWARE	\$921
	Invoice		Date	Description		Amount
	6013-291834		09/01/2015	drill bits		\$35.92
	6013-1444351		09/09/2015	Bolts		\$4.46
	6014-8192901		09/10/2015	Sand paper & supplies		\$91.38
	6010-290640		09/10/2015	Tools - Andrew		\$36.74
	6010-290641		09/10/2015	Pipe seal		\$10.32
	6014-3523312		09/11/2015	Trash cans		\$142.01
	77142		09/10/2015	returned adjustable wrench		(\$72.31)
	6001-01141395		09/21/2015	Padlock		\$23.75
	6010-1142081		09/15/2015	Cleaning supplies		\$12.90
	6012-1440064		09/16/2015	Duct tape & misc. supplies		\$50.38
	6012-9870138		09/16/2015	Hose protector		\$24.26
	6014-1110171		09/16/2015	Irrigation supplies		\$5.47
	6001-4420290		09/17/2015	dish soap, epoxy, washer		\$31.85
	6010-1140516		09/18/2015	Looped end cable		\$12.38
	6010-1140527		09/18/2015	Graffiti camera batteries		\$45.41
	6012-1441393		09/21/2015	Safety supplies - Andy		\$36.14
	6010-2081479		09/21/2015	Copper plumbing		\$23.28
	110599		08/20/2015	Wire and pliers		\$53.08
	110823		08/21/2015	Copper wand		\$20.85
	111364		09/01/2015	Fast set concrete		\$94.84
	144553		09/15/2015	Rose spray, folding saw		\$34.06
	091707		09/05/2015	Painting supplies		\$17.95
	122899		08/21/2015	Painting supplies		\$54.66
	6012-1442572		09/25/2015	Potting soil		\$14.45
	6008-1140822		09/30/2015	Wall kit		\$8.25
	6001-2294054		10/01/2015	Tools		\$57.83
	6001-2294061		10/01/2015	PVC pipe		\$6.19
	6008-1141324		10/02/2015	Fertilizer, sealant, supplies		\$38.19
	6001-21114336		10/02/2015	Electrical supplies		\$6.59
				1000 - General Fund	\$829.90	
				1311 - Wharf Fund	\$91.38	
81868	10/09/2015	Open			PACIFIC GAS & ELECTRIC	\$16,244
	Invoice		Date	Description		Amount
	Sept2015		09/15/2015	Monthly Elec		\$15,703.04
	Sept2015acct5		09/15/2015	Pac Cove MHP Elec and Gas		\$541.87
				1000 - General Fund	\$8,323.56	
				1300 - SLESF - Supplemental Law Enforce	\$228.63	
				1310 - Gas Tax Fund	\$5,002.03	
				1311 - Wharf Fund	\$2,690.69	

Attachment: City Check Register October 9, 2015 (1124 : Approval of City Check Register Reports)

# City Checks Issued 10/09/2015

Check #	Invoice #	Status	Invoice Date	Description	Payee Name	Transaction Amo
81869	10/09/2015	Open			PESTICIDE APPLICATORS PROF ASS	\$215
	Invoice		Date	Description		Amount
	Oct2015		10/07/2015	PAPA Memberships plus 1 course registration		\$215.00
81870	10/09/2015	Open			PHIL ALLEGRI ELECTRIC INC.	\$859
	Invoice		Date	Description		Amount
	20187		08/21/2015	Streetlight repairs		\$859.77
81871	10/09/2015	Open			PRAXAIR DISTRIBUTION INC.	\$116
	Invoice		Date	Description		Amount
	53743290		09/20/2015	acetylene, industrial high pressure 100cf		\$116.57
81872	10/09/2015	Open			PREFERRED BENEFIT INSURANCE A	\$4,488
	Invoice		Date	Description		Amount
	EIA15468		10/01/2015	October dental & vision insurance		\$4,488.15
				1000 - General Fund	\$248.45	
				1001 - Payroll Payables	\$4,239.70	
81873	10/09/2015	Open			ROYAL WHOLESALE ELECTRIC	\$28
	Invoice		Date	Description		Amount
	7719-597300		09/28/2015	Cable ties		\$28.00
81874	10/09/2015	Open			SAN LORENZO LUMBER	\$48
	Invoice		Date	Description		Amount
	55-0111740		09/16/2015	Tarp		\$32.14
	55-0114822		09/28/2015	Fence post		\$16.20
81875	10/09/2015	Open			SANTA CRUZ COUNTY INFORMATIO	\$521
	Invoice		Date	Description		Amount
	SCCOct2015		09/30/2015	October SCAN Charges		\$521.99
81876	10/09/2015	Open			SIRCHIE	\$212
	Invoice		Date	Description		Amount
	0224211-in		09/22/2015	Evidence supplies		\$212.47
81877	10/09/2015	Open			SOQUEL CREEK WATER DISTRICT	\$573
	Invoice		Date	Description		Amount
	SCWDLateSept2015		09/24/2015	Monthly water use		\$573.13
81878	10/09/2015	Open			SUPPLYWORKS	\$980
	Invoice		Date	Description		Amount
	1698554-01		09/25/2015	Urinal screens		\$123.32
	1704059-00		10/02/2015	Cleaning supplies		\$857.24
81879	10/09/2015	Open			UNITED WAY OF SANTA CRUZ COUN	\$50
	Invoice		Date	Description		Amount
	UWSept2015		10/02/2015	United Way Contribution - Sept2015		\$50.00
				1001 - Payroll Payables		
81880	10/09/2015	Open			UPEC LIUNA LOCAL 792	\$1,275
	Invoice		Date	Description		Amount
	UPECduesSept2015		10/02/2015	UPEC Dues September		\$1,275.00
				1001 - Payroll Payables		

Attachment: City Check Register October 9, 2015 (1124 : Approval of City Check Register Reports)

# City Checks Issued 10/09/2015

Check #	Invoice #	Status	Invoice Date	Description	Payee Name	Transaction Amount
81881	10/09/2015	Open			US BANK PARS	\$138
	Invoice		Date	Description		Amount
	PARS10022015		10/02/2015	PARS 10-02-2015 paydate 1001 - Payroll Payables		\$138.41
81882	10/09/2015	Open			Eric Brouillette	\$10
	Invoice		Date	Description		Amount
	Brouil09302015		09/30/2015	Refund cite 166124132		\$10.00
81883	10/09/2015	Open			Heather Garvin	\$96
	Invoice		Date	Description		Amount
	Garvin09302015		09/30/2015	Refund cite 166123911		\$96.00
81884	10/09/2015	Open			Herbert Sandford III	\$10
	Invoice		Date	Description		Amount
	Sandford09302015		09/30/2015	Refund cite 166124504		\$10.00
81885	10/09/2015	Open			John Grady	\$96
	Invoice		Date	Description		Amount
	Grady09302015		09/30/2015	Refund cite 166123484		\$96.00
81886	10/09/2015	Open			Karl Heiman	\$33
	Invoice		Date	Description		Amount
	Heiman09302015		09/30/2015	Refund cite 177123759		\$33.00
81887	10/09/2015	Open			Rosa Ciprian	\$96
	Invoice		Date	Description		Amount
	Ciprian09302015		09/30/2015	Refund cite 155123951		\$96.00

Type Check Totals:

\$83,964

EFT

176	10/05/2015	Open			CalPERS Member Services Division	\$46,091
	Invoice		Date	Description		Amount
	PERS10022015		10/05/2015	PERS contributions 10/2/15 pay date		\$46,091.57
				1000 - General Fund	(\$0.14)	
				1001 - Payroll Payables	\$46,091.71	
177	10/05/2015	Open			EMPLOYMENT DEVELOPMENT DEPT	\$5,773
	Invoice		Date	Description		Amount
	EDD10022015		10/05/2015	STATE taxes 10-02-2015 paydate 1001 - Payroll Payables		\$5,773.84
178	10/05/2015	Open			INTERNAL REVENUE SERVICE	\$23,854
	Invoice		Date	Description		Amount
	IRS10022015		10/05/2015	Fed/Medicare 10-2-15 pay date 1001 - Payroll Payables		\$23,854.22

Type EFT Totals:

\$75,719

Attachment: City Check Register October 9, 2015 (1124 : Approval of City Check Register Reports)

# City Checks Issued 10/09/2015

Check #	Invoice #	Status	Invoice Date	Description	Payee Name	Transaction Amount
<b>CITY - Main City Totals</b>						
Checks				Count: 59		Total: \$83,964
EFTs				Count: 3		Total: \$75,719
All				Count: 62		Total: \$159,683

Attachment: City Check Register October 9, 2015 (1124 : Approval of City Check Register Reports)



Accounts payable checks dated 10/16/15 and numbered 81888 to 81912, totaling \$46,529.93, plus 0 EFTs for a total disbursement of \$46,529.93, have been reviewed and authorized for distribution by the City Manager.

As of 10/16/2015 the unaudited cash balance is \$3,980,817.22.

CASH POSITION - CITY OF CAPITOLA 10/16/2015

	<u>Net Balance</u>
General Fund	(\$245,933.92)
Payroll Payables	\$175,429.89
Contingency Reserve Fund	\$1,803,945.66
PERS Contingency Fund	\$0.00
Facilities Reserve Fund	\$79,870.00
Capital Improvement Fund	\$1,493,232.28
Stores Fund	\$22,146.09
Information Technology Fund	\$140,341.93
Equipment Replacement	\$128,995.83
Self Insurance Liability Fund	\$74,861.90
Worker's Comp. Ins. Fund	\$318,106.79
Compensated Absences Fund	(\$10,179.23)
TOTAL UNASSIGNED GENERAL FUNDS	<u>\$3,980,817.22</u>

The Emergency Reserve Fund Balance is \$1,049,205.54 (not included above).

  
 \_\_\_\_\_  
 Jamie Goldstein, City Manager

10/16/2015  
 \_\_\_\_\_  
 Date

\_\_\_\_\_  
 Christine McBroom, City Treasurer

\_\_\_\_\_  
 Date

Attachment: City Check Register October 16, 2015 (1124 : Approval of City Check Register Reports)

# City Checks Issued 10/16/2015

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
81888	10/16/2015	Open			ACCELA INC	\$1,080.00
	Invoice		Date	Description		Amount
	inv-acc13479		09/01/2015	Legislative Management subscriptions 2211 - ISF - Information Technology		\$1,080.00
81889	10/16/2015	Open			ASCE/AMERICAN SOCIETY OF CIVIL ENGINEERS	\$320.00
	Invoice		Date	Description		Amount
	1043148849		09/08/2015	ASCE 2016 Membership		\$320.00
81890	10/16/2015	Open			ATCHISON BARISONE & CONDOTTI	\$13,381.71
	Invoice		Date	Description		Amount
	ABC09302015		09/30/2015	General city attorney services		\$13,381.71
81891	10/16/2015	Open			B & B SMALL ENGINE REPAIR	\$896.15
	Invoice		Date	Description		Amount
	336091		10/07/2015	Sthil 362-25-cm chainsaw		\$896.15
81892	10/16/2015	Open			BIG CREEK LUMBER	\$152.22
	Invoice		Date	Description		Amount
	459604		10/07/2015	Wood for CPD motorcycle roof		\$152.22
81893	10/16/2015	Open			CA DEPARTMENT OF JUSTICE	\$153.00
	Invoice		Date	Description		Amount
	123554		10/05/2015	Employee background investigations		\$153.00
81894	10/16/2015	Open			CAROLYN FLYNN	\$5,302.50
	Invoice		Date	Description		Amount
	CBF9-2015		09/30/2015	Affordable housing project services		\$4,987.50
	CBF-9-2015-CDBG		09/30/2015	CDBG Program grant oversight and mana		\$315.00
				1000 - General Fund	\$1,365.00	
				1350 - CDBG Grants	\$315.00	
				5552 - Cap Hsg Succ- Program Income	\$3,622.50	
81895	10/16/2015	Open			DEPARTMENT OF HOUSING AND COMMUNITY DE	\$25.00
	Invoice		Date	Description		Amount
	HCD10092015		10/09/2015	Fee: Statement to Encumber - Joseph Tull 5552 - Cap Hsg Succ- Program Income		\$25.00
81896	10/16/2015	Open			Division of the State Architect	\$19.20
	Invoice		Date	Description		Amount
	July-Sept 2015		09/30/2015	Quarterly disability access and education f		\$19.20
81897	10/16/2015	Open			DORAN POLYGRAPH SERVICES	\$250.00
	Invoice		Date	Description		Amount
	2015932		10/09/2015	PD Pre-employment Polygraph		\$250.00
81898	10/16/2015	Open			eFolder Systems	\$125.00
	Invoice		Date	Description		Amount
	79147		09/30/2015	Monthly usage, replication and remote stor 2211 - ISF - Information Technology		\$125.00

Attachment: City Check Register October 16, 2015 (1124 : Approval of City Check Register Reports)

# City Checks Issued 10/16/2015

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
81899	10/16/2015	Open			ENTOMOLOGICAL CONSULTING SERVICES LTD	\$900.00
	Invoice		Date	Description		Amount
	Entomo10092015		10/09/2015	Rispin Mansion Entomological Consulting		\$900.00
81900	10/16/2015	Open			ERIK WALTER	\$12.00
	Invoice		Date	Description		Amount
	Walter10022015		10/02/2015	Payroll check returned fee		\$12.00
81901	10/16/2015	Open			EWING IRRIGATION	\$122.89
	Invoice		Date	Description		Amount
	452842		10/02/2015	Irrigation repair		\$86.45
	459414		10/03/2015	Topsoil		\$36.44
81902	10/16/2015	Open			GEORGE H WILSON INC	\$450.00
	Invoice		Date	Description		Amount
	000113520		10/05/2015	Annual service of Lawn Way pump		\$450.00
81903	10/16/2015	Open			GOVERNMENT FINANCE OFFICERS ASSOCIATION	\$190.00
	Invoice		Date	Description		Amount
	0142001-2015		09/28/2015	Membership Dues Finance Director		\$190.00
81904	10/16/2015	Open			H. MARCHESE - PETTY CASH CUSTODIAN	\$469.09
	Invoice		Date	Description		Amount
	PC-Oct2015		10/08/2015	Petty Cash Transactions 7/16-10/9/2015		\$469.09
81905	10/16/2015	Open			HYDROSCIENCE ENGINEERS INC.	\$970.00
	Invoice		Date	Description		Amount
	331006004		10/02/2015	2091 Wharf Road Stormwater Review #13		\$970.00
81906	10/16/2015	Open			JAMES P ALLEN	\$630.00
	Invoice		Date	Description		Amount
	092815		09/28/2015	Consulting aborists, technical support, tree		\$630.00
81907	10/16/2015	Open			PALACE OFFICE SUPPLIES	\$1,189.87
	Invoice		Date	Description		Amount
	336275-0		09/18/2015	index, pad, book, paper		\$41.23
	336824-0		09/23/2015	office supplies		\$285.66
	336823-0		09/23/2015	Office supplies		\$52.15
	335558-0		09/15/2015	office supplies		\$276.93
	337332-0		09/25/2015	office supplies		\$17.63
	337346-0		09/25/2015	office supplies		\$42.45
	337681-0		09/28/2015	Storage box, head set, pens		\$45.41
	338098-0		09/30/2015	Paper, tape dispenser, organizer, wasteba		\$154.89
	338041-0		09/30/2015	2016 calendars/planners		\$158.74
	336385-0		09/21/2015	Supplies		\$78.19
	338998-0		10/06/2015	postit notes, sheet protectors		\$36.59
				1000 - General Fund	\$622.24	
				2210 - ISF - Stores Fund	\$567.63	

Attachment: City Check Register October 16, 2015 (1124 : Approval of City Check Register Reports)

# City Checks Issued 10/16/2015

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
81908	10/16/2015	Open			PITNEY BOWES INC.	\$208.80
	Invoice		Date	Description		Amount
	385332		10/03/2015	Postage Machine rental period 7/1-9/30 2210 - ISF - Stores Fund		\$208.80
81909	10/16/2015	Open			SANTA CRUZ COUNTY AUDITOR-CONTROLLER	\$14,711.00
	Invoice		Date	Description		Amount
	SCCACSept2015		10/13/2015	Citation Surcharges Sept 2015		\$14,711.00
81910	10/16/2015	Open			SANTA CRUZ COUNTY G.S.D. WAREHOUSE	\$959.00
	Invoice		Date	Description		Amount
	GSDSept2015		09/15/2015	8 Tires P235/55R17		\$959.00
81911	10/16/2015	Open			STRELOW CONSULTING	\$3,915.00
	Invoice		Date	Description		Amount
	101502		10/01/2015	Monterey Ave Skate Park EIR		\$3,915.00
81912	10/16/2015	Open			TRENISE POT	\$97.50
	Invoice		Date	Description		Amount
	POT10142015		10/14/2015	Early Fall Instructor Payment 2015		\$37.70
	Pot10142015-2		10/14/2015	Early Fall Instructor Payment 2015		\$59.80
Type Check Totals:						\$46,529.93

**CITY - Main City Totals**

Checks	25	\$46,529.93
EFTs	0	0
All	25	\$46,529.93

Attachment: City Check Register October 16, 2015 (1124 : Approval of City Check Register Reports)

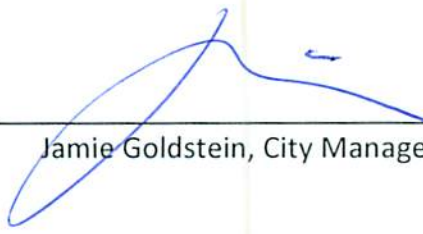
Accounts payable checks dated 10/23/15 and numbered 81913 to 81987, totaling \$108,56.37, plus 4 EFTs for a total disbursement of \$183,819.15, have been reviewed and authorized for distribution by the City Manager.

As of 10/23/2015 the unaudited cash balance is \$4,487,371.27.

CASH POSITION - CITY OF CAPITOLA 10/23/2015

	<u>Net Balance</u>
General Fund	\$338,362.21
Payroll Payables	\$100,167.04
Contingency Reserve Fund	\$1,803,945.66
PERS Contingency Fund	\$0.00
Facilities Reserve Fund	\$79,870.00
Capital Improvement Fund	\$1,493,232.28
Stores Fund	\$21,346.96
Information Technology Fund	\$138,661.83
Equipment Replacement	\$128,995.83
Self Insurance Liability Fund	\$74,861.90
Worker's Comp. Ins. Fund	\$318,106.79
Compensated Absences Fund	(\$10,179.23)
TOTAL UNASSIGNED GENERAL FUNDS	<u>\$4,487,371.27</u>

The Emergency Reserve Fund Balance is \$1,049,205.54 (not included above).

  
 \_\_\_\_\_  
 Jamie Goldstein, City Manager

10/23/2015  
 \_\_\_\_\_  
 Date

\_\_\_\_\_  
 Christine McBroom, City Treasurer

\_\_\_\_\_  
 Date

Attachment: City Check Register October 23, 2015 (1124 : Approval of City Check Register Reports)

# City Checks Issued 10/23/2015

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
81913	10/21/2015 Invoice WFsept2015	Open			WELLS FARGO BANK	\$5,000
			Date	Description	Amount	
			10/20/2015	September 2015 Statement	\$5,000.49	
				1000 - General Fund	\$4,321.25	
				1311 - Wharf Fund	\$153.19	
				1313 - General Plan Update and Maint	\$26.00	
				2210 - ISF - Stores Fund	\$24.95	
				2211 - ISF - Information Technology	\$475.10	
81914	10/23/2015 Invoice INV-ACC14350	Open			ACCELA INC	\$1,080.
			Date	Description	Amount	
			10/01/2015	legislative management software	\$1,080.00	
				2211 - ISF - Information Technology		
81915	10/23/2015 Invoice 2215	Open			ACCESS COMPLIANCE SERVICES	\$300.0
			Date	Description	Amount	
			10/02/2015	Building compliance consulting	\$300.00	
81916	10/23/2015 Invoice 1543	Open			ADAMS ASHBY GROUP LLC	\$840.0
			Date	Description	Amount	
			10/01/2015	Housing authority admin. correspondence	\$840.00	
				1350 - CDBG Grants		
81917	10/23/2015 Invoice 52	Open			AMY FERRASCI-HARP	\$1,292.0
			Date	Description	Amount	
			10/06/2015	newsletter, social networking, brochure, de	\$1,292.00	
				1321 - BIA - Capitola Village-Wharf BIA		
81918	10/23/2015 Invoice Dally09302015	Open			ANDREW DALLY	\$371.4
			Date	Description	Amount	
			09/30/2015	SBSLI training in San Diego	\$371.44	
81919	10/23/2015 Invoice 405813	Open			APTOS LANDSCAPE SUPPLY INC.	\$32.2
			Date	Description	Amount	
			10/14/2015	Wood chips	\$32.25	
81920	10/23/2015 Invoice 624-Oct2015 674-Oct2015	Open			AT&T	\$18.3
			Date	Description	Amount	
			10/01/2015	monthly long distance charges	\$4.92	
			10/01/2015	monthly long distance charges	\$13.39	
				1000 - General Fund	\$13.39	
				2211 - ISF - Information Technology	\$4.92	
81921	10/23/2015 Invoice 80681	Open			ATS SPORTS	\$425.5
			Date	Description	Amount	
			10/05/2015	Tennis nets	\$425.54	
81922	10/23/2015 Invoice 461004	Open			BIG CREEK LUMBER	\$356.4
			Date	Description	Amount	
			10/09/2015	Wood	\$356.40	
				1311 - Wharf Fund		

Attachment: City Check Register October 23, 2015 (1124 : Approval of City Check Register Reports)

# City Checks Issued 10/23/2015

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transacti Amo
81923	10/23/2015 Invoice 437193	Open	Date 10/16/2015	Description Dog Waste Bags	BIOBAG AMERICAS INC.	\$1,435.51
81924	10/23/2015 Invoice 27019247	Open	Date 10/02/2015	Description Music licensing	BROADCAST MUSIC INC.	\$335.00
81925	10/23/2015 Invoice 136904 137806	Open	Date 06/30/2015 09/29/2015	Description Parts for service to parking meter Sept active meters	CALE AMERICA INC.	\$1,987.96
81926	10/23/2015 Invoice 4450	Open	Date 09/18/2015	Description Keane Uniform	CALIFORNIA COAST UNIFORM COMP,	\$361.87
81927	10/23/2015 Invoice POA10-16-15	Open	Date 10/16/2015	Description POA DUES paydate 10-16-15 1001 - Payroll Payables	CAPITOLA PEACE OFFICERS ASSOCI	\$1,539.50
81928	10/23/2015 Invoice 14958	Open	Date 09/30/2015	Description Janitorial services 1000 - General Fund 1311 - Wharf Fund	CLEAN BUILDING MAINTENANCE	\$3,719.13
81929	10/23/2015 Invoice 467756	Open	Date 10/15/2015	Description Evidence bags	COAST PAPER & SUPPLY INC.	\$59.84
81930	10/23/2015 Invoice 2214	Open	Date 10/08/2015	Description September meetings	COMMUNITY TELEVISION OF SANTA I	\$450.00
81931	10/23/2015 Invoice CSsept2015	Open	Date 10/20/2015	Description drinking water	CRYSTAL SPRINGS WATER CO.	\$227.53
81932	10/23/2015 Invoice 93035487	Open	Date 09/28/2015	Description ArcGIS - Primary and secondary maintena 2211 - ISF - Information Technology	ENVIRONMENTAL SYSTEMS RESEAR	\$1,300.00
81933	10/23/2015 Invoice 4350164-2	Open	Date 10/09/2015	Description Plumbing supplies	FERGUSON ENTERPRISES INC.	\$41.86

Attachment: City Check Register October 23, 2015 (1124 : Approval of City Check Register Reports)

# City Checks Issued 10/23/2015

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transac Am
81934	10/23/2015	Open			FLYERS ENERGY LLC	\$2.47
	Invoice		Date	Description		Amount
	15-143793		10/02/2015	300 gallon ethanol		\$971.95
	15-143794		10/02/2015	140 gallon diesel		\$362.57
	15-146474		10/08/2015	80 gallons diesel		\$224.78
	15-146473		10/08/2015	283 gallons ethanol		\$916.88
81935	10/23/2015	Open			FREDERIC CHARLEBOIS	\$66.00
	Invoice		Date	Description		Amount
	charlebois101915		10/19/2015	Early Fall Instructor payment		\$66.00
81936	10/23/2015	Open			GEORGE H WILSON INC	\$285.00
	Invoice		Date	Description		Amount
	000113553		10/07/2015	Sept quarterly heater maintenance		\$285.00
81937	10/23/2015	Open			GRANITE ROCK COMPANY	\$184.00
	Invoice		Date	Description		Amount
	921027		10/10/2015	Concrete supplies		\$51.00
	921537		10/10/2015	Paving stones, gloves		\$133.88
81938	10/23/2015	Open			HOLLISTER HONDA	\$245.80
	Invoice		Date	Description		Amount
	160406		10/08/2015	2014 Honda service		\$245.80
81939	10/23/2015	Open			HOME DEPOT CREDIT SERVICES	\$1,514.00
	Invoice		Date	Description		Amount
	69680005670021		09/24/2015	cleaning/paint supplies		\$85.83
	1057278		09/20/2015	Graffiti paint		\$12.47
	4210504		09/17/2015	Light bulbs		\$62.44
	2225779		09/21/2015	Bench supplies		\$30.76
	5665427		09/22/2015	Light bulbs		\$62.72
	0105452		09/24/2015	Rubber mallet		\$19.83
	0294306		09/24/2015	Lag screws		\$18.56
	0109785		09/25/2015	Lags, rat traps, drill bits		\$34.68
	0592842		10/01/2015	Painting supplies		\$128.35
	5681838		09/28/2015	Cleaning supplies		\$26.98
	5894829		09/29/2015	Bench supplies		\$18.86
	0220574		10/01/2015	Signs, bits		\$17.20
	5820873		10/07/2015	Come Along, cable ties		\$45.69
	0542365		10/07/2015	Buckets, recycling bins		\$30.25
	2122356		10/13/2015	Asphalt emulsion - CH roof maintenance		\$101.28
	2122737		10/13/2015	Asphalt emulsion - CH roof maintenance		\$394.00
	6573219		10/05/2015	Spray paint/ hose repair		\$5.88
	8561990		10/13/2015	Toto flapper		\$15.14
	1023823		10/20/2015	Padlock and bolt cutters		\$47.60
	6593354		10/05/2015	30' - 3 outlet retractable cord, waterproofer		\$122.69
	6580995		10/05/2015	cleaner, tray liner		\$35.47
	3593654		10/08/2015	roller covers, wire frame, 5gallon buckets/s		\$114.80
	4022003		10/07/2015	1x1 strip lumber		\$4.18
	4021936		10/07/2015	lumber, pegboard		\$78.76
				1000 - General Fund	\$1,468.73	
				1311 - Wharf Fund	\$45.69	

Attachment: City Check Register October 23, 2015 (1124 : Approval of City Check Register Reports)



# City Checks Issued 10/23/2015

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
81940	10/23/2015	Open			ICMA RETIREMENT TRUST 457	\$5,560
	Invoice		Date	Description		Amount
	ICMA10-16-15		10/16/2015	ICMA 457 paydate 10-16-15 1001 - Payroll Payables		\$5,560.01
81941	10/23/2015	Open			JIM CLARK	\$112
	Invoice		Date	Description		Amount
	101215		10/13/2015	Backflow testing		\$112.00
81942	10/23/2015	Open			KBA Docusys Inc.	\$624
	Invoice		Date	Description		Amount
	INV375714		10/05/2015	monthly copier charges		\$443.57
	INV375713		10/05/2015	monthly copier charges		\$147.03
	INV374471		10/01/2015	Rec copier monthly charges		\$33.43
				1000 - General Fund	\$33.43	
				2211 - ISF - Information Technology	\$590.60	
81943	10/23/2015	Open			KING'S CLEANERS	\$427.25
	Invoice		Date	Description		Amount
	stmt10132015		10/13/2015	Uniform cleaning		\$427.25
81944	10/23/2015	Open			KINGS PAINT AND PAPER INC.	\$88.00
	Invoice		Date	Description		Amount
	A0225982		10/16/2015	CPD motorcycle shed paint		\$70.80
	A0225983		10/16/2015	CPD Drop cloth		\$17.27
81945	10/23/2015	Open			LAW ENFORCEMENT PSYCHOLOGICAL	\$375.00
	Invoice		Date	Description		Amount
	1510164		10/08/2015	psychological assessment		\$375.00
81946	10/23/2015	Open			LOOMIS	\$513.95
	Invoice		Date	Description		Amount
	11686938		09/30/2015	Armored car service		\$513.95
81947	10/23/2015	Open			LP POLICE	\$2.99
	Invoice		Date	Description		Amount
	1015LP31150		10/01/2015	Moreno search on case		\$2.99
81948	10/23/2015	Open			MAR-KEN K-9 TRAINING CENTER	\$480.00
	Invoice		Date	Description		Amount
	0498-15		10/13/2015	Oct 2015 K-9 training		\$480.00
81949	10/23/2015	Open			MASTER CAR WASH	\$144.00
	Invoice		Date	Description		Amount
	stmt09302015		09/30/2015	Vehicle cleaning Sept 2015		\$144.00
81950	10/23/2015	Open			MBS BUSINESS SYSTEMS	\$1,188.38
	Invoice		Date	Description		Amount
	252931		09/29/2015	quarterly copier charges		\$1,188.38

Attachment: City Check Register October 23, 2015 (1124 : Approval of City Check Register Reports)

# City Checks Issued 10/23/2015

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transac Am
81951	10/23/2015	Open			MILLER'S TRANSFER & STORAGE CO	\$25
	Invoice		Date	Description		Amount
	87151		10/03/2015	Monthly record storage and handling		\$257.65
81952	10/23/2015	Open			MISSION LINEN SUPPLY	\$311
	Invoice		Date	Description		Amount
	501014664		09/30/2015	mat cleaning		\$43.50
	501014667		09/30/2015	linen service, mat cleaning		\$87.61
	501014666		09/30/2015	linen service		\$30.46
	500968064		09/23/2015	mat cleaning		\$149.79
81953	10/23/2015	Open			NATIONAL RECREATION & PARKS AS	\$165
	Invoice		Date	Description		Amount
	NRPA10312015		10/21/2015	Membership #41457- Elise Legare Recrea		\$165.00
81954	10/23/2015	Open			O'REILLY AUTO PARTS	\$138
	Invoice		Date	Description		Amount
	2763-147077		10/05/2015	oil and fuel filters qty:26		\$138.31
81955	10/23/2015	Open			ORCHARD SUPPLY HARDWARE	\$315
	Invoice		Date	Description		Amount
	6012-294056		10/01/2015	Wheel barrow tires - pilings		\$30.97
	6008-3382299		10/06/2015	Water shutoffs		\$34.07
	6008-9872712		10/08/2015	Sign supplie		\$10.32
	6008-1442955		10/09/2015	Long pin set		\$10.32
	6001-16123309		10/09/2015	Sign supplies		\$41.28
	6014-1173782		10/10/2015	Safety glasses		\$9.49
	6010-3526648		10/13/2015	Plumbing supplies		\$12.39
	60010-3524444		10/02/2015	parking meter cleaning supplies		\$45.38
	6010-1175024		10/05/2015	Painting supplies		\$8.85
	6007-9872603		10/13/2015	Graffiti paint		\$3.09
	6012-1146521		10/14/2015	Straps		\$44.40
	6012-1146545		10/14/2015	Stucco anchor		\$5.88
	6014-5074149		10/15/2015	Saw		\$10.32
	6010-1987399		10/16/2015	Paint brushes		\$33.55
	6010-1988007		10/20/2015	Stencil kits		\$14.72
				1000 - General Fund	\$284.06	
				1311 - Wharf Fund	\$30.97	
81956	10/23/2015	Open			PALACE OFFICE SUPPLIES	\$94.
	Invoice		Date	Description		Amount
	338887-0		10/07/2015	ink pad refill		\$7.34
	338892-0		10/07/2015	self inking stamp		\$22.83
	340454-0		10/15/2015	office supplies		\$46.27
	338061-0		09/30/2015	Office supplies		\$18.48
				1000 - General Fund	\$64.75	
				2210 - ISF - Stores Fund	\$30.17	
81957	10/23/2015	Open			PHIL ALLEGRI ELECTRIC INC.	\$90.00
	Invoice		Date	Description		Amount
	20329		10/09/2015	yearly maint. sewer pumps at lawn station		\$90.00

Attachment: City Check Register October 23, 2015 (1124 : Approval of City Check Register Reports)

# City Checks Issued 10/23/2015

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
81958	10/23/2015 Invoice 57421	Open			PLACEWORKS	\$2,006.2
			Date	Description		Amount
			09/30/2015	Draft Zoning Code Update 1313 - General Plan Update and Maint		\$2,006.25
81959	10/23/2015 Invoice COMM913	Open			R & S ERECTION OF MONTEREY BAY	\$189.0
			Date	Description		Amount
			10/14/2015	#2 bay door repair		\$189.00
81960	10/23/2015 Invoice 7719-597832 7719-597836	Open			ROYAL WHOLESALE ELECTRIC	\$134.5
			Date	Description		Amount
			10/15/2015	Emergency lights		\$104.40
			10/15/2015	AC volt detector		\$30.18
81961	10/23/2015 Invoice 2015-16-15	Open			SALINAS VALLEY SOLID WASTE AUTI	\$5,000.0
			Date	Description		Amount
			09/01/2015	FY15/16 contribution to Central Coast Rec		\$5,000.00
81962	10/23/2015 Invoice 1stQTRfy15-16	Open			SANTA CRUZ COUNTY CONFERENCE	\$40,506.3
			Date	Description		Amount
			09/30/2015	1st QTR FY 15/16 TMD		\$40,506.35
81963	10/23/2015 Invoice 28785	Open			SANTA CRUZ COUNTY DEPT OF PUBI	\$293.0
			Date	Description		Amount
			09/30/2015	Recycling hazardous waste		\$293.00
81964	10/23/2015 Invoice 94460 94448	Open			SANTA CRUZ FIRE EQUIPMENT CO.	\$352.5
			Date	Description		Amount
			10/01/2015	Annual fire extinguisher maintenance		\$92.00
			10/15/2015	AnnuaK Maintenance of fire equipment		\$260.58
81965	10/23/2015 Invoice I-13066	Open			SANTA CRUZ OCCUPATIONAL MEDIC	\$209.0
			Date	Description		Amount
			03/31/2015	Rob Bunter pre-employment physical		\$209.00
81966	10/23/2015 Invoice stmt908741	Open			SANTA CRUZ SENTINEL	\$120.8
			Date	Description		Amount
			09/30/2015	Rispin Park Project - legal announcement		\$120.80
81967	10/23/2015 Invoice 1516-1	Open			SCOTTS VALLEY FIRE PROTECTION I	\$5,005.0
			Date	Description		Amount
			10/01/2015	Hazmat Interagency Team Contribution pe		\$5,005.00
81968	10/23/2015 Invoice 297780	Open			SENTINEL PRINTERS, INC.	\$407.8
			Date	Description		Amount
			10/05/2015	Notice of correction forms		\$407.81
81969	10/23/2015 Invoice 8036123029	Open			STAPLES ADVANTAGE	\$107.1
			Date	Description		Amount
			09/26/2015	Office supplies		\$107.13

Attachment: City Check Register October 23, 2015 (1124 : Approval of City Check Register Reports)

# City Checks Issued 10/23/2015

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
81970	10/23/2015	Open			STEPFORD INC	\$5,232.5
	Invoice		Date	Description		Amount
	1501927		09/20/2015	Tech support - August 2015		\$232.50
	1501664		07/20/2015	Tech Support - September 2015		\$5,000.00
				2211 - ISF - Information Technology		
81971	10/23/2015	Open			SUMMIT UNIFORM CORP	\$365.4
	Invoice		Date	Description		Amount
	25166		09/08/2015	Booth Class A hat		\$182.70
	25736		09/24/2015	Sandretti Class A hat		\$182.70
81972	10/23/2015	Open			T MOBILE	\$3,173.3
	Invoice		Date	Description		Amount
	94759066-Sept15		09/30/2015	Cell phone service		\$3,173.37
81973	10/23/2015	Open			THE CLEANING MACHINE INC.	\$570.0
	Invoice		Date	Description		Amount
	5991		10/01/2015	Village sidewalks		\$570.00
81974	10/23/2015	Open			THE WESTGATE HOTEL	\$371.2
	Invoice		Date	Description		Amount
	6223814		10/08/2015	Dally SLI - confirmation #6223814		\$371.25
81975	10/23/2015	Open			TRI-COUNTY BUSINESS SYSTEMS INC	\$1,099.0
	Invoice		Date	Description		Amount
	CNIN074951		09/28/2015	quarterly printing charges		\$1,099.07
81976	10/23/2015	Open			US BANCORP EQUIPMENT FINANCE I	\$1,636.7
	Invoice		Date	Description		Amount
	289067555		10/04/2015	Contract payments for Sept and Oct 2015		\$1,636.71
81977	10/23/2015	Open			US BANK PARS	\$133.2
	Invoice		Date	Description		Amount
	PARS10-10-15		10/16/2015	PARS payday 10-16-15		\$133.21
				1001 - Payroll Payables		
81978	10/23/2015	Open			WESTERN EXTERMINATOR COMPAN'	\$52.0
	Invoice		Date	Description		Amount
	3531985		09/30/2015	Rodent control		\$52.00
81979	10/23/2015	Open			ZEE MEDICAL SERVICE CO.	\$40.5
	Invoice		Date	Description		Amount
	66431828		10/08/2015	hand sanitizer refills and dispenser		\$40.50
				2210 - ISF - Stores Fund		
81980	10/23/2015	Open			Blanchette Construction	\$1,820.0
	Invoice		Date	Description		Amount
	Blanchette101615		10/16/2015	15-104 416 Monterey Demolition and New		\$1,820.00

Attachment: City Check Register October 23, 2015 (1124 : Approval of City Check Register Reports)

# City Checks Issued 10/23/2015

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transact Amc
81981	10/23/2015 Invoice Castillo10162015	Open			Cesar Castillo	\$1,580
			Date	Description		Amount
			10/20/2015	Refunds from Planning Dept		\$1,580.00
81982	10/23/2015 Invoice chase10152015	Open			Clara Chase	\$86
			Date	Description		Amount
			10/15/2015	refund cite 155126170		\$86.00
81983	10/23/2015 Invoice 2016-00000336	Open			Nick Manley	\$500
			Date	Description		Amount
			10/20/2015	Refunds from Planning Dept		\$500.00
81984	10/23/2015 Invoice Jain10202015	Open			Rahul Jain	\$132
			Date	Description		Amount
			10/20/2015	Refund cite 155125891		\$132.00
81985	10/23/2015 Invoice RTC10122015	Open			Regional Training Center	\$188
			Date	Description		Amount
			10/12/2015	Booth Supervisor class		\$188.00
81986	10/23/2015 Invoice SMCS10212015	Open			San Mateo County Sheriff	\$350
			Date	Description		Amount
			10/21/2015	Keane driver training		\$350.00
81987	10/23/2015 Invoice SW10162015	Open			Sobriety Works	\$60
			Date	Description		Amount
			10/20/2015	15-110 154 Cortez Street CUP for sobriety		\$60.00

Attachment: City Check Register October 23, 2015 (1124 : Approval of City Check Register Reports)

# City Checks Issued 10/23/2015

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transac Amount	Count
Type Check Totals:						\$108,555	7
<u>EFT</u>							
180	10/19/2015	Open			CalPERS Member Services Division	\$45,350.62	5
	Invoice		Date	Description		Amount	
	PERS10-16-15		10/19/2015	PERs contributions paydate 10-16-15		\$45,350.55	
				1000 - General Fund	(\$0.07)		
				1001 - Payroll Payables	\$45,350.62		
181	10/19/2015	Open			EMPLOYMENT DEVELOPMENT DEPT	\$5,816.28	8
	Invoice		Date	Description		Amount	
	EDD10-16-15		10/19/2015	STATE tax paydate 10-16-15		\$5,816.28	
				1001 - Payroll Payables			
182	10/19/2015	Open			INTERNAL REVENUE SERVICE	\$22,873.68	3
	Invoice		Date	Description		Amount	
	IRS10-16-15		10/19/2015	Fed Tax paydate 10-16-15		\$22,873.68	
				1001 - Payroll Payables			
183	10/19/2015	Open			STATE DISBURSEMENT UNIT	\$1,222.27	7
	Invoice		Date	Description		Amount	
	SDU10-16-15		10/19/2015	GARNISHMENT paydate 10-16-15		\$1,222.27	
				1001 - Payroll Payables			
Type EFT Totals:						\$75,262	3

Attachment: City Check Register October 23, 2015 (1124 : Approval of City Check Register Reports)

**CITY - Main City Totals**

Checks	Count: 75	Total: \$108,555
EFTs	Count: 4	Total: \$75,262
All	Count: 79	Total: \$183,817

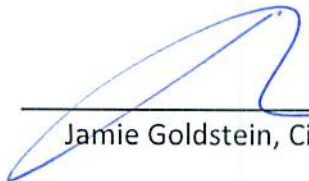
Accounts payable checks dated 10/30/15 and numbered 81988 to 82028, totaling \$82,191.51, plus 1 EFT, 14 payroll checks and 84 payroll EFTs, for a total disbursement of \$237,023.64, have been reviewed and authorized for distribution by the City Manager.

As of 10/30/2015 the unaudited cash balance is \$4,266,630.93.

CASH POSITION - CITY OF CAPITOLA 10/30/2015

	<u>Net Balance</u>
General Fund	\$57,302.81
Payroll Payables	\$169,705.71
Contingency Reserve Fund	\$1,803,945.66
PERS Contingency Fund	\$0.00
Facilities Reserve Fund	\$79,870.00
Capital Improvement Fund	\$1,494,232.28
Stores Fund	\$20,230.37
Information Technology Fund	\$129,558.81
Equipment Replacement	\$128,995.83
Self Insurance Liability Fund	\$74,861.90
Worker's Comp. Ins. Fund	\$318,106.79
Compensated Absences Fund	(\$10,179.23)
TOTAL UNASSIGNED GENERAL FUNDS	<u><u>\$4,266,630.93</u></u>

The Emergency Reserve Fund Balance is \$1,049,205.54 (not included above).

  
\_\_\_\_\_  
Jamie Goldstein, City Manager

10/30/2015  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Christine McBroom, City Treasurer

\_\_\_\_\_  
Date

Attachment: City Check Register October 30, 2015 (1124 : Approval of City Check Register Reports)

# City Checks Issued 10/30/2015

Check#	Invoice#	Status	Invoice Date	Description	Payee Name	Transaction Amount
81988	10/30/2015	Open			AFLAC	\$1,662.27
	Invoice		Date	Description		Amount
	Aflac10302015		10/30/2015	AFLAC Oct 2015 1001 - Payroll Payables		\$1,662.27
81989	10/30/2015	Open			ALLSAFE LOCK COMPANY	\$24.36
	Invoice		Date	Description		Amount
	47682		10/22/2015	Keys		\$24.36
81990	10/30/2015	Open			AUTOMATION TEST ASSOCIATES	\$25.00
	Invoice		Date	Description		Amount
	42911		10/22/2015	Meter reading Capitola Wharf 1311 - Wharf Fund		\$25.00
81991	10/30/2015	Open			BANK OF AMERICA	\$16.00
	Invoice		Date	Description		Amount
	BOA10152015		10/15/2015	Analysis Charge September 2015		\$16.00
81992	10/30/2015	Open			BOOTH, MARQUIS	\$437.06
	Invoice		Date	Description		Amount
	Booth10232015-1		10/23/2015	Supervisor school expenses 10/11-23		\$232.71
	Booth10232015-2		10/23/2015	supervisor school expenses continued		\$204.35
81993	10/30/2015	Open			CA DEPARTMENT OF TRANSPORTATI	\$1,246.22
	Invoice		Date	Description		Amount
	SL160159		10/13/2015	Signals & Lighting-July 2015- Sept 2015 1310 - Gas Tax Fund		\$1,246.22
81994	10/30/2015	Open			CALE AMERICA INC.	\$209.49
	Invoice		Date	Description		Amount
	138007		10/13/2015	Decals for meters		\$209.49
81995	10/30/2015	Open			CALIFORNIA LAW ENFORCEMENT AS	\$514.50
	Invoice		Date	Description		Amount
	CLEA10222015		11/01/2015	November POA LTD 1001 - Payroll Payables		\$514.50
81996	10/30/2015	Open			COMMUNITY ACTION BOARD	\$10,066.67
	Invoice		Date	Description		Amount
	CAB10082015		10/08/2015	Emergency Housing Assistance Program I 5552 - Cap Hsg Succ- Program Income		\$10,066.67
81997	10/30/2015	Open			DONALD W ALLEY	\$4,932.34
	Invoice		Date	Description		Amount
	1015-02		10/18/2015	Fish & Wildlife Monitoring of Soquel Creek		\$4,932.34
81998	10/30/2015	Open			EWING IRRIGATION	\$122.69
	Invoice		Date	Description		Amount
	516629		10/15/2015	Erosion control supplies		\$116.11
	523137		10/16/2015	Irrigation repair supplies		\$6.58

Attachment: City Check Register October 30, 2015 (1124 : Approval of City Check Register Reports)



# City Checks Issued 10/30/2015

8.B.5

Check#	Invoice#	Status	Invoice Date	Description	Payee Name	Transaction Amount
81999	10/30/2015	Open			GEORGE McMENAMIN	\$130.00
	Invoice		Date	Description		Amount
	611 Riverview-1		10/08/2015	Riparian Restoration 15/16		\$130.00
82000	10/30/2015	Open			HARRIS & ASSOCIATES	\$140.00
	Invoice		Date	Description		Amount
	29507_a		09/08/2001	Design Services-Park Avenue Sidewalk Pr 1200 - Capital Improvement Fund		\$140.00
82001	10/30/2015	Open			HOUSING AUTHORITY OF THE COUN'	\$3,588.99
	Invoice		Date	Description		Amount
	HA10072015		10/07/2015	Sept CDBG housing rehab assistance		\$1,343.46
	HA09082015		09/08/2015	August CDBG housing rehab assistance 1350 - CDBG Grants		\$2,245.53
82002	10/30/2015	Open			INTERSTATE SALES	\$184.33
	Invoice		Date	Description		Amount
	11586		10/05/2015	E-Z Kote		\$184.33
82003	10/30/2015	Open			iWorQ	\$3,875.00
	Invoice		Date	Description		Amount
	6819		07/01/2015	CDD software & support annual cost 1317 - Technology Fee Fund		\$3,875.00
82004	10/30/2015	Open			JOHN'S ELECTRIC MOTOR SERVICE	\$56.91
	Invoice		Date	Description		Amount
	12720		10/26/2015	Motor repair		\$56.91
82005	10/30/2015	Open			KIMLEY-HORN AND ASSOCIATES INC	\$12,381.50
	Invoice		Date	Description		Amount
	7147853		09/30/2015	Hill Street Pedestrian Improvements		\$2,107.60
	7144071		09/30/2015	Capitola roundabout Sept 2015		\$2,456.80
	7106125		09/30/2015	Stockton Avenue Bridge Parkway Design		\$7,008.00
	7143028		09/30/2015	PS&E Rispin Park ADA Path 1200 - Capital Improvement Fund		\$809.10
82006	10/30/2015	Open			LARRY LAURENT	\$245.36
	Invoice		Date	Description		Amount
	Laurent10222015		10/22/2015	Calpelra Training Conference expenses 1300 - SLESF - Supplemental Law		\$245.36
82007	10/30/2015	Open			LC ACTION POLICE SUPPLY LTD	\$5,634.48
	Invoice		Date	Description		Amount
	331051		05/22/2015	Guns		\$5,634.48
82008	10/30/2015	Open			LIFE INSURANCE CO OF NORTH AME	\$2,299.84
	Invoice		Date	Description		Amount
	CIGNA10012015		10/30/2015	October 2015 LTD/STD/Life/AD&D		\$2,299.84
				1000 - General Fund	(\$0.44)	
				1001 - Payroll Payables	\$2,300.28	

Attachment: City Check Register October 30, 2015 (1124 : Approval of City Check Register Reports)

# City Checks Issued 10/30/2015

8.B.5

Check#	Invoice#	Status	Invoice Date	Description	Payee Name	Transaction Amount
82009	10/30/2015	Open			LIUNA PENSION FUND	\$1,123.20
	Invoice		Date	Description		Amount
	LIUNA10302015		10/30/2015	LIUNA - October 2015		\$1,123.20
82010	10/30/2015	Open			LIZ NICHOLS	\$333.65
	Invoice		Date	Description		Amount
	Nichols10222015		10/22/2015	Calpelra Conference		\$333.65
82011	10/30/2015	Open			METRO MOBILE COMMUNICATIONS	\$2,381.34
	Invoice		Date	Description		Amount
	37463		10/20/2015	Portable radio		\$928.49
	36959		10/01/2015	Sloma helmet		\$1,452.85
				1300 - SLESF - Supplemental Law		
82012	10/30/2015	Open			MUNISERVICES LLC	\$524.70
	Invoice		Date	Description		Amount
	39261		10/16/2015	sales tax audit services		\$351.22
	39262		10/16/2015	District sales tax audit services		\$173.48
82013	10/30/2015	Open			NICHOLS CONSULTING ENGINEERS (	\$15,600.00
	Invoice		Date	Description		Amount
	303055504		10/13/2015	Pavement management topographic surge		\$15,600.00
				1200 - Capital Improvement Fund		
82014	10/30/2015	Open			PESTICIDE APPLICATORS PROF ASS	\$125.00
	Invoice		Date	Description		Amount
	Kotila10292015		10/29/2015	PAPA training seminar 11-18-15		\$125.00
82015	10/30/2015	Open			PK SAFETY SUPPLY	\$269.26
	Invoice		Date	Description		Amount
	268961		10/20/2015	Safety gear		\$269.26
82016	10/30/2015	Open			QUENVOLD'S SAFETY SHOEMOBILES	\$2,010.80
	Invoice		Date	Description		Amount
	56497		10/16/2015	Safety shoes		\$2,010.80
82017	10/30/2015	Open			ROYAL WHOLESALE ELECTRIC	\$503.51
	Invoice		Date	Description		Amount
	7719-597928		10/20/2015	corp yard lights		\$503.51
82018	10/30/2015	Open			SANFORD OLSON AND SCALES LLC	\$2,000.00
	Invoice		Date	Description		Amount
	1001		10/02/2015	Use of Force tracking company		\$2,000.00
82019	10/30/2015	Open			SANTA CRUZ MUNICIPAL UTILITIES	\$1,052.07
	Invoice		Date	Description		Amount
	SCMU10132015		10/21/2015	WATER BILLS FOR STREET MEDIANS		\$1,052.07
82020	10/30/2015	Open			SUPPLYWORKS	\$1,172.69
	Invoice		Date	Description		Amount
	1711133-00		10/16/2015	Cleaning supplies		\$1,172.69

Attachment: City Check Register October 30, 2015 (1124 : Approval of City Check Register Reports)

# City Checks Issued 10/30/2015

8.B.5

Check#	Invoice#	Status	Invoice Date	Description	Payee Name	Transaction Amount
82021	10/30/2015	Open			UNITED PARCEL SERVICE	\$23.72
	Invoice		Date	Description		Amount
	0000954791435		10/24/2015	Shipping		\$23.72
82022	10/30/2015	Open			UNITED STATES POSTAL SERVICE	\$5,100.00
	Invoice		Date	Description		Amount
	6754W		10/27/2015	Postage for Mailing of Winter brochure		\$5,100.00
82023	10/30/2015	Open			UNITED WAY OF SANTA CRUZ COUN	\$75.00
	Invoice		Date	Description		Amount
	UnitedWay103015		10/30/2015	UNITED WAY - Oct 2015 1001 - Payroll Payables		\$75.00
82024	10/30/2015	Open			UPEC LIUNA LOCAL 792	\$1,275.00
	Invoice		Date	Description		Amount
	UPEC10302015		10/30/2015	UPEC - Oct 2015 1001 - Payroll Payables		\$1,275.00
82025	10/30/2015	Open			WATSONVILLE BLUEPRINT	\$68.56
	Invoice		Date	Description		Amount
	56989		10/26/2015	prints		\$29.65
	57053		10/27/2015	prints		\$38.91
82026	10/30/2015	Open			Baycreek LLC	\$250.00
	Invoice		Date	Description		Amount
	10-16-15		10/16/2015	Temp Parking Lot Use Extension-Bay Ave 1200 - Capital Improvement Fund		\$250.00
82027	10/30/2015	Open			Holly Shanley	\$10.00
	Invoice		Date	Description		Amount
	Shanley10272015		10/27/2015	Refund 244451		\$10.00
82028	10/30/2015	Open			Nature First Tree Care Inc	\$500.00
	Invoice		Date	Description		Amount
	NFTC110262015		10/26/2015	Tree Removal Application #15-145 (old ap		\$500.00
Type Check Totals:						\$82,191.51
<b>EFT</b>						
184	10/26/2015	Open			DISCOVERY BENEFITS	\$135.00
	Invoice		Date	Description		Amount
	579208-IN		09/30/2015	Cobra and FSA September		\$135.00
Type EFT Totals:						\$135.00

Attachment: City Check Register October 30, 2015 (1124 : Approval of City Check Register Reports)

# City Checks Issued 10/30/2015

8.B.5

Check#	Invoice#	Status	Invoice Date	Description	Payee Name	Transaction Amount
<b>CITY - Main City Totals</b>						
Checks				Count: 41		Total: \$82191.51
EFTs				Count: 1		Total: \$135
All				Count: 42		Total: \$82326.51
<b>WELLS - Payroll Totals</b>						
Checks				Count: 14		Total: \$9077.9
EFTs				Count: 84		Total: \$145619.23
All				Count: 98		Total: \$154697.13
<b>Grand Totals:</b>						
Checks				Count: 55		Total: \$91269.41
EFTs				Count: 85		Total: \$145754.23
All				Count: 140		Total: \$237023.64

Attachment: City Check Register October 30, 2015 (1124 : Approval of City Check Register Reports)



# CITY COUNCIL AGENDA REPORT

**MEETING OF NOVEMBER 24, 2015**

FROM: Finance Department

SUBJECT: Quarterly Financial Reports - First Quarter Budget and Fourth Quarter Sales Tax Report

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RECOMMENDED ACTION: Receive the First Quarter Fiscal Year 2015/2016 Budget Report and Fourth Quarter Fiscal Year 2014/2015 Sales Tax Report.

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

- First Quarter Budget Report: July 1, 2015, to September 30, 2015.
- Fourth Quarter Sales Tax Report: April 1, 2015, to June 30, 2015.

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 2015/2016 Budget Report
2. Fourth Quarter 2014/2015 Sales Tax Report

Report Prepared By: Mark Welch  
Finance Director

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

Jamie Goldstein, City Manager

11/19/2015



## Budget Report First Quarter – FY15/16

### Overview:

This report summarizes the City's overall financial position for the current fiscal year through September 2015. Except as noted below, revenue and operating expenditures are generally consistent with annual projections.

### Revenue

	Budget	Actual Amount	% Received	Prev Year Actual Amount	Annual % Change
Charges for services	1,940,700	721,878	37%	783,671	-9%
Fines and forfeitures	720,000	145,813	20%	159,173	-9%
Intergovernmental revenues	178,793	23,994	13%	12,949	46%
Licenses and permits	247,950	66,957	27%	57,589	14%
Other revenues	67,400	32,389	48%	31,582	2%
Taxes	11,603,200	822,515	7%	756,844	8%
Business license taxes	283,700	4,722	2%	4,402	7%
Franchise taxes	526,900	20,543	4%	18,895	8%
Other Taxes	50,000	-	0%	-	0%
Property Taxes	1,972,500	3,860	0%	2,910	25%
Sales and use taxes	5,325,900	278,200	5%	270,700	3%
Sales and use taxes - District	2,164,000	148,400	7%	143,600	3%
Transient occupancy taxes	1,280,200	366,791	29%	316,338	14%
Use of money & property	59,100	2,956	5%	5,956	-101%
<b>Grand Total</b>	<b>14,817,143.00</b>	<b>1,816,502.47</b>	<b>12%</b>	<b>1,807,763.10</b>	<b>0.48%</b>

The City's major revenue sources continue to be strong. We projected a 2.5% increase with current collections 3% above the same time last year. We currently show a reduction in Charges for Services and Fines and Forfeitures but those are seasonal and not consistent from quarter to quarter. Overall the revenue collections have increased from the first quarter of 2014 and are in line with the budget projections.

### Expenses by Department

Row Labels	2015/16 Budget	Actual Amount	Prev Year Actual Amount
Community Development	778,969.00	179,210.67	140,474.66
Culture and Recreation	1,679,284.00	570,391.28	458,866.76
General Government	2,263,462.00	549,532.41	448,944.27
Transfers	2,736,922.00	0.00	70,961.61
Public Safety	6,333,000.00	1,837,555.82	1,348,096.24
Transportation	1,717,465.00	410,183.02	363,677.80
<b>Grand Total</b>	<b>15,509,102.00</b>	<b>3,546,873.20</b>	<b>2,831,021.34</b>

Expenses by Category

Row Labels	2015/16 Budget	Actual Amount	Prev Year Actual Amount
Capital outlay	5,000.00	0.00	0.00
Contract services	2,760,000.00	817,968.54	631,840.28
Grants and Subsidies	277,296.00	0.00	0.00
Internal service fund charges	954,500.00	238,625.00	212,661.75
Other financing uses	2,459,626.00	0.00	70,961.61
Personnel	8,383,075.00	2,311,242.16	1,765,791.98
Employee benefits	2,548,243.00	1,081,957.26	505,986.27
Wages and overtime	5,834,832.00	1,229,284.90	1,259,805.71
Supplies	552,400.00	144,548.43	124,421.59
Training & Memberships	93,225.00	23,393.01	25,344.13
<b>Grand Total</b>	<b>15,485,122.00</b>	<b>3,535,777.14</b>	<b>2,831,021.34</b>

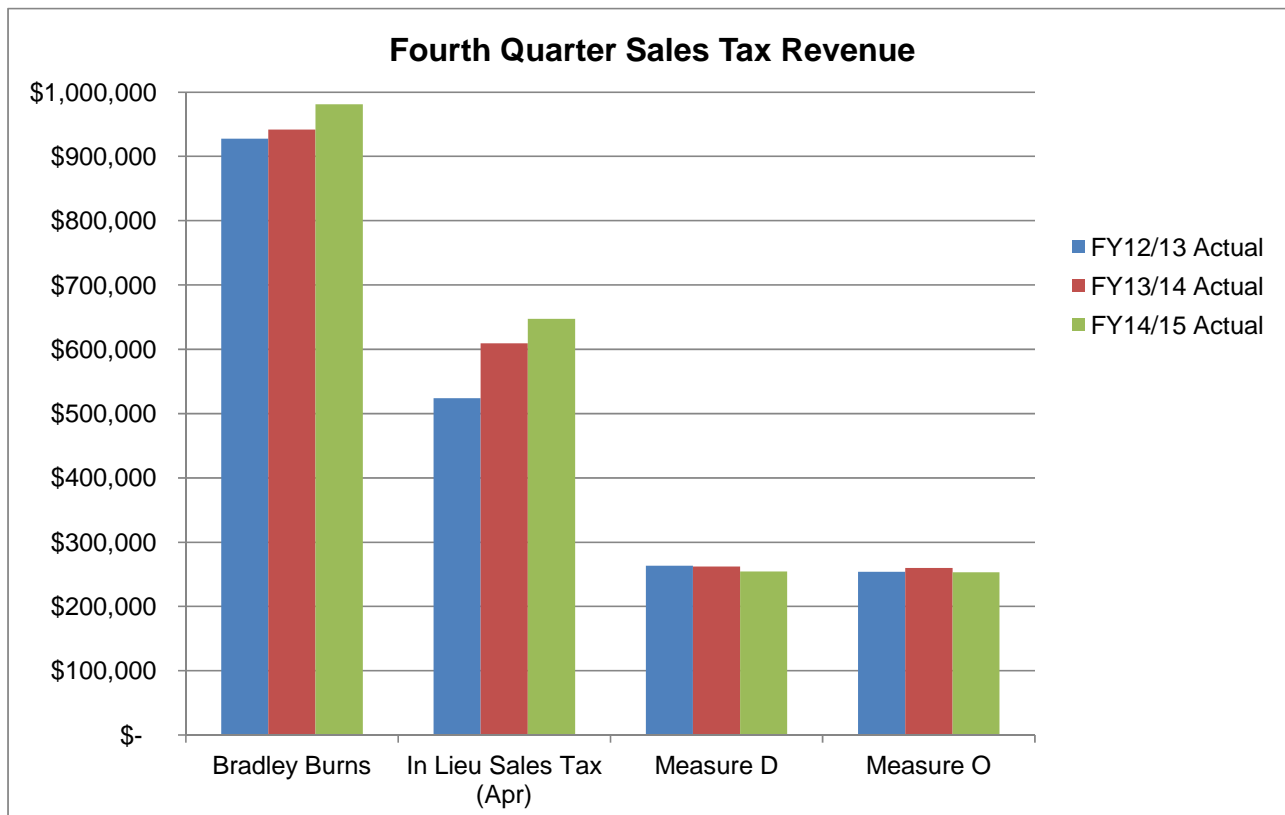
Our Expenses continue to track with the Adopted Budget. The increase from the prior year can be attributed to our yearly payment of the Unfunded Actuarial Liability to CalPERS. As the year progresses the Employee Benefit line item will not grow as quickly since we are not making monthly payments. The transfer line item is transferred from the General Fund on a Semi Annual basis.



## Sales Tax Revenue Report Fourth Quarter – Fiscal Year 14/15

Total sales tax receipts for the fourth quarter of FY14/15 were \$2,136,126, which is \$27,774 or 1.3% under budget and \$63,188 or 3% higher than the prior year. The Bradley-Burns component generated \$981,123 in revenues and is \$3,923 or 0.4% over budget and \$39,590 or 4.2% higher than the prior year. In Lieu sales tax receipts totaling \$647,564 matched the budget and is \$38,373 or 6.3% higher than last year. Measure D produced \$254,282 in receipts, which is \$16,618 or 6.1% under budget and \$7,908 or 3% less than the fourth quarter of last year. Measure O contributed \$253,157 in revenues, which is \$15,043 or 5.6% under budget and \$6,867 or 2.6% lower than the prior year. A table and graph showing the fourth quarter sales tax results are shown below.

<b>Fourth Quarter Sales Tax Revenue Analysis</b>								
Description	FY12/13 Actual	FY13/14 Actual	FY14/15 Budget	FY14/15 Actual	Actual vs. Budget		Actual vs. Prior	
					Amount	%	Amount	%
Bradley Burns	\$ 927,382	\$ 941,533	\$ 977,200	\$ 981,123	\$ 3,923	0.4%	\$ 39,590	4.2%
In Lieu Sales Tax (Apr)	\$ 523,674	\$ 609,191	\$ 647,600	\$ 647,564	\$ (36)	0.0%	\$ 38,373	6.3%
Measure D	\$ 263,481	\$ 262,190	\$ 270,900	\$ 254,282	\$ (16,618)	-6.1%	\$ (7,908)	-3.0%
Measure O	\$ 253,979	\$ 260,024	\$ 268,200	\$ 253,157	\$ (15,043)	-5.6%	\$ (6,867)	-2.6%
	<u>\$ 1,968,516</u>	<u>\$ 2,072,938</u>	<u>\$ 2,163,900</u>	<u>\$ 2,136,126</u>	<u>\$ (27,774)</u>	<u>-1.3%</u>	<u>\$ 63,188</u>	<u>3.0%</u>







## CITY COUNCIL AGENDA REPORT

**MEETING OF NOVEMBER 24, 2015**

FROM: City Manager Department

SUBJECT: Consider a Resolution Repealing Resolution No. 3463 Amending the Art and Cultural Commission Bylaws Regarding Membership

RECOMMENDED ACTION: Consider a Resolution repealing Resolution No. 3463 amending the Bylaws of the Art and Cultural Commission to Reflect the Number of Members in Capitola Municipal Code Section 2.56.010.

BACKGROUND: At the November 26, 2013, City Council meeting Resolution No. 3971 was adopted changing the membership of the Art and Cultural Commission (Commission) from nine members to twelve members. The Commission now believes that twelve members is too many and recommends going back to the nine members as reflected in Section 2.56.010 of the Capitola Municipal Code. The change will reduce the At-Large Members from eight to five.

DISCUSSION: At the November 10, 2015, the Commission voted unanimously to recommend to the City Council to reduce the number of Commission members from twelve back to nine. The Commission believes that twelve Commissioners are too many for the ongoing function of the Commission. The changes to the bylaws will reference the Capitola Municipal Code Section 2.56.010 for the number of members and the quorum of the Commission.

FISCAL IMPACT: There is will be no fiscal impact

ATTACHMENTS:

1. Draft Art and Cultural Commission Bylaws (PDF)

Report Prepared By: Larry Laurent  
Assistant to the City Manager

Jamie Goldstein, City Manager

11/19/2015

## DRAFT

### RESOLUTION NO. \_\_\_

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA  
REPEALING RESOLUTION NO. 3971  
AMENDING ARTICLE III, SECTION 1, OF THE BYLAWS OF  
THE CAPITOLA ART & CULTURAL COMMISSION REGARDING MEMBERSHIP**

**WHEREAS**, at its regular meeting of November 10, 2015, members of the Art & Cultural Commission voted to amend the Commission's Bylaws to reduce the membership from eight to five "At-Large" Members; and

**WHEREAS**, any changes to the Art & Cultural Commission Bylaws must be approved by the City Council.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Capitola as follows:

1. Resolution No. 3971 is hereby repealed in its entirety.
2. The Art & Cultural Commission shall consist of the number and type of members in accordance with Capitola Municipal Code Section 2.56.010
3. The City of Capitola Art and Cultural Commission Bylaws, attached hereto as Exhibit A, is hereby approved.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the City Council of the City of Capitola on the 24<sup>th</sup> day of November, 2015, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Dennis Norton, Mayor

ATTEST:

\_\_\_\_\_, CMC  
Susan Sneddon, City Clerk

# **EXHIBIT A** **BYLAWS**

## **CAPITOLA ART & CULTURAL COMMISSION**

City of Capitola, California

**(Amended Pursuant to Resolution No. 3971 on 11/26/13)**

### **ARTICLE I. NAME AND AUTHORITY**

#### **Section 1. Name**

The name of this organization shall be the CAPITOLA ART & CULTURAL COMMISSION of the City of Capitola, California, hereinafter referred to as the "Commission".

#### **Section 2. Authority**

The Commission is established pursuant to the authority of Chapter 2.56 of the City of Capitola Municipal Code.

### **ARTICLE II. POWERS AND DUTIES**

The Capitola Art & Cultural Commission shall have the function and duties set forth in Municipal Code Section 2.56.050 and any amendments thereto. The Municipal Code Section currently provides for the following functions and duties:

- a. Advise the City Council as to the allocation of public funds for the support and encouragement of existing and new programs in the arts, and for the acquisition by purchase, gift or otherwise, of works of art;
- b. Subject to City Council approval, initiate, sponsor or direct special programs which will enhance the artistic and cultural climate of the City;
- c. Establish close liaison with other commissions and civic organizations in order to foster public interest in the arts;
- d. Advise the City Council concerning the interpretation and implementation of the City's established art and cultural policies and practices, including the Art & Cultural Master Plan, as they relate to the Art & Cultural Commission's objectives;
- e. In February of each year, prepare for City Council review an assessment of the Art & Cultural Commission's goals, plans and objectives from the prior fiscal year and recommend for Council approval the Art & Cultural Commission's goals, plans and objectives for the next fiscal year.
- f. Perform such other functions and duties as may be directed by the City Council.

## ARTICLE III. MEMBERSHIP AND TERM OF OFFICE

### Section 1. Number and Qualifications

The Art & Cultural Commission shall consist of the number and type of members in accordance with Capitola Municipal Code Section 2.56.010

~~The Art & Cultural Commission shall consist of seven members as follows:~~

~~One (1) City Council Member~~

~~One (1) Planning Commissioner~~

~~One (1) Artist or Arts Organization Representative Member~~

~~One (1) Arts Professional Member~~

~~Eight (8) "At-Large" Members~~

Members do not need to be a resident of Capitola.

### Section 2. Selection and Appointment of Members

Applications for Art & Cultural Commission members will be received by the City and forwarded to the Chairperson of the Art & Cultural Commission. Applicant(s) will attend a minimum of one Commission meeting, conference with the Chair and Commissioner(s) regarding the obligations and duties of being a commissioner prior to receiving approval for appointment. The Chair will forward the Commission's recommendation(s) for approval of applicant(s) to the City Clerk/Mayor.

The Council Member and Planning Commissioner appointees shall be selected by a majority vote of their respective boards. The Artist or Arts Organization Representative, Arts Professional, and the "At-Large" Appointees shall be appointed to the Art & Cultural Commission by a majority vote of the City Council.

### Section 3. Term of Office

Except as otherwise provided in Municipal Code Section, 2.56.030 the members shall serve for a term of two (2) years and may be reappointed for successive two-year terms with a term limit set at a maximum of three (3), two year terms.

### Section 4. Removal of Members

Any member who is absent for three meetings, and who fails to provide an excuse that is determined by the Chair to be reasonable, shall be removed by the City Council. All members of the Commission serve at the pleasure of the City Council and therefore may be removed from office, without cause, and at any time, by the affirmative vote of three City Council members.

## **ARTICLE IV. OFFICERS**

### **Section 1. Selection of Officers**

As soon as practicable, following the first day of January of each year, there shall be elected as officers for the Commission a Chairperson and a Vice Chairperson. An election shall be held at the next regular meeting to fill any office that becomes vacant during the calendar year.

### **Section 2. Chairperson**

The Chairperson shall be elected by a majority vote of the members from among their membership. The Chairperson shall preside at all regular meetings and shall call all special meetings. The Chairperson shall use Roberts Rules of Order to conduct the meetings. He or she shall represent the Commission before the Council.

### **Section 3. Vice Chairperson**

The Vice Chairperson shall be elected by a majority vote of the Commission members. He or she shall assume all duties of the Chairperson in the absence of the Chairperson.

### **Section 4. Staff Representative**

The Staff Representative shall be hired by the City Manager. General duties include:

1. Preparing, assembling and mailing meeting packets;
2. Correspondence and communication;
3. Record keeping;
4. Staff reports;
5. Financial reports;
6. Meeting minutes;
7. Liaison to the public;
8. Other tasks as assigned.

## **ARTICLE V. COMMITTEES**

### **Section 1. Establishment of the Committees**

The Art & Cultural Commission may designate specific committees as follows: Public Art, Volunteers, Fundraising, Marketing and any other committee as necessary. Committees shall be composed of no more than (3) commissioners. The committees may include volunteer members as deemed necessary by the Art & Cultural Commission. The committees shall report to the Art & Cultural Commission on no less than a quarterly basis.

## **Section 2. Membership of Committees**

The Chairperson shall make all assignments and appoint the Chairperson of each committee with the consensus of the commission.

## **ARTICLE VI. MEETINGS**

### **Section 1. Open Meetings**

All regular and special meetings of the Commission are subject to the Brown Act and therefore are advertised and open meetings to which the public and the press shall be invited.

### **Section 2. Regular Meetings**

Regular meetings of the Commission shall be held monthly on a day, time and location to be decided upon by the Commission on an annual basis. Any changes to regular meeting day, time and location will be provided to the Office of the City Clerk for calendaring purposes. *[Amended on 5/26/05 by Resolution No. 3463]*

### **Section 3. Special Meetings**

A special meeting may be called by the Chairperson of the Commission or by vote of the Commission. Notice of such special meeting shall be given as required by law; and the purpose of or the business to be transacted during such special meeting shall be stated in the notice.

### **Section 4. Quorum**

A quorum shall consist of a majority of the members of the Commission.

### **Section 5. Absence of Quorum**

In the absence of a quorum at any meeting, such meeting shall be adjourned to the next regular meeting date by any member present. No meeting may be declared adjourned for lack of a quorum until a fifteen (15) minute period after the scheduled time of the meeting has elapsed.

### **Section 6. Conduct of Meeting**

At the time and place established for any meeting, when a quorum is present, the Chairperson shall call the meeting to order. The meeting minutes will be recorded with the tapes to be retained for 1 year. Staff will prepare and submit to the City Council the minutes in action form for their review. The normal order of business shall include at least the following:

- a. Roll call;
- b. Adoption of the Agenda
- c. Oral communications (open to the public items not on the agenda);

- d. Approval of minutes of previous meetings;
- e. Discussion of old or unfinished business; review of recommendations and action on same;
- f. New business;
- g. Commissioner Reports;
- h. Staff Reports
- i. Communications
- j. Future Agenda Items
- k. Adjournment.

### **Section 7. Voting**

All questions shall be resolved by a majority vote of the members present. The vote shall be taken by roll call vote, voice vote, or by the raising of hands; provided that, at the request of any member, the vote shall be taken by a roll call vote.

## **ARTICLE VII. AMENDMENTS**

These Bylaws may be amended from time to time by a vote of the Commission and approval by the City Council.

## **ARTICLE VIII. ADOPTION AND EFFECT**

### **Section 1. Adoption**

Immediately upon a majority vote of the Commission and approval by the City Council these Bylaws shall be in full force and effect; any and all provisions of previously adopted Bylaws, policies, or procedures which may be totally or partially in conflict herewith are hereby repealed.

### **Section 2. Effect**

These Bylaws shall not be considered or construed as superseding any ordinance or directive of the City Council of the City of Capitola, nor shall they preclude the preparation and adoption of further procedural manuals and policies by which the Commission may direct its activities.

*This is to certify that the above and foregoing Bylaws of the Art & Cultural Commission of the City of Capitola were approved by the City Council of the City of Capitola on the 22<sup>nd</sup> day of January, 2004, by adoption of Resolution No. 3326.*

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Pamela Greeninger, City Clerk

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Revisions to Art & Cultural Commission Bylaws

01/22/04	Resolution No. 3326	Original Bylaws approved by City Council
05/26/05	Resolution No. 3463	Amended Article VI, Section 2, Regular Meetings
11/26/13	Resolution No. 3971	Amended Exhibit A of Resolution 3463, Article III, Section 1, of the Bylaws
<u>11/24/15</u>	<u>Resolution No. _____</u>	<u>Amended Exhibit A of Resolution No. _____, Article III, Section 1, of the Bylaws</u>

DRAFT

Attachment: Draft Art and Cultural Commission Bylaws (1225 : Art and Cultural Commission Bylaws)





## CITY COUNCIL AGENDA REPORT

**MEETING OF NOVEMBER 24, 2015**

FROM: Public Works Department

SUBJECT: Consider authorizing the Rosedale Avenue, Bay Avenue, Alma Court Area Paving Project

**RECOMMENDED ACTION:** Consider authorizing the expenditure of \$85,000 from the Capital Improvement Program for pavement restoration along Rosedale Avenue, Bay Avenue, Alma Court in conjunction with the Santa Cruz County Sanitation District's Noble Gulch Sewer Project; and authorizing the Director of Public Works to negotiate and sign an agreement with the Santa Cruz County Sanitation District to manage the construction contract.

**BACKGROUND:** The Santa Cruz County Sanitation District is nearly complete with the Noble Gulch Sewer Replacement Project which realigned the sanitary sewer that previously ran along the banks of Noble Gulch so that it now runs in Rosedale Avenue. Included in the City's Capital Improvement Program budget is funding for pavement restoration along the streets impacted by the County's project. This funding was intended to augment the work of the County so that the streets were repaired to the greatest extent possible following the sewer project. The County has tentatively agreed to add \$65,000 into the project for paving.

**DISCUSSION:** The Department of Public Works has held several meetings with County staff and their contractor to determine a scope of work for the pavement restoration. These discussions are on-going but staff is hopeful that they will be completed within the next two weeks so that their contractor can complete the work prior to Christmas. Staff is requesting the recommended authorizations at this time to facilitate this schedule.

**FISCAL IMPACT:** The Capital Improvement Program includes \$85,000 in funding for paving along Rosedale Avenue and adjoining streets.

Report Prepared By: Steve Jesberg  
Public Works Director

Jamie Goldstein, City Manager

11/19/2015



## CITY COUNCIL AGENDA REPORT

**MEETING OF NOVEMBER 24, 2015**

FROM: Community Development

SUBJECT: 1575 38th Avenue - Application for a Tentative Map, Conditional Use Permit, Variance, and Design Permit for an 11-unit Residential Subdivision

**RECOMMENDED ACTION:** Adopt the Resolution approving the Tentative Map, Conditional Use Permit, Variance, and Design Permit for Application #15-160.

**BACKGROUND:** In 2013, the City Council approved a 23-unit senior housing project on the subject property. The approval expired on June 27, 2015. The property was sold and the new owner submitted a conceptual review application for an 11-unit multi-family housing development. On September 3, 2015, the Planning Commission reviewed the conceptual plans and advised the applicant to submit the application under the current CN (Neighborhood Commercial) Zoning Designation rather than as a Planned Development. Several Planning Commissioners expressed they would prefer some commercial at the site but understood that a multi-family housing development is conditionally permitted within the zone.

On September 24, 2015, the City Council provided feedback on the conceptual review. The City Council agreed with the Planning Commission direction to process the application under existing zoning rather than a Planned Development. The City Council indicated support for the project as designed but noted preferences for other land use alternatives, including commercial mixed use, increased density, senior housing, additional affordable housing, and contextual design modifications to fit into the surrounding urban environment.

**DISCUSSION:** A formal project application was submitted on October 7, 2015, which mirrored the layout and design presented during the conceptual review. The application is for an 11-lot subdivision including five duplex townhomes, one single-family home, a private road, and a sidewalk dedication along 38<sup>th</sup> Avenue. The subdivision is located on a private street that is accessed off of 38<sup>th</sup> Avenue. The application includes a variance request for decreased front and side yard setbacks.

In response to the Planning Commission and City Council comments, the applicant included language in the CC&Rs (Covenants, Conditions and Restrictions) designating Lot 1 and Lot 8 as live-work units that "may be used as such in compliance with the City of Capitola Home Occupation Ordinance or any successor thereto". Home occupations are limited in terms of onsite advertising, sales, number of customers, and employees.

On October 15, 2015, the Architectural and Site Review Committee reviewed the application. Staff included conditions of approval to ensure the requirements of Planning, Public Works, and Building are addressed during the building plan submittal and throughout the construction process.

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On November 5, 2015, the Planning Commission unanimously recommended approval of the variance, conditional use permit, design permit and subdivision application. The Planning Commission added one condition of approval that the proposed six feet high fence along the periphery of the property be built to eight feet in height. The application has not been modified since the review by the Planning Commission, therefore the staff report and exhibits are incorporated within this report as Attachment 1.

The following *italicized* standards apply to review of the newly created lots within the tentative map (§16.24.170):

- A. *The size and shape of lots shall be in conformance to any zoning regulations effective in the area of the proposed subdivision.*
- B. *The side lines of all lots, so far as possible, shall be at right angles to the street which the lot faces, or radial or approximately radial if the street is curved.*
- C. *The Planning Commission may require that building set back lines shall be indicated by dotted lines on the subdivision map.*
- D. *No lot shall be divided by a city boundary line.*
- E. *Lots without frontage on a dedicated public street of twenty feet or more will not be permitted.*
- F. *Lots other than corner lots may front on more than one street where necessitated by topographic or other unusual conditions.*
- G. *In riparian corridors no lots may be created which do not contain adequate building area outside the riparian or stream setback.*

The only standard not in compliance with the Code is standard E. The applicant is proposing that the road be private. As proposed, the HOA (Homeowners Association) for the development would maintain the road, not the City. The Public Works Director has reviewed the tentative map and added conditions for the ongoing maintenance of the private road by the future HOA within the CC&Rs.

CEQA REVIEW: This project qualifies for a General Plan exemption under CA Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

RECOMMENDATION: Staff recommends the City Council approve project application #15-160 based on the following Conditions and Findings for Approval.

FISCAL IMPACT: There is no major fiscal impact of the proposed development on the City.

#### CONDITIONS OF APPROVAL

1. The project approval consists of an 11-lot Subdivision, Design Permit and Conditional Use Permit for five duplex townhomes and one single family home at 1575 38<sup>th</sup> Avenue. The Planning Commission approved a variance for decreased front and side yard setbacks in the CN Zoning District. The maximum Floor Area Ratio (FAR) established in the General Plan for commercial is one. The individual development on each lot ranges from .7 to .87 FAR, under the established maximum of one. The project exceeds the required 5% landscaping requirement for the CN Zone. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on November 5, 2015, except as modified through conditions imposed by the Planning Commission during the hearing.

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2. The project consists of the subdivision of a single 31,365 square foot lot into 11 residential lots at 1575 38<sup>th</sup> Avenue. The maximum density established in the General Plan is 20 units per acres. The project density is 16 units per acre.
3. Applicant shall have prepared a final map by a registered civil engineer and shall submit the final map for review, approval, and recording by the City's surveyor, the Public Works Director, and the City Council. The final map shall include new legal descriptions for each parcel.
4. Prior to recordation of the final map, the existing structures on the property must be demolished.
5. Prior to recordation of the final map, a standard sidewalk dedication is required. Sidewalk, curb, and gutter shall match the existing sidewalk improvements along 38<sup>th</sup> Avenue.
6. Prior to recordation of the final map, all plans and profiles of improvements shall be approved by the Director of Public Works and the construction of said improvements shall be in accordance with the City specifications and shall be inspected by the Director of Public Works or his authorized agent, subject to fees appropriate for the services.
7. The HOA shall be responsible for all maintenance of all common area improvements and on-site stormwater improvements operations and maintenance. The CC&Rs shall incorporate language to address all HOA maintenance, including operation and maintenance of the on-site stormwater improvements.
8. Available and necessary utilities, including CATV (cable television service) hookup facilities, with connections to each lot within the subdivision, shall be constructed in accordance with the utility's requirements. All utilities shall be underground.
9. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
10. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
11. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
12. At time of submittal for building permit, the Required Procedures and Special Treatments (pages 8 - 11) of Arborist James Allen's Tree Protection Plan must be printed in full on the construction plans.
13. At the time of submittal for building permit review, Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with

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Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP).

14. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems, if proposed. Native and/or drought tolerant species are recommended.
15. Prior to issuance of building permit, all Planning fees associated with permit #15-160 shall be paid in full.
16. Prior to issuance of building permit, affordable housing in-lieu fees and public art fees shall be paid. Affordable Housing in-lieu fees shall be paid as required to ensure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance. Public Art Fees shall be paid as required to assure compliance with the City of Capitola Public Art Ordinance.
17. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, City of Santa Cruz Water Department, and Central Fire Protection District. Prior to issuance of a building permit the applicant shall obtain final approval from Santa Cruz County Zone 5 for all off-site drainage improvements.
18. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 [Storm Water Pollution Prevention and Protection].
19. Prior to issuance of building permits, the applicant shall submit a Stormwater Control Plan, Bioretention Construction Checklist, and detailed draft Stormwater Operation and Maintenance Plan prepared and certified by a Registered Civil Engineer in accordance with the current Post Construction Requirements (PCRs) for a Tier 2 project for review and approval by the Director of Public Works.
20. Prior to final occupancy approval the applicant shall submit a final Operation and Maintenance Plan including any revisions resulting from changes made during construction for review and approval by the Director of Public Works.
21. Prior to issuance of a building permit the applicant shall enter into any agreements identified in the Stormwater Control Plan which pertain to the transfer of ownership, right-of entry for inspection or abatement, and/or long-term maintenance of stormwater treatment BMPs (Best Management Practice). All agreement shall be recorded prior to final occupancy approval.
22. Prior to any land disturbance, a pre-site inspection shall be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
22. Prior to issuance of grading or building permits, the City's contract arborist shall review the grading and foundation plans to ensure all recommendations of the Tree Protection Plan drafted by Arborist James Allen are included in the plans. The exact locations of the proposed grading and other improvements will be reviewed and evaluated by a certified arborist once the site staking is in place. There is a possibility that tree classification and

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recommended procedures will change once the exact positions of the proposed improvements are known. If additional tree removal is necessary, a confirming addendum shall be prepared and submitted to the City of Capitola prior to any groundwork.

23. Deck supports for Lots 6, 7 and 8 through 11 are to be constructed on piers dug by hand, without the use of mechanical augers or drills when placed within Critical Root Zones (CRZs). Roots encountered are to be cut cleanly following guidelines defined in the Construction Impact Assessment/Tree Protection Plan (CIA-TPP) report prepared for this project.
23. Storm Drain (SD) line between Lots 9 and 10 is within the CRZ of Tree #5. The extents between the Drain Inlets (DI) and their termination points shall be dug by hand following protocol defined in the CIA-TPP.
24. The permeable paver surface for the parking area between Lots 7 and 8 is within the CRZs of Trees #8 and 9. Base excavation within CRZs shall be completed by hand if the existing grade needs to be reduced (cut). Roots encountered shall be cut cleanly as defined in the CIA-TPP.
25. The SD line along the west side of the project, Lots 5, 6 and 7 travels through the CRZ of trees on neighboring properties and connects to an existing line on the neighboring property to the south. Where this line encroaches into CRZs, excavation should be performed by hand or with mechanized equipment under the direction of the Project Arborist.
26. During grading and excavation of the site, a certified arborist shall be on-site to ensure the Tree Protection Plan is followed and the existing trees are not damaged.
27. During grading, excavation, and construction the required procedures and special treatments identified and explained within pages 8, 9, and 10 of the Tree Protection Plan drafted by Arborist James Allen shall be adhered to, including: alternative foundation design with pier and above grade beam foundation systems, tree removal, tree canopy clearance by a qualified certified arborist utilizing the identified industry guidelines, pre-grading root severance by tree #14, root pruning as specified, tree replacement, supplemental irrigation for a period of two years, and the maintenance and monitoring program.
28. Project monitoring will be the responsibility of the Project Arborist. Site inspections will take place at the following intervals:
  - a. Following onsite placement of grade stakes;
  - b. During tree removal operations;
  - c. During preconstruction root severance;
  - d. After tree preservation fencing locations have been staked;
  - e. Following tree protection fencing installation and prior to the commencement of grading;
  - f. During all grading activities within Critical Root Zones;
  - g. As necessary during the grading activities to ensure compliance with all conditions of project approval.

After each inspection, the Project Arborist will provide an update to the City of Capitola

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Planner in writing verifying that the required procedures and special treatment are followed.

29. Tree preservation structures shall be installed in the locations documented on the Tree Location and Preservation Map within the Tree Protection Plan by Arborist James Allen. Tree preservation structures shall be constructed of the following materials as field specified by the Project Arborist.
  - a. Chain link, 72 inches in height secured to metal stakes driven at least 18 inches into the soil.
  - b. Temporary orange snow fencing attached to "T" posts driven into the ground
  - c. Silt fencing
  - d. Rice straw bales.
30. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
31. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B.
32. Prior to a project final, the applicant shall be responsible for installing all required frontage improvements including curb, gutter, and sidewalk along 38<sup>th</sup> Avenue for the length of the property frontage. All sidewalks shall meet the standards for ADA accessibility.
33. Prior to a project final, the applicant shall be responsible for a mid-block crossing on 38<sup>th</sup> Avenue from the project to King's Plaza. The crossing shall be a protected crossing and the design based on recommendations of the traffic engineer and approved by the Director of Public Works.
34. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
35. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code Section 17.81.160.
36. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the

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site on which the approval was granted.

37. Upon receipt of certificate of occupancy, garbage and recycling containers shall be shielded and placed out of public view on non-collection days.
38. Prior to recordation of the final subdivision map or issuance of building permits for the 38<sup>th</sup> Avenue Homes, the developer shall enter into a Participation Agreement with the City in a form suitable for recordation so as to assure compliance with the provisions of the City of Capitola Affordable (Inclusionary) Housing Ordinance. Unit A7 shall be designated and deed restricted as the affordable unit.
39. The periphery fence shall be built to eight feet in height in compliance with the fence standards of the zoning code.

ATTACHMENTS:

1. Planning Commission Staff Report 11.05.2015 (PDF)
2. 1575 38th Ave Plans (PDF)
3. 1575 38th Ave Color Board and Rendering (PDF)
4. 1575 38th Ave Arborist Report (PDF)
5. 1575 38th Ave Arborist Report Additional Conditions (PDF)
6. Notice of Exemption (PDF)
7. 1575 38th Ave Public Comment Don Mosegaard and Kimberly Frey (PDF)
8. 1575 38th Ave Public Comment George Ow Jr (PDF)
9. 9-3-2015 PC Minutes Conceptual Review (PDF)
10. 9-24-2015 CC Minutes Conceptual Review (PDF)
11. 1575 38th Ave Draft CC&R (PDF)
12. Home Occupation 17.81 (PDF)

Report Prepared By: Katie Cattan  
Senior Planner



Jamie Goldstein, City Manager

11/20/2015



1575 38th Avenue  
November 24, 2015

**DRAFT**  
**RESOLUTION NO. \_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA  
APPROVING A TENTATIVE MAP WITH A DESIGN PERMIT, CONDITIONAL USE PERMIT,  
AND VARIANCE FOR A RESIDENTIAL SUBDIVISION AT 1575 38<sup>th</sup> AVENUE WITHIN THE  
CN (NEIGHBORHOOD COMMERCIAL) ZONING DISTRICT**

Project: Application #15-060:  
1575 38<sup>th</sup> Avenue, Tentative Map, Conditional Use Permit, Variance, and Design  
Permit  
APN: 034-181-17

**WHEREAS**, an application for a Tentative Map, Design Permit, Conditional Use Permit, and Variance for a residential subdivision on a .72 acre site located at 1575 38<sup>th</sup> Avenue in the City of Capitola, was submitted by Joe Appenrodt, property owner; and

**WHEREAS**, the above noted Tentative Map proposes to create eleven (11) residential lots, within the CN (Neighborhood Commercial) zoning district which includes a Variance to front and side yard setbacks as noted in the staff report; and

**WHEREAS**, the City Council has considered, at a duly noticed public hearing, the proposed Tentative Map, Conditional Use Permit, Design Permit, and Variance for the project; and

**WHEREAS**, the Planning Commission at its November 5, 2015, meeting recommended approval of the project; and

**WHEREAS**, the City Council is the final decision-making body on this application and can approve, deny, or direct continuance for redesign; and

**WHEREAS**, the City Council has considered the documentary record for the project, including the Planning Commission staff reports and appropriate minutes of the Planning Commission meeting, and oral and written communications at the November 24, 2015, public hearing of the Council prior to taking action.

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that the City Council of the City of Capitola, makes the following findings regarding the proposed application:

**FINDINGS**

**A The application, subject to the conditions imposed, will secure the purposes of the Zoning Ordinance and General Plan.**

Community Development Department Staff and the Planning Commission have reviewed the project. The subdivision, together with the provisions for its design and improvement, is consistent with the objectives of the Zoning Ordinance and General Plan.

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**B The application is consistent with the Subdivision Map Act and local Subdivision Ordinance.**

The subdivision was designed in accordance with the Subdivision Map Act and local ordinances enacted pursuant thereto. Per the Subdivision Map Act, the proposed map is consistent with the General Plan, is physically suited for the proposed type and density of development, will not likely cause substantial environmental damage, or substantially and avoidably injure fish, wildlife or their habitats, will not cause serious public health problems, and will not conflict with public easements for access through, or use of, property within the proposed subdivision.

**C This project is categorically exempt under Section 15183 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**

Section 15183 of the CEQA Guidelines exempts projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified. The 11-unit multifamily development is consistent with the development policies of the CN Zone and the City of Capitola General Plan and EIR. No adverse environmental impacts were discovered during review of the proposed project.

**D The application will maintain the character and integrity of the neighborhood.**

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have reviewed the plans for the 11-unit multi-family development. The development is to scale with the built environment surrounding the site. The design adds to the community character of Capitola and creates a nice aesthetic at the edge of the commercial district. The townhomes create a compatible transitional buffer between the single family development to the west and the community commercial shopping to the east.

**E Special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.**

The special circumstances applicable to the property include protection of trees on adjacent properties, the diversity of land use in close vicinity to the site, and the transitional nature of the site between residential and commercial land uses.

**F The grant of a variance permit does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.**

Granting of a variance in this location will not constitute a grant of special privileges due to the mix of similar residential developments within the same block.

**BE IT FURTHER RESOLVED** that the City Council approves the proposed Tentative Map, Conditional Use Permit, Variance, and Design Permit.

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**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 24<sup>th</sup> day of November, 2015, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Dennis Norton, Mayor

ATTEST:

\_\_\_\_\_, CMC  
Susan Sneddon, City Clerk

6.A



## STAFF REPORT

TO: PLANNING COMMISSION  
 FROM: COMMUNITY DEVELOPMENT  
 DATE: NOVEMBER 5, 2015  
 SUBJECT: **1575 38th Avenue #15-160 APN: 034-181-17**

11 lot Subdivision, Design Permit and Conditional Use Permit for 5 duplex townhomes and 1 single family home, and Variance request for decreased front and side yard setbacks in the CN (Neighborhood Commercial) zoning district. This project is not located in the Coastal Zone.

Environmental Determination: The project qualifies for a General Plan exemption under CA Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.

Property Owner: Joe Appenrodt, filed 10/7/2015  
 Representative: Matthew Thompson, Architect

### APPLICANT PROPOSAL

The applicant submitted a subdivision, design permit, and conditional use permit application for a new multi-family development located at 1575 38<sup>th</sup> Avenue in the CN (Neighborhood Commercial) zoning district. The CN zone requires a conditional use permit for "multiple dwellings and groups or combinations thereof". The application requires approval of a variance for the proposed reduced front and side yard setbacks within the CN zone.

### BACKGROUND

In 2013, the City Council approved a 23 unit senior housing project on this site. The approval expired on June 27, 2015. The property was sold and the new owner has developed an alternative development scenario. On July 10, 2015, the new owner submitted a conceptual review application for an 11 unit multi-family housing development.

The Planning Commission reviewed the conceptual plans during their September 3, 2015 meeting (Attachment 8. Minutes). The Planning Commission advised the applicant to submit the application under the current CN zoning designation rather than as a Planned Development. Several Planning Commissioners expressed they would prefer some commercial at the site but understood that a multi-family housing development is conditionally permitted within the zone.

The City Council provided feedback on the conceptual review during their September 24, 2015 meeting (Attachment 9. Minutes). The City Council echoed the Planning Commissions direction in regards to processing the application under the existing zoning rather than a Planned Development. The City Council stated support for the project as designed. The Council included additional comments for alternatives on the site including commercial mixed use,

Packet Pg. 55

Packet Pg. 76

6.A

increased density, additional affordable housing, and contextual design modifications to fit into the surrounding urban environment.

In response to the Planning Commission and City Council comments, the applicant included language in the CC&Rs designating Lot 1 and Lot 8 as live-work units that "may be used as such in compliance with the City of Capitola Home Occupation Ordinance, or any successor thereto". Home occupancies are limited in terms of onsite advertising, sales, employees, and number of customers (Attachment 10. Home Occupation Ordinance). If the Planning Commission would like the units to be more flexible than allowed within home occupations, a condition of approval could be added to ensure greater flexibility for future owners.

On October 15, 2015, the Architectural and Site Review Committee reviewed the application.

- City Environmental Projects Manager, Danielle Uharriet, informed the applicant of stormwater requirements; curb, gutter and sidewalk improvements; sidewalk dedication; mid-block pedestrian crosswalk; and requirements within the CC&Rs for the maintenance of all common area improvements and on-site stormwater improvements. Staff also requested that the plans incorporate an area for garbage, recycling, and green waste cans for each residence and show the location and detail of street lighting within the private road every 100 feet.
- City Building Official, Brian Van Son, informed the applicant of the review process at building plan submittal and ADA compliance requirements for the sidewalk, driveway approach, and crosswalk.
- City Architect Representative, Frank Phanton, recommended the second story windows for units B1, B2, and B3 be redesigned to ensure privacy between neighbors.
- City Landscape Architect Representative, Craig Walsh, was not present.
- City Planner, Katie Cattan, discussed the tree mitigation plan and future conditions tied to the tree protection plan. Staff also requested draft CC&Rs and irrigation plans prior to review by Planning Commission.

The applicant updated the application to include all requested additional information. In regards to the suggested window change, Architect Matthew Thompson preferred the windows to remain as originally designed. The established trees on the neighboring property will provide a natural screen between the new residents and existing residences. Staff included conditions of approval to ensure the requirements of Public Works and Building are addressed during the building plan submittal and throughout the construction process.

#### DISCUSSION

The proposed 11 unit multi-family development is located in the CN zoning district. The purpose of CN districts is to accommodate, at convenient locations, those limited commercial uses which are necessary to meet frequently occurring basic shopping and service needs of persons residing in adjacent areas and to implement the harmonious intermingling of pedestrian, commercial and residential activities. The purpose statement also recommends style and scale of development be consistent with the purpose and the intensity of uses have low impact on the neighborhood.

The site is located on the western edge of the city limit along 38<sup>th</sup> Avenue south of Capitola Road. There is a mix of uses surrounding the site. A residential development of single-family homes is located to the west within the unincorporated county. A storage facility is located to the south and small homes that have been converted to business are located to the north. Kings Plaza commercial area is to the east with a theater, grocery store, retail establishments, and restaurants. The surrounding buildings are one to two story structures. The architecture

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varies tremendously from the concrete block of the storage facility to the wood frame single-family homes.

The CN district has flexible development standards. With no specific maximum lot coverage or minimum lot area per unit, development is indirectly controlled by the zoning code requirements for parking, setbacks, height, and openspace. The General Plan establishes a maximum Floor Area Ratio (FAR) of 1 for the site.

Development Standards	Existing	Proposed
<b>Use</b>	Prior Salvage Yard/ Currently Vacant	Multi-family 11 units
<b>Is CUP required?</b>		Yes
<b>Height: 27 ft</b>		27'
<b>Lot Area:</b> No specific minimum lot area required except that there shall be sufficient area to satisfy any off-street parking and loading area requirements.		Property: 31,365 sf
		Individual Lots 1,904 sf – 2,767 sf
		Common Area 6,133 sf
		Off-street parking Complies
<b>Lot Coverage:</b> There shall be no specific maximum lot coverage, except as follows: A. Sufficient space shall be provided to satisfy off-street parking and loading area requirements, except that all parking may be provided within a structure. B. Front yard and open space requirements shall be satisfied.		Off-street parking Complies
		Front yard <b>Variance Required</b>
		Open Space Complies
<b>Front Yard Setback:</b> Allow for 15 foot landscape strip.		<b>Variance Required.</b> 10 feet.
<b>Side Yard Setback:</b> 10% of the lot width for the first floor and fifteen percent of the lot width for the second floor.		<b>Variance Required.</b> 0' feet duplex
<b>Rear Yard Setback:</b> 20% of lot depth.		Complies
<b>Parking</b>	<b>Required</b>	<b>Proposed</b>
Dwellings, apartments and condominiums (townhouse) of more than four units, one covered space for each unit, plus one and one-half additional spaces on the site for each dwelling unit. Each regular space must be a minimum of nine feet by eighteen feet. Forty percent of the spaces may be compact spaces of eight feet by sixteen feet.	11 units @ 2.5/unit = 28 spaces total	28 spaces  2 spaces per unit. 6 guest spaces
<b>Landscaping.</b> Five percent of the lot area shall be landscaped to ensure harmony with adjacent development in accordance with architectural and site approval standards		Complies

**Variance:** The 11 unit development requires a variance to front yard and side yard setbacks. To grant a variance the Planning Commission must make findings that there are special circumstances applicable to the subject property in which the strict application of the code would

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deprive the property of privileges enjoyed by others in the vicinity and zone, and a second finding that the variance would not constitute a grant of special privilege.

The special circumstances applicable to the property include protection of trees on adjacent properties, the diversity of land use in close vicinity to the site, and the transitional nature of the site between residential and commercial land uses. Additionally, a side yard setback variance is warranted because strict application of the requirement would prevent the development of attached townhome style residences, which is an appropriate housing product for subject property. Granting of a variance in this location would not constitute a grant of special privileges due to the mix of similar residential developments within the same block.

**General Plan:** The General Plan land use designation for the site is Community Commercial (C-C). The C-C designation provides an area for commercial uses primarily serving Capitola residents. Permitted land uses include general retail, personal services, restaurants, offices, and residential uses. The maximum permitted density in the C-C designation is 20 dwelling units per acre. The proposed 11 unit subdivision on the 30,139 square foot lot would develop at a density of 16 dwelling units per acre, which conforms to General Plan density limits. The maximum permitted FAR in the C-C designation is 1.0.

The following table breaks down the development on each new parcel by size and the proposed floor area and FAR. The proposal complies with the maximum Floor Area Ratio of 1.

	Parcel Size	Floor Area	FAR (Max 1)
Lot A1	2,428 sf	1,693 sf	.7
Lot A2	1,904 sf	1,654 sf	.87
Lot A3	1,904 sf	1,654 sf	.87
Lot A4	1,945 sf	1,654 sf	.85
Lot A5	1,945 sf	1,654 sf	.85
Lot A6	1,904 sf	1,654 sf	.87
Lot A7	1,904 sf	1,654 sf	.87
Lot A8	2,428 sf	1,693 sf	.7
Lot B1	2,767 sf	1,968 sf	.71
Lot B2	2,406 sf	1,968 sf	.82
Lot B3	2,474 sf	1,968 sf	.8

**Inclusionary Housing Ordinance:** The project will be required to comply with the Inclusionary Housing Ordinance. Pursuant to §18.02.030, housing development projects creating seven or more for-sale housing units are required to reserve and restrict fifteen percent of the housing units for sale to moderate, low, or very low income households. The eleven unit development is required to reserve 1.65 units of deed restricted units. Unit 7A shall be designated and deed restricted as the affordable unit for the project. The fractional contribution of .65 will be credited through a payment of affordable housing in-lieu fees.

**Landscaping:** Within the CN zone, landscaping is required to cover a minimum of five percent of the lot area in accordance with development standards of the code. The proposed subdivision exceeds the five percent minimum. The applicant submitted a drought tolerant landscape plan with ground cover, perennials, and trees. An irrigation plan was also submitted with a focus on water conservation. Each parcel has a bioretention area in the front yard to assist with onsite retention of stormwater. Twenty-one new trees are proposed within the

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project. The HOA will maintain the landscaping in the front yards and the owners will maintain the rear yards.

**Trees:** There are 8 mature redwood trees located on the neighboring property to the south along the shared property line. The proposed turn-around area and Unit B1 are located within 5 feet of the large trees. Unit A5, A6, A7, and A8 are set back ten feet from the property line and the adjacent redwood trees.

The City hired arborist James Allen to prepare a tree resource assessment, construction impact analysis, and tree protection plan (Attachment 3). The arborist found that fourteen trees growing on neighboring parcels have the potential to be negatively affected by construction. To prevent impacts to the trees, the report suggests precautionary treatments including: installation and maintenance of tree protection structures during construction, canopy clearance pruning with authorization by tree owner, pier and above grade beam foundation systems (trees 4 - 10), and pre-construction root pruning. The report also suggests monitoring by the project arborist to occur at specific intervals during grading and construction. Seven onsite trees will be removed. The applicant is proposing to plant 21 new trees on the site, exceeding the City's 2:1 required replant ratio. Conditions of approval have been included to ensure the recommendations within the arborist report are adhered to throughout and following construction.

**Fencing:** The applicant is proposing a six foot high redwood fence along the property line of each new lot from the front façade of the home to the rear property line. The front yards will be open to the street. The proposed fence complies with the maximum six foot solid fence height established within the zoning code.

**Public Improvements:** A new site driveway approach and new curb, gutter and sidewalk along the 38<sup>th</sup> Avenue frontage shall meet standards for ADA accessibility. All utilities are required to be undergrounded. The owner shall install a mid-block pedestrian crossing on 38th Avenue connecting to King's Plaza Shopping Center.

**Public Art:** Chapter 2.58 applies to all eligible public and private construction projects having a total construction cost of two hundred and fifty thousand dollars or more, as calculated by the City of Capitola building permit application. The code requires that the developer either set aside no less than two percent of the project budget for the acquisition of art for incorporation into the project or for placement in the general vicinity of the project, or pay a fee to the city in lieu of incorporating public art in their project, equal to one percent of the total building permit valuation.

**Subdivision Development Standards:** The application includes a tentative map to create 11 individual lots, one common road, and dedicate a sidewalk along 38<sup>th</sup> Avenue to the City. The tentative map requires Planning Commission review and City Council approval. Title 16 of the Municipal Code includes the requirements for subdivision applications. Section 16.24 includes the design standards for a subdivision. The following *italicized* standards apply to newly created lots (§16.24.170) :

- A. *The size and shape of lots shall be in conformance to any zoning regulations effective in the area of the proposed subdivision.*
- B. *The side lines of all lots, so far as possible, shall be at right angles to the street which the lot faces, or radial or approximately radial if the street is curved.*
- C. *The Planning Commission may require that building set back lines shall be indicated by dotted lines on the subdivision map.*
- D. *No lot shall be divided by a city boundary line.*



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*E. Lots without frontage on a dedicated public street of twenty feet or more will not be permitted.*

*F. Lots other than corner lots may front on more than one street where necessitated by topographic or other unusual conditions.*

*G. In riparian corridors no lots may be created which do not contain adequate building area outside the riparian or stream setback.*

The only standard not in compliance with the code is standard E. The applicant is proposing that the road be private. As proposed, the HOA for the development would maintain the road, not the City. The Public Works Director has reviewed the tentative map and added conditions for the ongoing maintenance of the private road by the future HOA within the CC&Rs.

#### **CEQA REVIEW**

This project qualifies for a General Plan exemption under CA Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

#### **RECOMMENDATION**

Staff recommends the Planning Commission **approve** project application #15-160 based on the following Conditions and Findings for Approval.

#### **CONDITIONS OF APPROVAL**

1. The project approval consists of an 11 lot Subdivision, Design Permit and Conditional Use Permit for 5 duplex townhomes and 1 single family home at 1575 38<sup>th</sup> Avenue. The Planning Commission approved a variance for decreased front and side yard setbacks in the CN (Neighborhood Commercial) zoning district. The maximum Floor Area Ratio established in the General Plan for commercial is 1. The individual development on each lot ranges from .7 to .87 FAR, under the established maximum of 1. The project exceeds the required 5% landscaping requirement for the CN zone. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on November 5, 2015, except as modified through conditions imposed by the Planning Commission during the hearing.
2. The project consists of the subdivision of a single 31,365 square foot lot into 11 residential lots at 1575 38<sup>th</sup> Avenue. The maximum density established in the General Plan is 20 units per acres. The project density is 16 units per acre.
3. Applicant shall have prepared a final map by a registered civil engineer and shall submit the final map for review, approval, and recording by the City's surveyor, the Public Works Director, and the City Council. The final map shall include new legal descriptions for each parcel.
4. Prior to recordation of the final map, the existing structures on the property must be demolished.
5. Prior to recordation of the final map, a standard sidewalk dedication is required. Sidewalk, curb, and gutter shall match the existing sidewalk improvements along 38<sup>th</sup> Avenue.
6. Prior to recordation of the final map, all plans and profiles of improvements shall be approved by the Director of Public Works and the construction of said improvements shall be in accordance with the City specifications and shall be inspected by the Director

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- of Public Works or his authorized agent, subject to fees appropriate for the services.
7. The Home Owners Association shall be responsible for all maintenance of all common area improvements and on-site stormwater improvements operations and maintenance. The CC&Rs shall incorporate language to address all HOA maintenance, including operation and maintenance of the on-site stormwater improvements.
  8. Available and necessary utilities, including CATV hookup facilities, with connections to each lot within the subdivision, shall be constructed in accordance with the utility's requirements. All utilities shall be underground.
  9. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
  10. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
  11. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
  12. At time of submittal for building permit, the Required Procedures and Special Treatments (pages 8 - 11) of Arborist James Allen's Tree Protection Plan must be printed in full on the construction plans.
  13. At the time of submittal for building permit review, Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP).
  14. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems, if proposed. Native and/or drought tolerant species are recommended.
  15. Prior to issuance of building permit, all Planning fees associated with permit #15-160 shall be paid in full.
  16. Prior to issuance of building permit, affordable housing in-lieu fees and public art fees shall be paid. Affordable Housing in-lieu fees shall be paid as required to ensure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance. Public Art Fees shall be paid as required to assure compliance with the City of Capitola Public Art Ordinance.
  17. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, City of Santa Cruz Water Department, and Central Fire Protection District. Prior to issuance of

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- a building permit the applicant shall obtain final approval from Santa Cruz County Zone 5 for all off-site drainage improvements.
18. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
  19. Prior to issuance of building permits, the applicant shall submit a Stormwater Control Plan, Bioretention Construction Checklist, and detailed draft Stormwater Operation and Maintenance Plan prepared and certified by a Registered Civil Engineer in accordance with the current Post Construction Requirements (PCRs) for a Tier 2 project for review and approval by the Director of Public Works.
  20. Prior to final occupancy approval the applicant shall submit a final Operation and Maintenance Plan including any revisions resulting from changes made during construction for review and approval by the Director of Public Works.
  21. Prior to issuance of a building permit the applicant shall enter into any agreements identified in the Stormwater Control Plan which pertain to the transfer of ownership, right-of entry for inspection or abatement, and/or long-term maintenance of stormwater treatment BMPs. All agreement shall be recorded prior to final occupancy approval.
  22. Prior to any land disturbance, a pre-site inspection shall be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
  22. Prior to issuance of grading or building permits, the City's contract arborist shall review the grading and foundation plans to ensure all recommendations of the Tree Protection Plan drafted by Arborist James Allen are included in the plans. The exact locations of the proposed grading and other improvements will be reviewed and evaluated by a certified arborist once the site staking is in place. There is a possibility that tree classification and recommended procedures will change once the exact positions of the proposed improvements are known. If additional tree removal is necessary, a confirming addendum shall be prepared and submitted to the City of Capitola prior to any groundwork.
  23. Deck supports for Lots 6, 7 and 8 through 11 are to be constructed on piers dug by hand, without the use of mechanical augers or drills when placed within Critical Root Zones (CRZs). Roots encountered are to be cut cleanly following guidelines defined in the Construction Impact Assessment/Tree Protection Plan (CIA-TPP) report prepared for this project.
  23. Storm Drain (SD) line between Lots 9 and 10 is within the CRZ of Tree #5. The extents between the Drain Inlets (DI) and their termination points shall be dug by-hand following protocol defined in the CIA\_TPP.
  24. The permeable paver surface for the parking area between Lots 7 and 8 is within the CRZs of Trees #8 and 9. Base excavation within CRZs shall be completed by hand if the existing grade needs to be reduced (cut). Roots encountered shall be cut cleanly as defined in the CIA\_TPP.
  25. The SD line along the west side of the project, Lots 5, 6 and 7 travels through the CRZ of trees on neighboring properties and connects to an existing line on the neighboring

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property to the south. Where this line encroaches into CRZs, excavation should be performed by hand or with mechanized equipment under the direction of the Project Arborist.

26. During grading and excavation of the site, a certified arborist shall be on-site to ensure the Tree Protection Plan is followed and the existing trees are not damaged.
27. During grading, excavation, and construction the required procedures and special treatments identified and explained within pages 8, 9, and 10 of the Tree Protection Plan drafted by Arborist James Allen shall be adhered to, including: alternative foundation design with pier and above grade beam foundation systems, tree removal, tree canopy clearance by a qualified certified arborist utilizing the identified industry guidelines, pre-grading root severance by tree #14, root pruning as specified, tree replacement, supplemental irrigation for a period of two years, and the maintenance and monitoring program.
28. Project monitoring will be the responsibility of the Project Arborist. Site inspections will take place at the following intervals:
  - a. Following onsite placement of grade stakes
  - b. During tree removal operations
  - c. During preconstruction root severance
  - d. After tree preservation fencing locations have been staked
  - e. Following tree protection fencing installation and prior to the commencement of grading.
  - f. During all grading activities within Critical Root Zones.
  - g. As necessary during the grading activities to ensure compliance with all conditions of project approval.

After each inspection, the Project Arborist will provide and update to the City of Capitola Planner in writing verifying that the required procedures and special treatment are followed.
29. Tree preservation structures shall be installed in the locations documented on the Tree Location and Preservation Map within the Tree Protection Plan by Arborist James Allen. Tree preservation structures shall be constructed of the following materials as field specified by the Project Arborist.
  - a. Chain link, 72 inches in height secured to metal stakes driven at least 18 inches into the soil.
  - b. Temporary orange snow fencing attached to "T" posts driven into the ground
  - c. Silt fencing
  - d. Rice straw bales.
30. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
31. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B

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32. Prior to a project final, the applicant shall be responsible for installing all required frontage improvements including curb, gutter, and sidewalk along 38<sup>th</sup> Avenue for the length of the property frontage. All sidewalks shall meet the standards for ADA accessibility.
33. Prior to a project final, the applicant shall be responsible for a mid-block crossing on 38<sup>th</sup> Avenue from the project to King's Plaza. The crossing shall be a protected crossing and the design based on recommendations of the traffic engineer and approved by the Director of Public Works.
34. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
35. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
36. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
37. Upon receipt of certificate of occupancy, garbage and recycling containers shall be shielded and placed out of public view on non-collection days.
38. Prior to recordation of the final subdivision map or issuance of building permits for the 38<sup>th</sup> Avenue Homes, the developer shall enter into a Participation Agreement with the City in a form suitable for recordation so as to assure compliance with the provisions of the City of Capitola Affordable (Inclusionary) Housing Ordinance. Unit A7 shall be designated and deed restricted as the affordable unit.

#### FINDINGS

**A The application, subject to the conditions imposed, will secure the purposes of the Zoning Ordinance and General Plan.**

Community Development Department Staff and the Planning Commission have reviewed the project. The subdivision, together with the provisions for its design and improvement, is consistent with the objectives of the Zoning Ordinance and General Plan.

**B The application is consistent with the Subdivision Map Act and local Subdivision Ordinance.**

The subdivision was designed in accordance with the Subdivision Map Act and local ordinances enacted pursuant thereto. Per the Subdivision Map Act, the proposed map

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is consistent with the General Plan, is physically suited for the proposed type and density of development, will not likely cause substantial environmental damage, or substantially and avoidably injure fish, wildlife or their habitats, will not cause serious public health problems, and will not conflict with public easements for access through, or use of, property within the proposed subdivision.

**C This project is categorically exempt under Section 15183 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**

Section 15183 of the CEQA Guidelines exempts projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified. The 11 unit multifamily development is consistent with the development policies of the CN Zone and the City of Capitola General Plan and EIR. No adverse environmental impacts were discovered during review of the proposed project.

**D The application will maintain the character and integrity of the neighborhood.**

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have reviewed the plans for the 11 unit multi-family development. The development is to scale with the built environment surrounding the site. The design adds to the community character of Capitola and creates a nice aesthetic at the edge of the commercial district. The townhomes create a compatible transitional buffer between the single family development to the west and the community commercial shopping to the east.

**E Special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;**

The special circumstances applicable to the property include protection of trees on adjacent properties, the diversity of land use in close vicinity to the site, and the transitional nature of the site between residential and commercial land uses.

**F The grant of a variance permit does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.**

Granting of a variance in this location will not constitute a grant of special privileges due to the mix of similar residential developments within the same block.

**ATTACHMENTS:**

1. 1575 38th Ave Plans
2. 1575 38th Ave Color Board and Rendering
3. 1575 38th Ave Arborist Report
4. 1575 38th Ave Arborist Report
5. 1575 38th Ave Arborist Report Additional Conditions
6. 1575 38th Ave Notice of Exemption
7. 1575 38th Ave Public Comment George Ow Jr
8. 1575 38th Ave Public Comment Don Mosegaard and Kimberly Frey
9. 9-3-2015 PC Minutes Conceptual Review
10. 9-24-2015 CC Minutes Conceptual Review.pdf
11. 1575 38th Ave Draft CC&R.pdf

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12. Home Occupation 17.81

Prepared By: Katie Cattan  
Senior Planner

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# 38TH AVENUE HOMES

1575 38TH AVENUE, CAPITOLA CA



VIEW FROM 38TH AVENUE LOOKING WEST AND NORTH



INTERNAL VIEW LOOKING WEST AND SOUTH

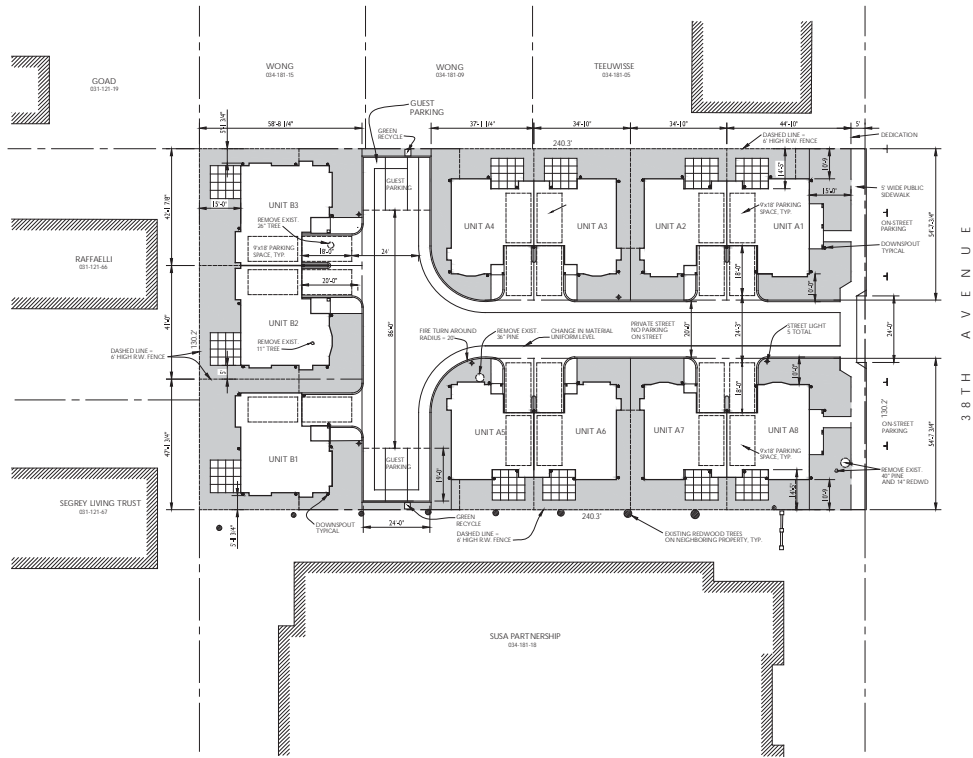
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877 CEDAR STREET SUITE 244  
SANTA CRUZ, CA 95060  
[www.tntarch.com](http://www.tntarch.com)





SITE PLAN



1 SITE PLAN  
SCALE 1" = 20'-0"  
NORTH

PROJECT TEAM

ARCHITECT: THACHER & THOMPSON ARCHITECTS  
200 WASHINGTON ST. SUITE 201  
SANTA CRUZ, CA 95060  
PHONE (831) 457-3939  
FAX (831) 426-7409  
tom@tntarch.com

CIVIL ENGINEER & LAND SURVEYOR: BOWMAN & WILLIAMS  
1011 CEDAR STREET  
SANTA CRUZ, CA 95060  
(831) 426-3560  
jwf@bowmanandwilliams.com

LANDSCAPE ARCHITECT: ELLEN COOPER  
612 WINDSOR ST.  
SANTA CRUZ, CA 95062  
(831) 426-6845  
ecooper@baymoon.com

VICINITY MAP



PROJECT DATA

PROPERTY OWNER: JOE APPENRODT  
4375 CAPITOLA ROAD  
CAPITOLA, CA 95010  
(831) 465-9190

PROJECT ADDRESS: 1575 38TH AVENUE  
CAPITOLA, CA 95010  
034-181-17

APN: 034-181-17

ZONING: CN

PROJECT DESCRIPTION: MULTIPLE DWELLINGS AND GROUPS OR COMBINATIONS THEREOF

AREA CALCULATIONS

TOTAL SITE AREA:	31,311 SF GROSS
DEDICATION:	1,172 SF
NET LOT AREA:	30,139 SF
<b>LOT AREA CALCULATIONS:</b>	
LOT A1	2,428 SF
LOT A2	1,904 SF
LOT A3	1,904 SF
LOT A4	1,945 SF
LOT A5	1,945 SF
LOT A6	1,904 SF
LOT A7	1,904 SF
LOT A8	2,428 SF
LOT B1	2,767 SF
LOT B2	2,406 SF
LOT B3	2,474 SF
COMMON AREA (STREET)	6,133 SF

**FLOOR AREA CALCULATIONS:**

<b>UNIT A1 &amp; A8:</b>	
FIRST FLOOR:	646 SF
SECOND FLOOR:	823 SF
TOTAL:	1,469 SF
<b>GARAGE:</b>	
TOTAL:	224 SF
<b>UNIT A2 - A7:</b>	
FIRST FLOOR:	629 SF
SECOND FLOOR:	798 SF
TOTAL:	1,427 SF
<b>GARAGE:</b>	
TOTAL:	227 SF
<b>UNIT B1-B3:</b>	
FIRST FLOOR:	761 SF
SECOND FLOOR:	921 SF
TOTAL:	1,682 SF
<b>GARAGE:</b>	
TOTAL:	286 SF

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38th AVENUE HOMES  
1575 38TH AVENUE, CAPITOLA, CA  
SITE PLAN AND PROJECT DATA

DRAWING DATE	OCTOBER 5, 2015
ISSUED TO FACILITATE CONSTRUCTION	DATE PENDING
PROJECT FILE NAME:	APPENRODT_37TH_AVE_S2

REVISIONS		
NO.	DESCRIPTION	DATE



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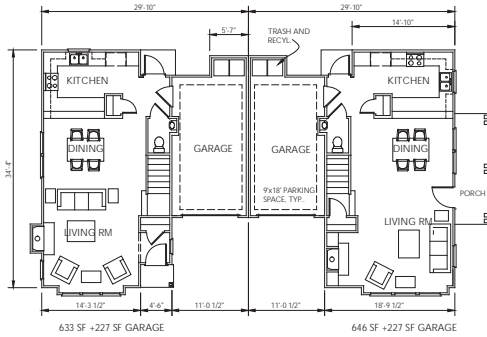
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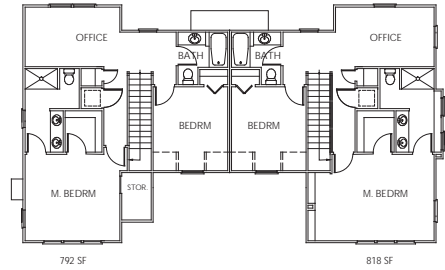
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**38th AVENUE HOMES**  
1575 38TH AVENUE, CARPENTRIA, CA  
A UNIT PLANS AND ELEVATIONS



1 A2 & A1 FIRST FLOOR (A7 & A8 SIM)  
SCALE: 1/8"=1'-0"



2 A2 & A1 SECOND FLOOR (A7 & A8 SIM)  
SCALE: 1/8"=1'-0"

EXTERIOR MATERIALS	
ROOFING:	COMPOSITION SHINGLES
SIDING:	HARDIEPLANK LAP SIDING 4" EXPOSURE
CHIMNEYS:	CEMENT PLASTER, SMOOTH
CORNER TRIM:	1x6 PAINTED WOOD OR COMPOSITE MATERIAL
EAVES:	PAINTED WOOD WITH EXPOSED RAFTER TAILS AND 1x6 PAINTED SOFFIT BOARDS 6x6 OUTRIGGERS @ GABLE ENDS
WINDOWS:	FIBERGLASS SINGLE HUNG PAINTED WOOD
WINDOW & DOOR TRIM:	1x6 PAINTED WOOD OR COMPOSITE MATERIAL WITH 2 PIECE CAP 2x WOOD SILL AND 1x4 APRON



3 A2 & A1 SOUTH ELEVATION  
SCALE: 1/8"=1'-0"



4 A1 & A2 NORTH ELEVATION  
SCALE: 1/8"=1'-0"



5 A1 EAST ELEVATION  
SCALE: 1/8"=1'-0"



6 A2 SIDE ELEVATION  
SCALE: 1/8"=1'-0"



7 A8 & A7 NORTH ELEVATION  
SCALE: 1/8"=1'-0"



8 A7 & A8 SOUTH ELEVATION  
SCALE: 1/8"=1'-0"



9 A8 EAST ELEVATION  
SCALE: 1/8"=1'-0"



10 A7 SIDE ELEVATION  
SCALE: 1/8"=1'-0"

DRAWING DATE  
OCTOBER 5, 2015  
ISSUED TO FACILITATE  
CONSTRUCTION  
DATE PENDING  
PROJECT FILE NAME:  
APN#R0071 37TH AVE S/D

REVISIONS		
NO.	DESCRIPTION	DATE



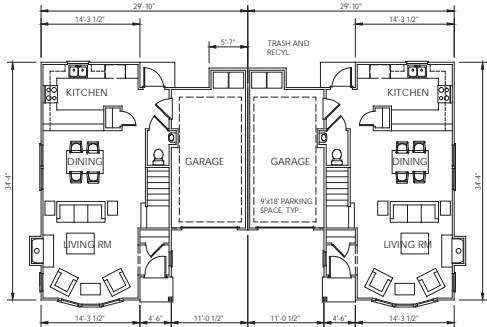
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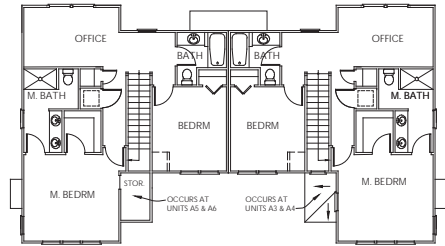
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**38th AVENUE HOMES**  
1575 38TH AVENUE, CARPENTRIA, CA  
**A UNIT PLAN AND ELEVATIONS**



① **A4 & A3 FIRST FLOOR (A5 & A6 SIM.)**  
SCALE: 1/8"=1'-0"

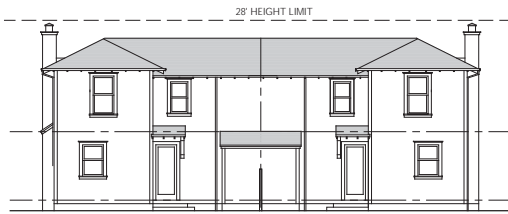


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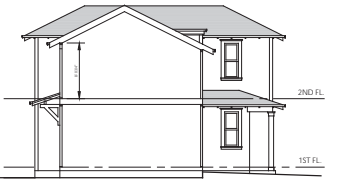
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SIDING:	HARDIEPLANK LAP SIDING 4" EXPOSURE
CHIMNEYS:	CEMENT PLASTER, SMOOTH
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WINDOW & DOOR TRIM:	1x6 PAINTED WOOD OR COMPOSITE MATERIAL WITH 2 PIECE CAP 2x WOOD SILL AND 1x4 APRON



③ **A4 & A3 SOUTH ELEVATION**  
SCALE: 1/8"=1'-0"



④ **A3 & A4 NORTH ELEVATION**  
SCALE: 1/8"=1'-0"



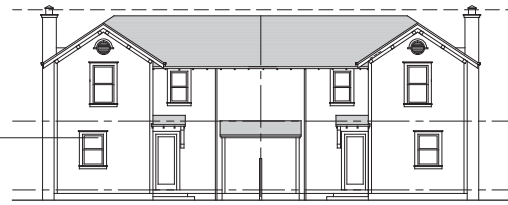
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SCALE: 1/8"=1'-0"



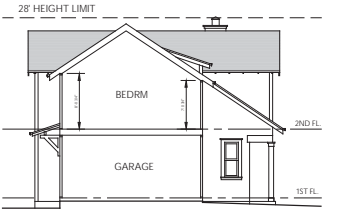
⑥ **A4 SIDE ELEVATION (A3 SIM.)**  
SCALE: 1/8"=1'-0"



⑦ **A6 & A5 NORTH ELEVATION**  
SCALE: 1/8"=1'-0"



⑧ **A5 & A6 SOUTH ELEVATION**  
SCALE: 1/8"=1'-0"



⑨ **A2 SECTION**  
SCALE: 1/8"=1'-0"



⑩ **A6 SIDE ELEVATION (A6 SIM.)**  
SCALE: 1/8"=1'-0"

DRAWING DATE  
OCTOBER 5, 2015  
ISSUED TO FACILITATE  
CONSTRUCTION  
DATE PENDING  
PROJECT FILE NAME:  
APN:R0071 3TH AVE SD

REVISIONS		
No.	DESCRIPTION	DATE



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38th AVENUE HOMES  
1575 38TH AVENUE, CARPENTRIA, CA  
B UNIT PLANS AND ELEVATIONS

DRAWING DATE		OCTOBER 5, 2015
ISSUED TO FACILITATE CONSTRUCTION		DATE PENDING
PROJECT FILE NAME:		APENROD01: 3TH AVE SD
REVISIONS		
NO.	DESCRIPTION	DATE

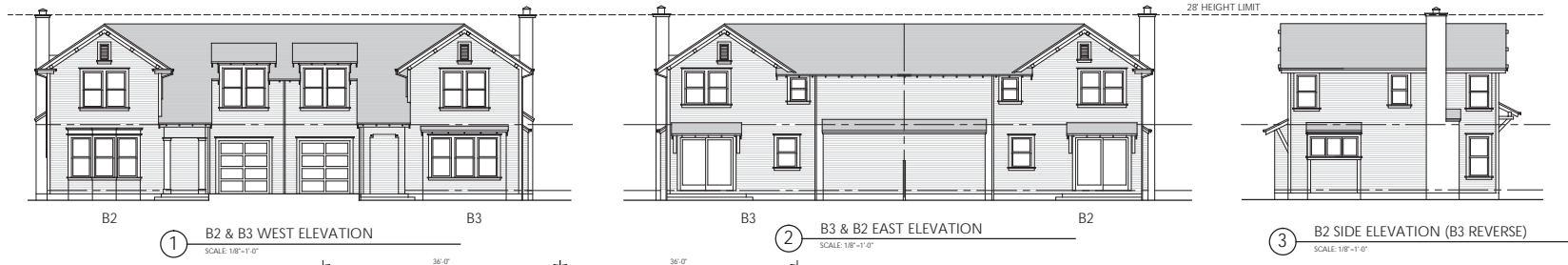


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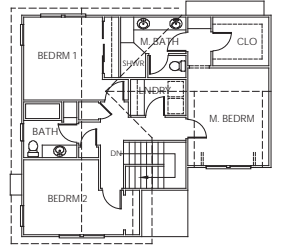
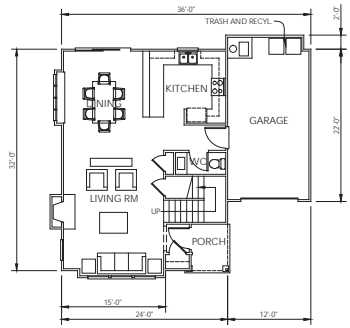
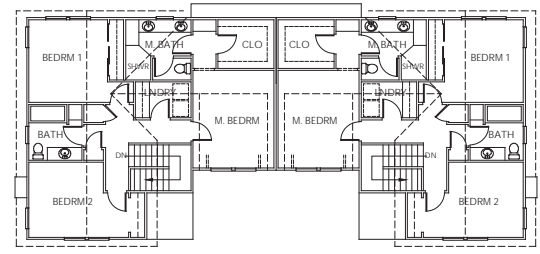
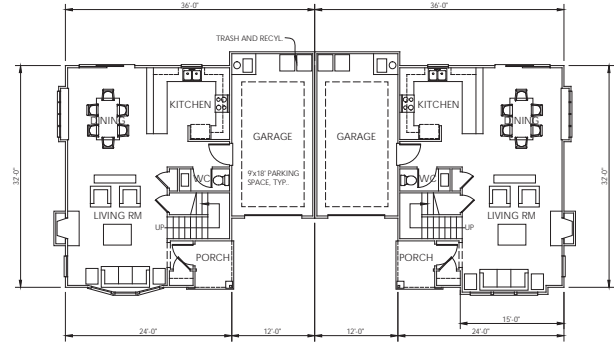
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A4

9.A.2



EXTERIOR MATERIALS	
ROOFING:	COMPOSITION SHINGLES
SIDING:	HARDIEPLANK LAP SIDING 4" EXPOSURE
CHIMNEYS:	CEMENT PLASTER, SMOOTH
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Packet Pg. 92



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**38th AVENUE HOMES**  
1575 38TH AVENUE, CANTONIA, CA  
STREET ELEVATIONS



A8



A1

① STREET ELEVATION FROM 38TH  
SCALE: 1/8"=1'-0"



B2

A4

A3

A2

A1

② STREET ELEVATION  
SCALE: 1/8"=1'-0"



A8

A7

A6

A5

B1

③ STREET ELEVATION  
SCALE: 1/8"=1'-0"

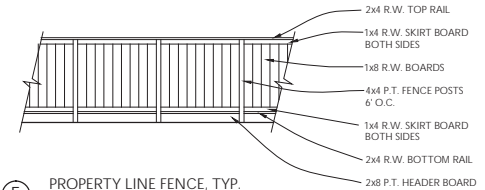


B1

B2

B3

④ STREET ELEVATION  
SCALE: 1/8"=1'-0"



⑤ PROPERTY LINE FENCE, TYP.  
SCALE: 1/8"=1'-0"

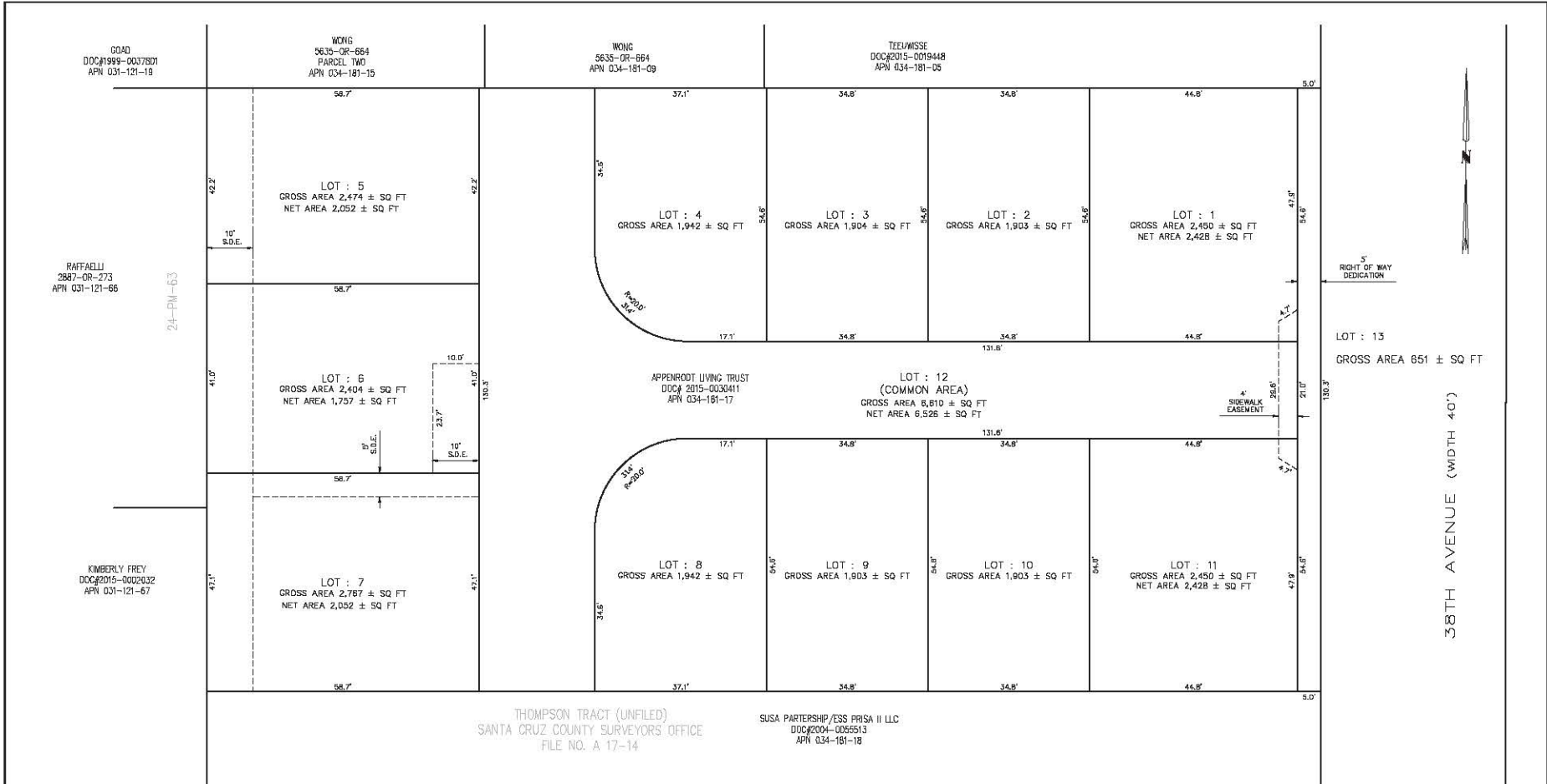
DRAWING DATE  
OCTOBER 5, 2015  
ISSUED TO FACILITATE  
CONSTRUCTION  
DATE PENDING  
PROJECT FILE NAME:  
APRNROD01: 3TH AVE S3D

REVISIONS		
No.	DESCRIPTION	DATE



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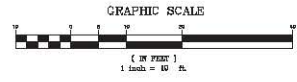
Attachment: 1575 38th Ave Plans (1259 : 1575 38th Avenue)

**PROJECT INFORMATION**

<b>OWNER:</b>	JOE APPENRODT 4378 CAPITOLA ROAD CAPITOLA, CA 95010 (831) 465-8181	<b>APN :</b>	034-181-17
<b>CIVIL ENGINEER:</b>	JEFF R. NAESS BOWMAN AND WILLIAMS 1011 CEDAR STREET SANTA CRUZ, CA 95060 (831) 426-3580	<b>PROPERTY SIZE :</b>	0.702± ACRES
<b>PROJECT PLANNER:</b>	MATHEW THOMPSON THACHER & THOMPSON ARCHITECTS 877 CEDAR STREET, SUITE 248 SANTA CRUZ, CA 95060 (831) 457-3939	<b>ZONING :</b>	QN (NEIGHBORHOOD COMMERCIAL)
		<b>GENERAL PLAN DESIGNATION :</b>	N/A
		<b>CURRENT USE :</b>	VACANT
		<b>PROPOSED USE :</b>	MULTIPLE DWELLINGS AND GROUPS OR COMBINATIONS THEREOF
		<b>WATER SUPPLY :</b>	CITY OF SANTA CRUZ WATER DEPARTMENT
		<b>SEWER SERVICE :</b>	SANTA CRUZ COUNTY SANITATION DISTRICT
		<b>AREAS OF INUNDATION :</b>	NONE
		<b>FIRE DISTRICT :</b>	CENTRAL FIRE PROTECTION DISTRICT

**ABBREVIATIONS**

R	RADIUS
S.D.E.	STORM DRAINAGE EASEMENT
SQ FT	SQUARE FEET

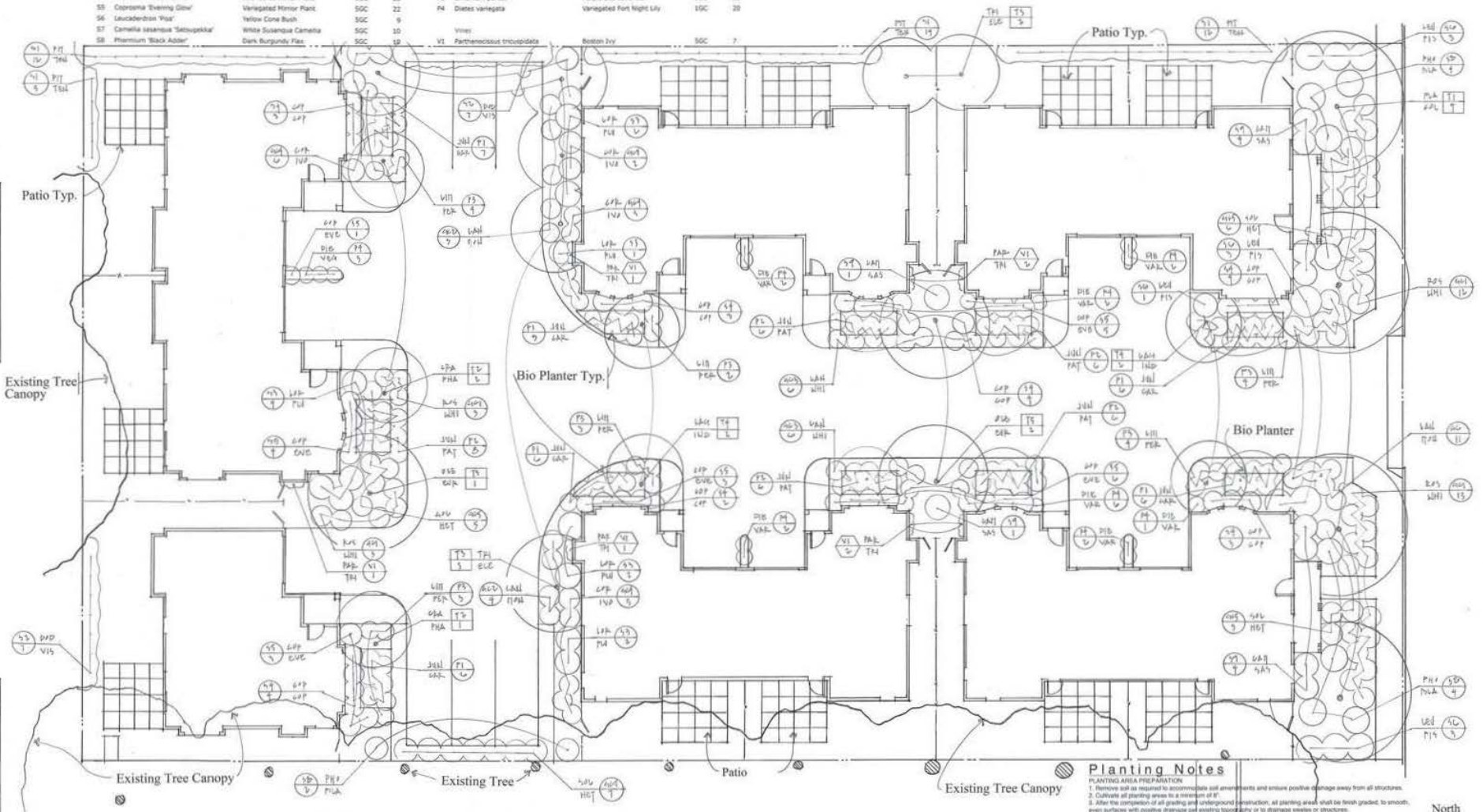


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<b>BOWMAN &amp; WILLIAMS</b>			
CONSULTING CIVIL ENGINEERS 1011 CEDAR STREET SANTA CRUZ, CA 95060 (831) 426-3580			
<b>TENTATIVE MAP</b>		1575 38TH AVENUE CAPITOLA, CALIFORNIA	
SCALE: AS SHOWN	SHAWN CHAI	JOB NO: 20204	SHEET
DATE: 6 OCT 2019	DRAWN: JRN	INCHES	11
DESIGN: GJM	DRW NAME:	FILE NO: 20204	OF 8

Plant Legend

Trees				Groundcovers					
T1	Platanus acerifolia 'Columbar'	London Plane Tree	24" Box	4	GC1	Rosa 'White Flower Carpet'	White Flower Carpet Rose	2 GC	33
T2	Crataegus phoenicifolium	Washington Hawthorn	150C	3	GC2	Lantana montevidensis	Violet Trailing Lantana	10C	20
T3	Tristramia laurina 'Elegant'	Swamp Myrtle	150C	7	GC3	Lantana 'Dwarf White'	White Lantana	10C	12
T4	Lagerstroemia indica 'Tuscarora'	Dark Pink Crape Myrtle	150C	4	GC4	Cornus 'Ivory Bell'	White Australian Fuchsia	50C	12
T5	Olea europaea 'Majestic Beauty'	Frutless Olive	24" Box	3	GC5	Soliva heterophylla	Bluebell Creeper	50C	23
Shrubs				Perennials					
S1	Pittosporum tenuifolium	Kuhuhu-screen shrub	150C	43	P1	Juncus 'Carmen's Jewel'	Green California Rush	10C	36
S2	Dodonaea viscosa 'Purpurea'	Purple-leaved Hopbush	150C	14	P2	Juncus pascua 'St. Bur'	Blue California Rush	10C	32
S3	Lampetulum 'Flum Delight'	Red-wafered Nigella Fringe Flower	50C	11	P3	Limnium pereni	Purple Sea Lavender	10C	20
S4	Coronilla 'Cappervine'	Red-wafered Minor Plant	50C	23	P4	Diates variegata	Variegated Fort Night Lily	10C	20
S5	Coronilla 'Evening Glow'	Variegated Minor Plant	50C	22					
S6	Leucadendron 'Yogi'	Yellow Cone Bush	50C	9					
S7	Camellia sasanqua 'Satsugekka'	White Sasanqua Camellia	50C	10					
S8	Prunella 'Black Adair'	Dark Burgundy Flax	50C	10					
					V1	Patiencecassia thymoides	Boston Ivy	50C	7



Planting Plan

1/8" = 1'-0"

Planting Notes

- PLANTING AREA PREPARATION**
1. Remove soil as required to accommodate soil amendments and ensure positive drainage away from all structures.
  2. Cultivate all planting areas to a minimum of 6".
  3. After the completion of all grading and underground construction, all planting areas shall be fresh graded, to smooth, even surfaces with positive drainage and planting topography to its drainage swales or structures.
  4. Existing plants to be saved shall be protected from injury.
  5. No structures of plants or materials to be saved shall be located within the crop line of any existing tree to be saved.
- QUALITY OF PLANT MATERIALS**
1. All plant material shall be nursery grown, healthy and free from disease and pests.
  2. Plants not conforming to common nursery standards or found unacceptable by the Landscape Architect will be considered defective and shall be replaced at no additional cost to the owner.
  3. Plants shall be protected from drying out, wind burn and injury during handling and storage.
- INSTALLATION**
1. Planting holes shall be as deep as the root ball and 2 times the width of the root ball.
  2. Each plant shall have a pre-made or site-made galvanized band of the appropriate size.
  3. Backfill for the planting holes shall be 80% site soil and 20% 50-50 blend mushroom compost, or aged manure.
  4. All planting areas shall be mulched with 2" of reduced bark, or bark or other approved material.
  5. All trees shall be staked with 2, 2" x 4" lodge pole pine has stake outside the root ball and secured with two rubber hose.

### Irrigation Legend

- WM Water Meter
- Water Main
- Hunter Pro-C Controller With Hunter "Solar Sync" ET System With Automatic Rain Shut Off Device
- P.O.C. Point of Connection (irrigation main to water main)
- Felco 825V Reduced Pressure Backflow Preventer per manufacturer's specifications
- Irrigation Main - Schedule 40 PVC min. 1 1/2" bory
- Watts Date Valve
- Hunter PGV Angle Valve with a Serringer Pressure Regulator and an AG Products Wye Filter in Valve Box, Top of Box at Grade
- Irrigation Lateral - Schedule 40 PVC min. 1 1/2" bory
- Schedule 40 PVC Sleeve (by the diameter of the pipe), 1" PVC Couplet for Controller Wires
- Polyethylene Drip Tubing with "in Line" Emitters (use 1/2" more tubing when necessary)
- Wilsons Series 622 Pressure Regulator After Water Meter (if pressure is over 80 PSI from the City Water Main)
- Reinforced Quick Coupler with Locking Cover

### Irrigation Notes

The landscape contractor shall verify existing conditions, water pressures and the condition of the water meter and notify the landscape architect of any discrepancies. The landscape contractor shall insure complete coverage and shall adjust all heads for optimum performance and minimize overspray.

The landscape contractor shall install the irrigation controller over the junction box and connect to electrical service. The controller and backflow preventer shall be installed per manufacturer's specifications.

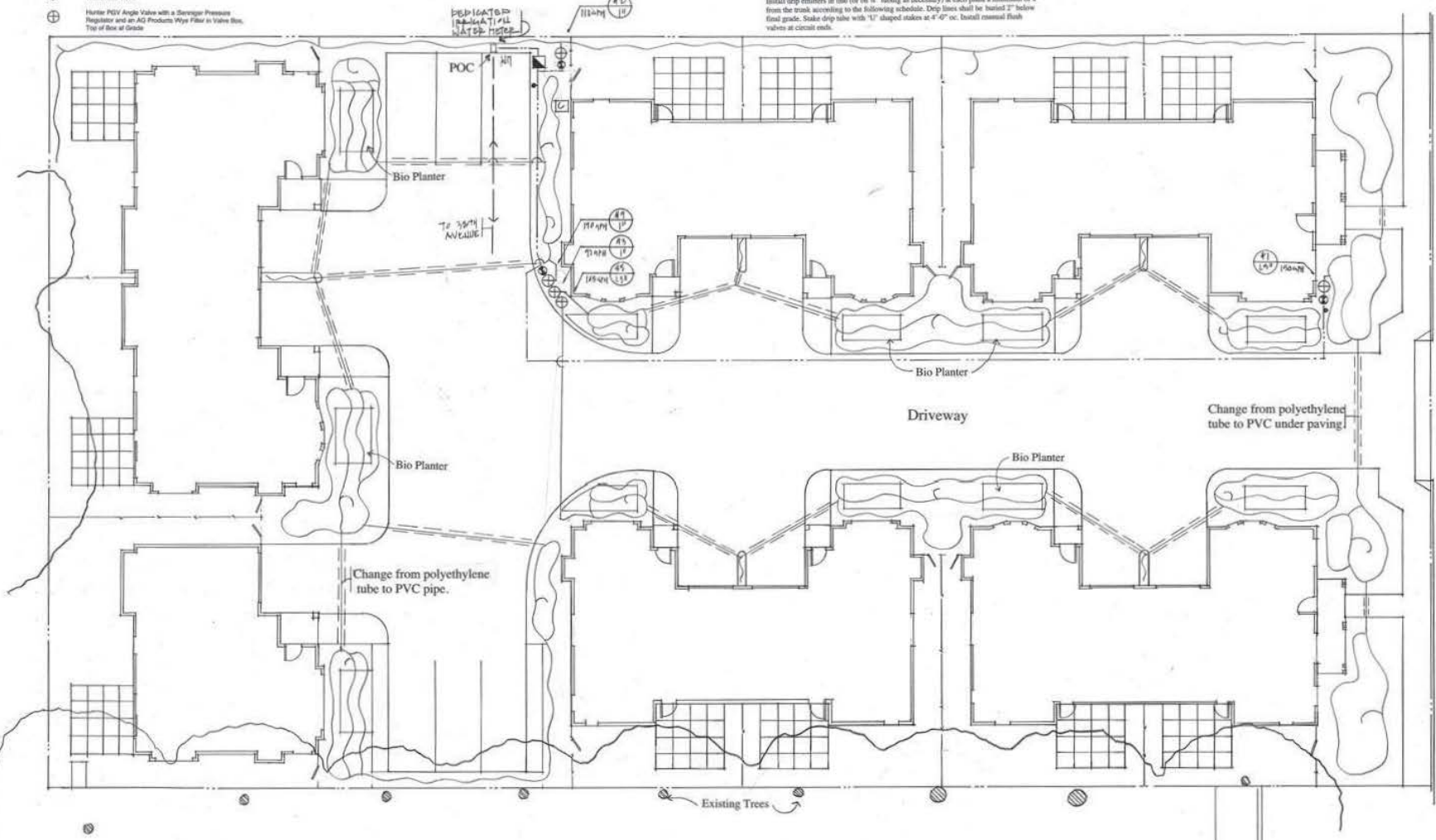
Remote control valves shall be installed in plastic boxes 1" above finish grade with locking lids marked "Irrigation Control Valve" located 12" minimum from walk ways or curbs where possible. Piping and valve boxes shall be installed in planted, gravel or dirt areas whenever possible.

The piping diagram shall be considered diagrammatic only. All above ground piping and fittings shall be galvanized.

Drip pressure regulator and wye filter shall be installed in rectangular plastic boxes 1" above grade.

The entire drip system shall be flushed prior to the installation of emitters. Install drip emitters in line (or on 1/2" tubing as necessary) at each plant a minimum of 2" from the trunk according to the following schedule. Drip lines shall be buried 2" below finish grade. Stake drip tube with "U" shaped stakes at 4'-0" oc. Install manual flush valves at circuit ends.

Emitter Schedule	
1 gallon plant	2- 1/2 gallon emitters 5 gallon plant
15 gallon plant	3- 2 gallon emitters 24" box plant
	2- 1 gallon emitters
	4- 2 gallon emitters



### Irrigation Plan

1/8" = 1'-0"



Sheet 12

Revisions

Date 10-26-2015

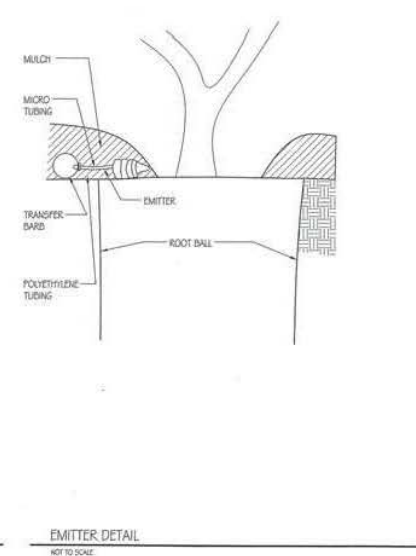
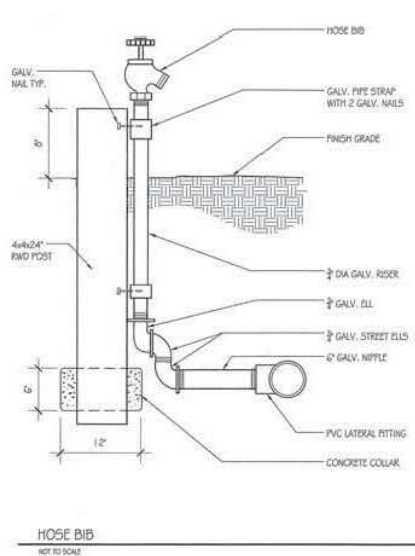
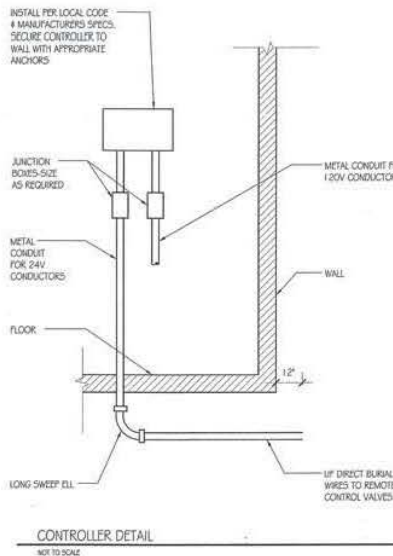
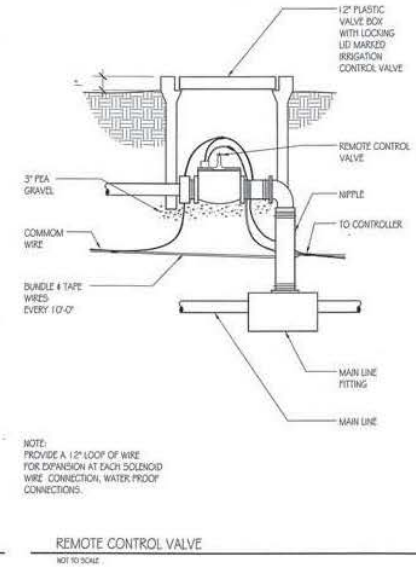
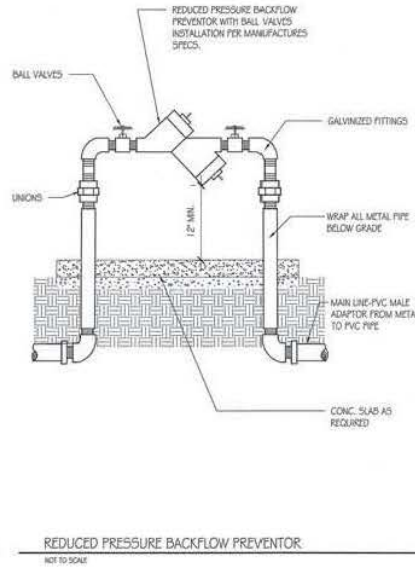
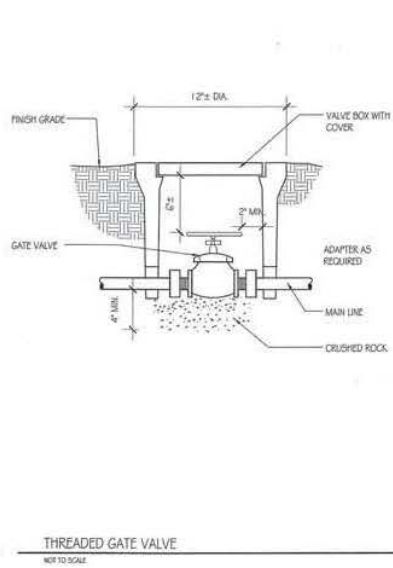
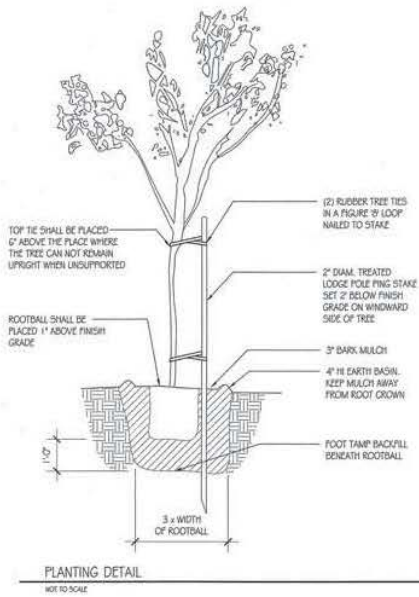
831-426-6845

Ellen Cooper Tanderana Architect

38TH AVENUE

Attachment: 1575 38th Ave Plans (1259 : 1575 38th Avenue)





SHEET **L3**

REVISIONS:

DATE: **12-14-2015**

831-426-6245  
CALIC # 2937

**ELLEN COOPER LANDSCAPE ARCHITECT**

Joe Appendrodt: 38<sup>th</sup> Avenue Homes  
1575 38<sup>th</sup> Avenue Capitola, Ca.

DETAIL SHEET

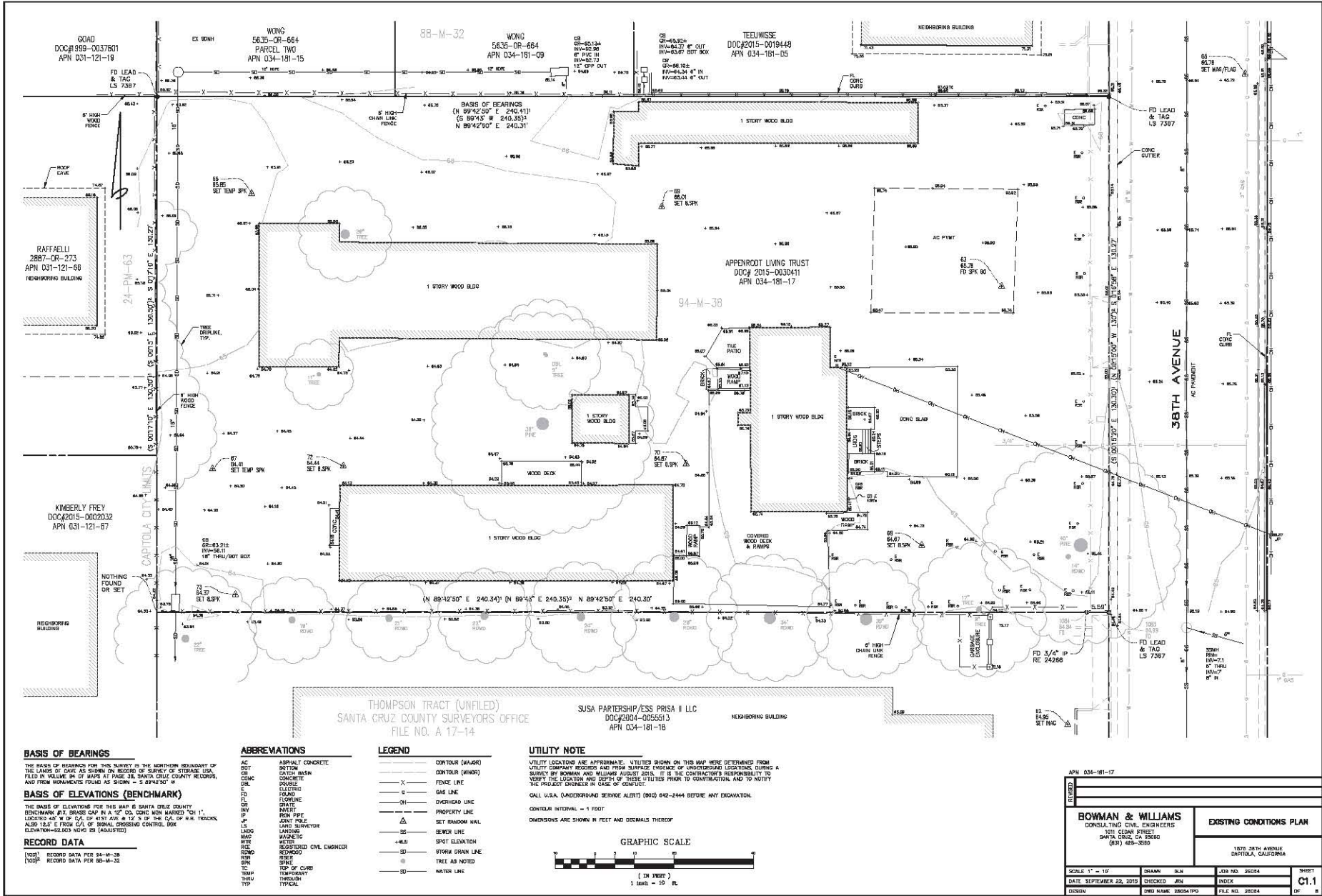
<p><b>IRRIGATION SYSTEM</b></p> <p><b>PART 1 - GENERAL</b></p> <p><b>1.01 WORK INCLUDED</b></p> <p><b>A. Description</b></p> <p>It is the intention of these specifications to accomplish the work of installing the irrigation system, which will operate in an efficient and satisfactory manner according to the workmanship standards established for irrigation sprinkler operation. Notwithstanding the fact that these specifications may be different in certain parts a complete detailed description of the work to be done, it shall be the responsibility of the successful bidder to consult said irrigation in such a manner that it shall operate efficiently and with full coverage to lawn, trees, shrub and ornamental areas.</p> <p><b>B. Work included in this section shall consist of constructing an irrigation system as shown on the plans and as herein specified.</b></p> <p><b>C. Before proceeding with any work, the Contractor shall carefully check and verify all dimensions and shall report any variations to the Owner or Landscape Architect.</b></p> <p><b>D. The system shall efficiently and evenly irrigate all areas, shall be complete in every respect, and shall be fully ready for operation to the satisfaction of the Owner or Landscape Architect.</b></p> <p><b>E. Included in the base work shall be the following and installing of:</b></p> <ol style="list-style-type: none"> <li>1. Mainline</li> <li>2. Branch irrigation lines (laterals)</li> <li>3. Automatic control valves</li> <li>4. Electrical power distribution systems to remote control valves</li> <li>5. Sprinkler heads</li> <li>6. Backflow preventer assembly</li> <li>7. Flushing lines</li> <li>8. Control mains and laterals</li> <li>9. Miscellaneous valves, fittings, and appurtenances</li> </ol> <p><b>F. Furnishing of all materials necessary to place the work in operating condition as a completed unit.</b></p> <p><b>G. Automatic irrigation controller</b></p> <p><b>H. Stop irrigation components</b></p>	<p><b>F. General</b></p> <p>The Contractor shall furnish all labor, permits, materials, supplies, tools and transportation, and perform all operations in connection with and reasonably incidental to the complete installation of the irrigation system as shown on the drawings and a herein specified. The work shall include but not necessarily be limited to the following:</p> <ol style="list-style-type: none"> <li>1. Working connection to the existing water line.</li> <li>2. Installation of new irrigation system complete with all backflow preventers, pipes, valves, fittings, sprinkler heads, and automatic controls as noted on plans.</li> <li>3. All excavation, trenching, backfills and restoration of surfaces altered by work.</li> <li>4. Line voltage electrical connection to the irrigation controller and low voltage control wiring from the controller to the control valves.</li> </ol> <p><b>1.01 RELATED WORK</b></p> <p><b>A. Consult all other Specification sections, determine the extent and character of related work, and properly coordinate such specified items with that specified elsewhere, to produce a complete, operational installation.</b></p> <p><b>1.02 REFERENCE</b></p> <p><b>A. All work and materials shall be in accordance with the latest rules and regulations of the National Electric Code, the Uniform Plumbing Code, published by the Western Plumbing Officials Association, and other applicable State or local laws or regulations.</b></p> <p><b>1.04 QUALITY ASSURANCE</b></p> <p><b>A. The workmanship of the entire job must in every way be of the highest quality by only experienced and competent workers.</b></p> <p><b>B. The Contractor shall locate all sprinkler and valve locations and obtain the Owner's approval prior to installing operation.</b></p>	<p><b>1.05 INSPECTION</b></p> <p><b>A. After the system has been installed and approved, the Contractor shall instruct the Owner or their representative, in complete operation and maintenance of the irrigation system.</b></p> <p><b>PART 2 - PRODUCTS</b></p> <p><b>2.01 GENERAL</b></p> <p><b>A. Materials</b></p> <p>Certain materials on the drawings and in the specifications are taken from the Manufacturer's catalog. Equipment used in quality and utility will be acceptable. All materials shall be new and in top condition. If changes are made, the Contractor shall submit descriptive literature to the Landscape Architect for approval of all proposed materials.</p> <p>Refer to the brand and irrigation notes on the drawings for materials to be furnished.</p> <p><b>PART 5 - EXECUTION</b></p> <p><b>5.01 GENERAL</b></p> <p><b>A. Where other conditions do not prevent location of pipes, valves and heads where indicated on the drawings, notify the Landscape Architect to determine new locations.</b></p> <p><b>B. No pipe lines and automatic control wiring in common trenches wherever practical.</b></p> <p><b>C. Excavation</b></p> <p>Trenches may be excavated either by hand or machine, but shall not be wider than is necessary to lay the pipes. Care should be taken to avoid damage to existing water lines, other utilities and existing tree roots. Minimum depth of cover for buried systems shall be:</p> <ol style="list-style-type: none"> <li>1. Eighteen inches (18") for mainline pressurized pipe.</li> <li>2. Eighteen inches (18") for 2 1/2" and 2" valves from controllers to remote control valves.</li> <li>3. Twelve inches (12") for lateral lines.</li> <li>4. Eighteen inches (18") minimum cover for any pipe shown under pressure except for sleeves specifically for polyethylene drip tubes.</li> </ol>	<p><b>A. Pipe joints and Connections</b></p> <ol style="list-style-type: none"> <li>1. Joints shall be performed by competent technicians, specifically trained in the type of work required and areas tools and equipment recommended by the manufacturers of the pipe fittings and equipment.</li> <li>2. Metal pipe threads shall be sawed, clean cut, and coated to full inside diameter. Threaded joints shall be made up with hand tightening per joint compound or joint paste carefully and smoothly placed on the male threads only throughout the system.</li> <li>3. All threaded joints shall be made tight with torque wrenches without the use of flange extenders. Use of thread extenders or cutting to make joints will not be permitted. All cut joints shall be re-cut to full length before assembly.</li> <li>4. On plastics to PS connections, the Contractor shall work with the PS first. Use non-halogen pipe dope except with black Gasket plastic pipe use only Teflon tape. Teflon plastic to PS joints with hand wrench pressure.</li> <li>5. Contractor shall use only the solvent applied and recommended by the pipe and / or fitting manufacturer to make plastic pipe joints.</li> <li>6. Pipe and fitting shall be cleaned thoroughly with an approved PVC cleaner, if dirt, silt, grease and solvents before applying solvent. Solvent waste shall be made with a non-halogen flammable liquid or other as the following requires. Apply an even coat of solvent to the outside of the pipe, apply solvent to the inside of the fitting, except a light coat of solvent to the outside of the pipe, making sure that the contact area on the pipe is equal to the depth of the fitting socket. Insert pipe gently into the fitting and turn the pipe approximately one quarter turn to distribute the solvent and remove air bubbles. Check all sizes and fits for position, standard joint for approximately fifteen (15) seconds but do not push out from fittings.</li> <li>7. Use clean rag and wipe off all excess solvent from both pipe and fitting.</li> <li>8. Allow at least fifteen (15) minutes set-up time for each welded joint before reuse.</li> <li>9. Connections and controls shall be functionally as shown on the drawings, but, physically shall be the most direct and convenient method while exposing the least high-side pressure.</li> </ol>
<p><b>B. Flushing of pipes</b></p> <ol style="list-style-type: none"> <li>1. Handing and assembly of pipe, fittings and accessories shall be by skilled tradesmen using approved methods and tools, and exercising care to prevent damage to the materials or equipment. Before of pipe fittings and accessories shall be kept clean at all times, and all openings in piping run shall be closed at the end of each day's work or otherwise as necessary to prevent entry of foreign materials.</li> <li>2. Plastic pipe shall be marked continuously and permanently with the following information: Manufacturer's name and quality control identification, National Sanitation Foundation's seal, class or schedule of pipe, pressure ratings of pipe and pipe size. The pipe shall be marked with the markings up during installation so that they may be read when viewed from above, while trenches are open.</li> </ol> <p><b>A. Installation of Pipes (General)</b></p> <ol style="list-style-type: none"> <li>1. Plastic pipe shall always be installed so that there will be a good amount of ground beneath it to be the best compromise for contraction and expansion of the pipe. This shall be accomplished by "backing the hole" in the trench during installation.</li> </ol> <p><b>B. Backfill</b></p> <ol style="list-style-type: none"> <li>1. All trenches shall be backfilled with soil free of large clumps, rocks or pieces of roots, wood, etc. The top six inches (6") shall be tamped or soil similar to that removed from the upper portion of the trench. Any pipes or sleeves under paving of any kind shall be backfilled to a layer of sand, minimum six (6") above and five (5") below pipe and shall not be backfilled and tamped successfully passed primary trenches.</li> <li>2. Backfill from the bottom of the trench to a point at least six inches (6") above the top of the pipe. Proceed evenly on both sides of the pipe and compact by continuous tamping. The remainder of the backfill shall be tamped thoroughly. Heavy equipment shall not be used within eighteen inches (18") of the pipe.</li> </ol> <p><b>3.03 VALVE AND SPRINKLER HEADS</b></p> <p><b>A. Locate valves no closer than 12" from walk edges.</b></p> <p><b>B. Thoroughly flush manifold before installing valves and heads.</b></p>	<p><b>C. System Adjustment</b></p> <ol style="list-style-type: none"> <li>1. The entire sprinkler system shall be properly adjusted before final acceptance. Adjustments shall include but not necessarily be limited to:       <ol style="list-style-type: none"> <li>a. Adjustment of arc and distance control devices on all sprinklers, including changing nozzle sizes if necessary to assure proper coverage of planted areas.</li> <li>b. Reduction or addition of sprinkler heads if necessary to properly cover planted areas, without causing excessive water to be drawn on buildings, walkways, etc.</li> </ol> </li> <li>2. Setting of automatic valves as necessary to operate sprinklers at manufacturer's recommended pressure.</li> <li>3. Adjustment and testing of all automatic control devices to assure their proper function, both automatically and manually.</li> </ol> <p><b>3.04 AUTOMATIC CONTROL WIRING AND ELECTRICAL CONTROL</b></p> <p><b>A. The low voltage wiring and connections for the irrigation system shall be done under this section of the specifications. The low voltage work shall consist of connecting the controller to the manual available BS will apply and shall be done under the section titled Electrical Work - General.</b></p> <p><b>B. The low voltage connection shall be made, in accordance with local electrical Code. The low voltage work shall include all necessary wiring from the controller to the automatic sprinkler valves, installed in accordance with the manufacturer's recommendations.</b></p> <p><b>C. A loop of extra wire, a minimum of twenty-four inches (24") long shall be provided at each automatic valve. Appropriate emergency loops shall be provided throughout the system to assure that no wires shall be under stress.</b></p> <p><b>D. All splices and connections in the 24" wire system shall be made using the best available weather-proofed connectors.</b></p> <p><b>A. One size for 2 1/2" and 2" valves shall be used or black No. 14-12, manufactured especially for direct burial irrigation work. Common grounds shall be white. No. 14-12 where noted otherwise on the plans.</b></p> <p><b>F. Wiring, wherever possible, shall be placed in the same trench with and alongside of, the irrigation main water line.</b></p>	<p><b>G. All wiring placed under paving shall be put in adequately sized PVC Schedule 40 pipe sleeves prior to paving operations.</b></p> <p><b>H. Under no circumstances, on multiple controller installations, will a single common ground, shared by each controller, be permitted. Each controller shall have its own separate common ground wire.</b></p> <p><b>I. Slopes</b></p> <p>Twenty four (24") wire shall be placed through PVC Schedule 40 sleeves along with the main and or lateral pipes. Wires shall be placed above the piping, within the sleeve, and in such a way that the wiring is not twisted, stretched, or kinked.</p> <p><b>J. Slope Protection</b></p> <p>Slopes shall project minimum (18") inside of curb on the planting land side of the curb.</p> <p><b>K. Wire Runs</b></p> <p>Twenty four (24") wire wire shall be run shown on plans. Contractor is responsible for selecting the most efficient wire route and shall indicate the routing on the as-built drawings.</p> <p><b>3.05 TESTING WIRING AND LATERALS</b></p> <p><b>A. All testing shall be done in the presence of the inspector. All work shown herein is done by the Contractor. Center-load all pipelines with down-well approximately every four feet to test hydraulic pressure, but lower fittings approved for inspection. Piping under pressure shall be tested before joints are in place. Initial 100 PSI water pressure shall be tested. All valves shown on the plans shall be in place and shall be in the closed position. Water shall be tested at 125 PSI and laterals at 60 PSI. If available static water pressure is under 125 PSI, provide a suitable pump for the tests. If pressure drops to meet pipe diameter and listed at air from hoses as they are being tested. After closing valve at water source, main shall hold 120 PSI water pressure for two (2) hours with no leaks. Laterals are expected to have minor seepage at multiple every joint assemblies, at the discretion of the inspector. Major leaks are not acceptable. Laterals shall be tested for one hour at 60 PSI while to record any pipe or assembly flaws. The laterals are not expected to hold water pressure.</b></p> <p><b>B. For testing laterals, cap runs or turn adjusting screws on valves to the "off" position, as appropriate.</b></p>	<p><b>C. Capter any lines discovered in water or laterals, show extent to the same location as noted, in the presence of the inspector, and all lines have been approved.</b></p> <p><b>3.06 EXCISED DRAWINGS</b></p> <p><b>A. The Contractor shall provide and maintain in good order two (2) complete sets of copies of all as-built irrigation drawings which form a part of the contract, showing all water lines, sprinklers, valves, controllers, sleeves and shut-offs. On the drawings, such work shall be shown carefully and correctly on these prints or sketches. Excised drawings shall be submitted to the Owner at the completion of the work. All underground water-line for future connections shall be located and dimensioned accurately from a building or other fixed object, as all record drawings.</b></p>
<p>Page 5</p>	<p>Page 6</p>	<p>Page 7</p>	<p>Page 8</p>

IRRIGATION SCHEDULES

Month	Valve	Hydrant	Gal/Hour	Run Time	Days/Week	Gal/Month
January	Eto 1.24"					
	Valve #1	A-Low, full sun	150 GPH	15 min	2	150 Gal/Mo
	Valve #2	B-Low, part shade	112 GPH	15 min	1	112 Gal/Mo
	Valve #3	B-Low, part shade	97 GPH	15 min	1	97 Gal/Mo
	Valve #4	A-Low, full sun	190 GPH	15 min	1	190 Gal/Mo
	Valve #5	A-Low, full sun	105 GPH	15 min	1	105 Gal/Mo
Total						654 Gal/Mo
February	Eto 1.60"					
	Valve #1	A-Low, full sun	150 GPH	15 min	2	150 Gal/Mo
	Valve #2	A-Low, full sun	112 GPH	15 min	1	112 Gal/Mo
	Valve #3	B-Low, part shade	97 GPH	15 min	1	97 Gal/Mo
	Valve #4	B-Low, part shade	190 GPH	15 min	1	190 Gal/Mo
	Valve #5	A-Low, full sun	105 GPH	15 min	1	105 Gal/Mo
Total						654 Gal/Mo
March	Eto 2.31"					
	Valve #1	A-Low, full sun	150 GPH	15 min	2	150 Gal/Mo
	Valve #2	A-Low, full sun	112 GPH	15 min	1	112 Gal/Mo
	Valve #3	B-Low, part shade	97 GPH	15 min	1	97 Gal/Mo
	Valve #4	B-Low, part shade	190 GPH	15 min	1	190 Gal/Mo
	Valve #5	A-Low, full sun	105 GPH	15 min	1	105 Gal/Mo
Total						654 Gal/Mo
April	Eto 2.9"					
	Valve #1	A-Low, full sun	150 GPH	15 min	2	300 Gal/Mo
	Valve #2	A-Low, full sun	112 GPH	15 min	2	224 Gal/Mo
	Valve #3	B-Low, part shade	97 GPH	15 min	2	194 Gal/Mo
	Valve #4	B-Low, part shade	190 GPH	15 min	2	380 Gal/Mo
	Valve #5	A-Low, full sun	105 GPH	15 min	2	210 Gal/Mo
Total						1308 Gal/Mo
May	Eto 4.65"					
	Valve #1	A-Low, full sun	150 GPH	15 min	2	300 Gal/Mo
	Valve #2	A-Low, full sun	112 GPH	15 min	2	224 Gal/Mo
	Valve #3	B-Low, part shade	97 GPH	15 min	2	194 Gal/Mo
	Valve #4	B-Low, part shade	190 GPH	15 min	2	380 Gal/Mo
	Valve #5	A-Low, full sun	105 GPH	15 min	2	210 Gal/Mo
Total						1308 Gal/Mo
June	Eto 5.1"					
	Valve #1	A-Low, full sun	150 GPH	15 min	2	300 Gal/Mo
	Valve #2	A-Low, full sun	112 GPH	15 min	2	224 Gal/Mo
	Valve #3	B-Low, part shade	97 GPH	15 min	2	194 Gal/Mo
	Valve #4	B-Low, part shade	190 GPH	15 min	2	380 Gal/Mo
	Valve #5	A-Low, full sun	105 GPH	15 min	2	210 Gal/Mo
Total						1308 Gal/Mo
July	Eto 4.90"					
	Valve #1	A-Low, full sun	150 GPH	15 min	2	300 Gal/Mo
	Valve #2	A-Low, full sun	112 GPH	15 min	2	224 Gal/Mo
	Valve #3	B-Low, part shade	97 GPH	15 min	2	194 Gal/Mo
	Valve #4	B-Low, part shade	190 GPH	15 min	2	380 Gal/Mo
	Valve #5	A-Low, full sun	105 GPH	15 min	2	210 Gal/Mo
Total						1308 Gal/Mo
August	Eto 4.60"					
	Valve #1	A-Low, full sun	150 GPH	15 min	2	300 Gal/Mo
	Valve #2	A-Low, full sun	112 GPH	15 min	2	224 Gal/Mo
	Valve #3	B-Low, part shade	97 GPH	15 min	2	194 Gal/Mo
	Valve #4	B-Low, part shade	190 GPH	15 min	2	380 Gal/Mo
	Valve #5	A-Low, full sun	105 GPH	15 min	2	210 Gal/Mo
Total						1308 Gal/Mo

Month	Valve	Hydrant	Gal/Hour	Run Time	Days/Week	Gal/Month
Sept	Eto 3.9"					
	Valve #1	A-Low, full sun	150 GPH	15 min	2	300 Gal/Mo
	Valve #2	A-Low, full sun	112 GPH	15 min	2	224 Gal/Mo
	Valve #3	B-Low, part shade	97 GPH	15 min	2	194 Gal/Mo
	Valve #4	B-Low, part shade	190 GPH	15 min	2	380 Gal/Mo
	Valve #5	A-Low, full sun	105 GPH	15 min	2	210 Gal/Mo
Total						1308 Gal/Mo
October	Eto 2.79"					
	Valve #1	A-Low, full sun	40 GPH	15 min	2	300 Gal/Mo
	Valve #2	A-Low, full sun	92 GPH	15 min	2	224 Gal/Mo
	Valve #3	B-Low, part shade	47 GPH	15 min	2	194 Gal/Mo
	Valve #4	B-Low, part shade	29 GPH	15 min	2	380 Gal/Mo
	Valve #5	A-Low, full sun	64 GPH	15 min	2	210 Gal/Mo
Total						1308 Gal/Mo
Nov	Eto 1.8"					
	Valve #1	A-Low, full sun	150 GPH	15 min	1	150 Gal/Mo
	Valve #2	A-Low, full sun	112 GPH	15 min	1	112 Gal/Mo
	Valve #3	B-Low, part shade	97 GPH	15 min	1	97 Gal/Mo
	Valve #4	B-Low, part shade	190 GPH	15 min	1	190 Gal/Mo
	Valve #5	A-Low, full sun	105 GPH	15 min	1	105 Gal/Mo
Total						654 Gal/Mo
Dec	Eto 1.24"					
	Valve #1	A-Low, full sun				
	Valve #2	A-Low, full sun				
	Valve #3	B-Low, part shade				
	Valve #4	B-Low, part shade				
	Valve #5	A-Low, full sun				
Total						10,464 Gal/Yr

**Irrigation Totals**  
 Total Landscaped Area = 6255 Square Feet  
 Reference Landscape Water Budget:  
 RLWB= (.7) (Ref ETo 36.67/Yr) (.00083) (Total Area 6255 Sq Ft)  
 = 133 CCF/Year (748 Gal/CCF)  
 = 99,484 Gal/Year  
 Water Budget 99,484 Gal/Year x 70% (.70) = 69,639 Gal/Year  
 Actual Landscape Water Use -Established Landscape  
 ALWB 10,464 Gal/Year  
 748 Gal/CCF  
 = 13.99 CCF/Year  
 = 10,464 Gal/Year  
 10,464 Gal/Year  
 6255 Sq Ft Landscaped Area  
 = 1.67 Gal/Sq Ft Landscaped Area



**BASIS OF BEARINGS**

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE NORTHERN BOUNDARY OF THE LANDS OF CAVE AS SHOWN ON RECORD OF SURVEY OF STORAGE USA, FILED IN VOLUME # 102 PAGES 47 PAGE 08, SANTA CRUZ COUNTY RECORD, AND FROM MONUMENTS FOUND AS SHOWN - S 89°42'30" W

**BASIS OF ELEVATIONS (BENCHMARK)**

THE BASIS OF ELEVATIONS FOR THIS MAP IS SANTA CRUZ COUNTY BENCHMARK B.M. BRAND GAP IN A 10" OD. CONCRETE MARKED "CH 11", LOCATED 45' N. OF C.A. OF 41ST AVE. & 12' S. OF THE C.A. OF R.R. TRACKS, ALSO 12.5' E. FROM C.A. OF SIGNAL CROSSING CONTROL BOX. ELEVATION=52.003 NAVD 83 (ADJUSTED)

**RECORD DATA**

(100) RECORD DATA PER 84-M-38  
(100) RECORD DATA PER 80-M-32

**ABBREVIATIONS**

- AC ASPHALT CONCRETE
- SET SET
- CONC CONCRETE
- CONC DOUBLE CONCRETE
- EL ELEVATION
- FD FLOORING
- FL FLOOR
- GR GRASS
- IR IRON
- IP IRON PIPE
- JOINT JOINT
- LAND LAND SURVEYOR
- LANDS LANDS
- LANE LANE
- MTR METER
- REG REGISTERED CIVIL ENGINEER
- RES RESIDENCE
- RIE RISE
- SPK SPIKE
- TEMP TEMPORARY
- TYP TYPICAL

**LEGEND**

- CONTOUR (MAJOR)
- CONTOUR (MINOR)
- FENCE LINE
- GAS LINE
- OVERHEAD LINE
- PROPERTY LINE
- SET RANDOM MAIL
- SEWER LINE
- SPOT ELEVATION
- STORM DRAIN LINE
- TREE AS NOTED
- WATER LINE

**UTILITY NOTE**

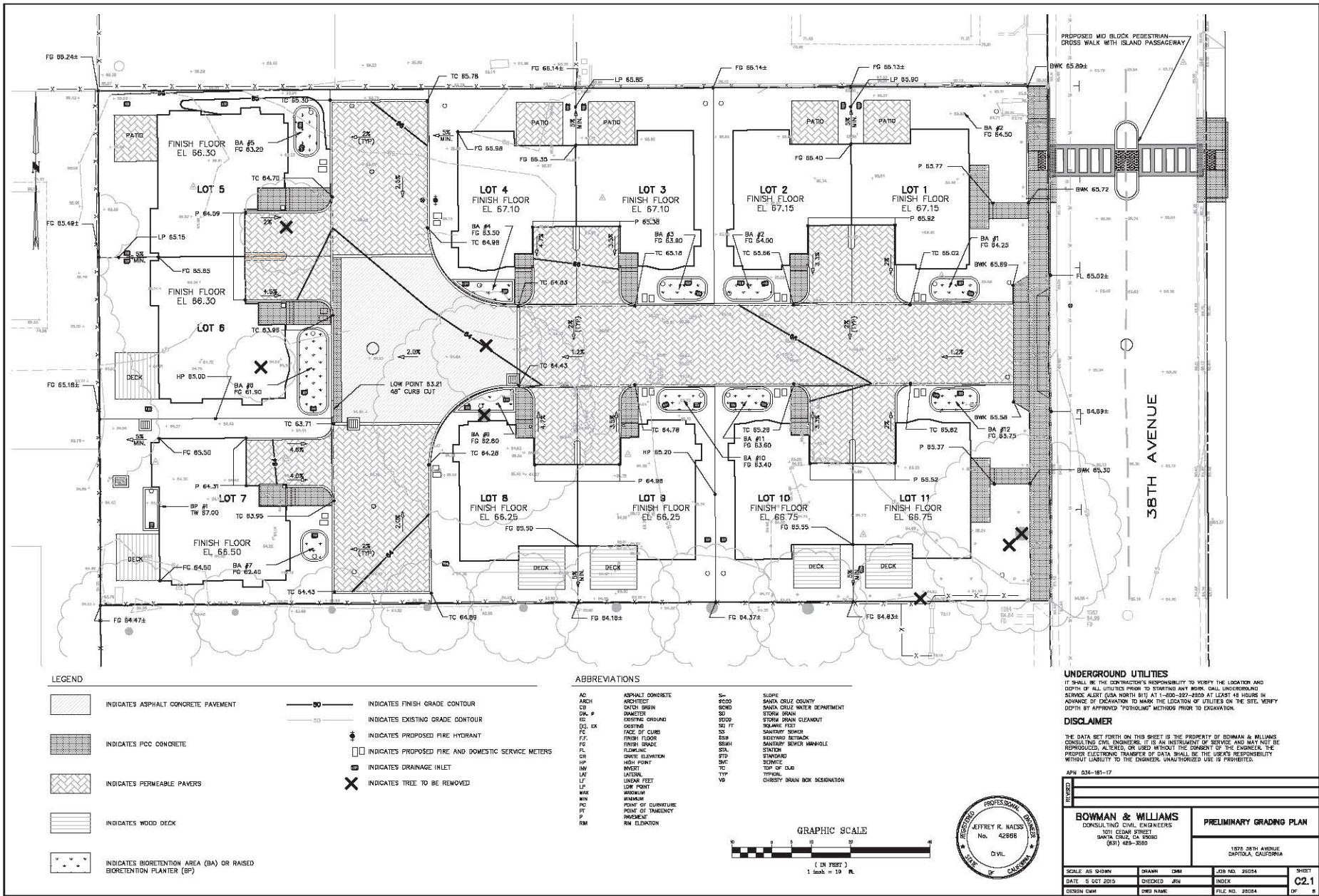
UTILITY LOCATIONS ARE APPROXIMATE. UTILITIES SHOWN ON THIS MAP WERE DETERMINED FROM UTILITY COMPANY RECORDS AND FROM SURFACE INDICATIONS OF UNIDENTIFIED LOCATIONS DURING A SURVEY BY BOWMAN AND WILLIAMS AUGUST 2010. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION AND DEPTH OF THESE UTILITIES PRIOR TO CONSTRUCTION AND TO NOTIFY THE PROJECT ENGINEER IN CASE OF CONFLICT.  
CALL U.S.A. (UNDERGROUND SERVICE ALERT) (800) 842-2444 BEFORE ANY EXCAVATION.  
CONCRETE INTERVAL = 1 FOOT  
DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF

**GRAPHIC SCALE**



APN 034-181-17			
<b>BOWMAN &amp; WILLIAMS</b> CONSULTING CIVIL ENGINEERS 1011 CEDAR STREET SANTA CRUZ, CA 95060 (831) 428-3000		<b>EXISTING CONDITIONS PLAN</b>  1575 38TH AVENUE CAPITOLA, CALIFORNIA	
SCALE 1" = 10'	DRAWN GUN	JOB NO. 20094	SHEET
DATE SEPTEMBER 22, 2010	CHECKED JRM	FILE NO. 20094	<b>C1.1</b>
DESIGN	PREP NAME 20094.P10	FILE NO. 20094	OF 8

Attachment: 1575 38th Ave Plans (1259 : 1575 38th Avenue)

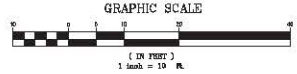


LEGEND

- INDICATES ASPHALT CONCRETE PAVEMENT
- INDICATES PCC CONCRETE
- INDICATES PERMEABLE PAVERS
- INDICATES WOOD DECK
- INDICATES BIORETENTION AREA (BA) OR RAISED BIORETENTION PLANTER (BP)
- INDICATES FINISH GRADE CONTOUR
- INDICATES EXISTING GRADE CONTOUR
- INDICATES PROPOSED FIRE HYDRANT
- INDICATES PROPOSED FIRE AND DOMESTIC SERVICE METERS
- INDICATES DRAINAGE INLET
- INDICATES TREE TO BE REMOVED

ABBREVIATIONS

- |      |                    |     |                             |
|------|--------------------|-----|-----------------------------|
| AC   | ASPHALT CONCRETE   | 5-  | SLOPE                       |
| ARCH | ARCHITECT          | SC  | SANTA CRUZ COUNTY           |
| CB   | CATCH BASIN        | SD  | SANTA CRUZ WATER DEPARTMENT |
| DA   | DRAWING            | SI  | STORM DRAIN                 |
| ES   | EXISTING           | SO  | STORM DRAIN CLEANOUT        |
| EX   | EXISTING           | SS  | SQUARE FEET                 |
| FC   | FACE OF CURB       | SS  | SUBSTRATE                   |
| FF   | FINISH FLOOR       | SSB | SEWERING BEDROCK            |
| FG   | FINISH GRADE       | SSM | SEWERING MANHOLE            |
| FL   | FLUWLINE           | STA | STATION                     |
| GR   | GRADE              | STW | STORMWATER                  |
| HP   | HIGH POINT         | SVC | SERVICE                     |
| IN   | INVERT             | TC  | TOP OF CURB                 |
| INT  | INTERIOR           | TC  | TYPICAL                     |
| LA   | LANDSCAPE          | TP  | TYPICAL                     |
| LP   | LOW POINT          | VB  | CHRISTY DRAIN BOX RESERVOIR |
| WIK  | WINDMILL           |     |                             |
| W    | WINDMILL           |     |                             |
| PC   | POINT OF CURVATURE |     |                             |
| PT   | POINT OF TANGENCY  |     |                             |
| P    | PROVIDENT          |     |                             |
| RM   | RIM ELEVATION      |     |                             |

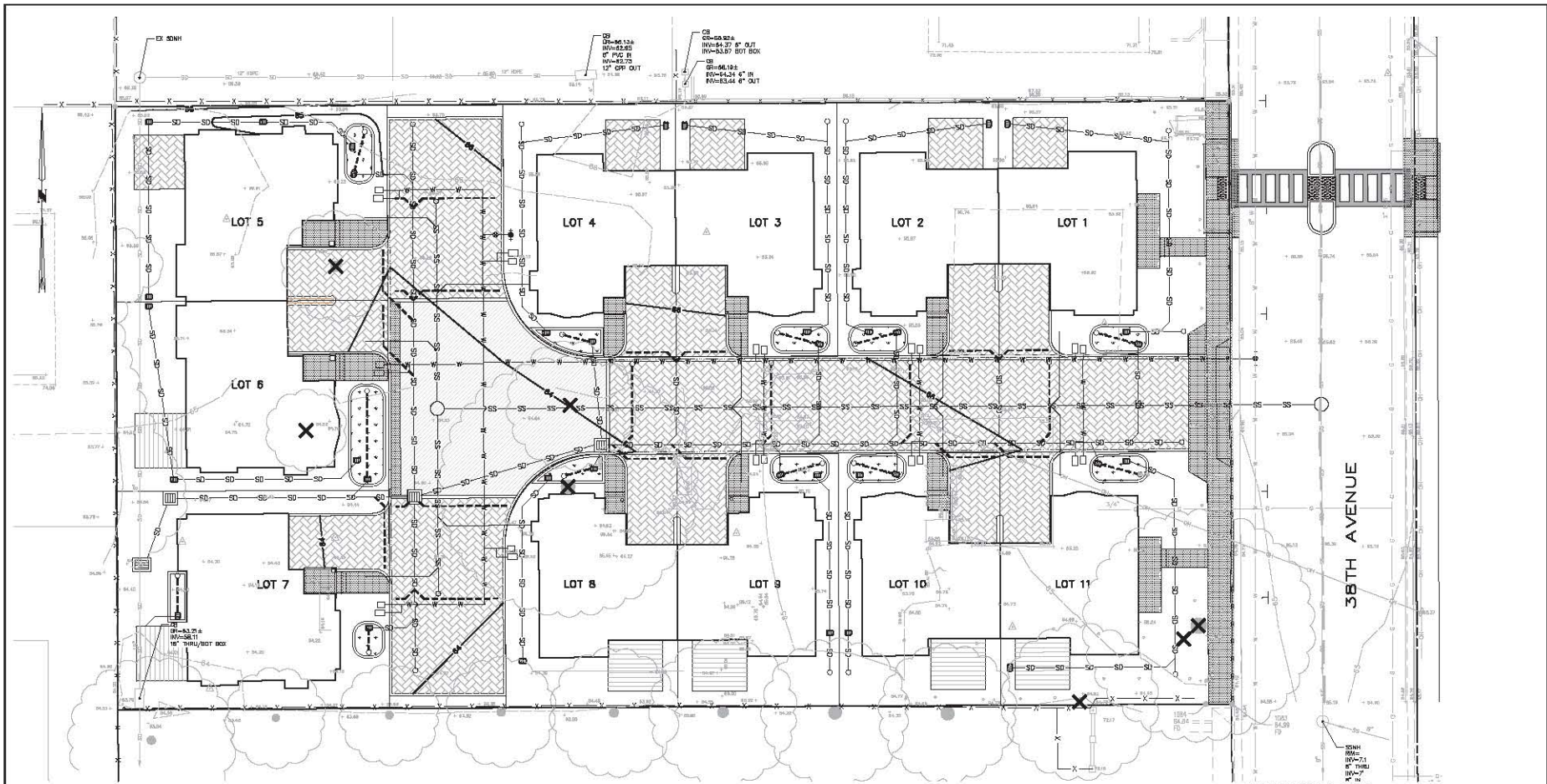


**UNDERGROUND UTILITIES**  
IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO STARTING ANY WORK. SHALL UNDERGROUND SERVICE ALERT (GSA NORTH 811) AT 1-800-327-3253 AT LEAST 48 HOURS IN ADVANCE OF OCCUPATION TO MARK THE LOCATION OF UTILITIES ON THE SITE. VERIFY DEPTH BY APPROVED "PHYSICAL" METHODS PRIOR TO EXCAVATION.

**DISCLAIMER**  
THE DATA SET FORTH ON THIS SHEET IS THE PROPERTY OF BOWMAN & WILLIAMS CONSULTING CIVIL ENGINEERS. IT IS AN INSTRUMENT OF SERVICE AND MAY NOT BE REPRODUCED, ALTERED, OR USED WITHOUT THE CONSENT OF THE ENGINEER. THE PROPER ELECTRONIC TRANSFER OF DATA SHALL BE THE USER'S RESPONSIBILITY WITHOUT LIABILITY TO THE ENGINEER. UNAUTHORIZED USE IS PROHIBITED.

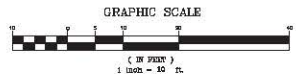
APN: 034-181-17	
<b>BOWMAN &amp; WILLIAMS</b> CONSULTING CIVIL ENGINEERS 1021 CEDAR STREET SANTA CRUZ, CA 95060 (831) 428-3000	
<b>PRELIMINARY GRADING PLAN</b> 1575 38TH AVENUE CANTOJA, CALIFORNIA	
SCALE: AS SHOWN	DATE: 05.02.2019
DRAWN: JRM	CHECKED: JRM
JOB NO: 20094	PLC NO: 20094
SHEET: C2.1	OF: 8

Attachment: 1575 38th Ave Plans (1259 : 1575 38th Avenue)



LEGEND

- INDICATES ASPHALT CONCRETE PAVEMENT
- INDICATES PCC CONCRETE
- INDICATES PERMEABLE PAVERS
- INDICATES WOOD DECK
- INDICATES BIORETENTION AREA (BA) OR RAISED BIORETENTION PLANTER (BP)
- INDICATES STORM DRAINAGE PIPE
- INDICATES SANITARY SEWER PIPE
- INDICATES WATER LINE
- INDICATES PERFORATED SUBDRAIN PIPE
- INDICATES FINISH GRADE CONTOUR
- INDICATES EXISTING GRADE CONTOUR
- INDICATES PROPOSED FIRE HYDRANT
- INDICATES PROPOSED FIRE AND DOMESTIC SERVICE METERS
- INDICATES DRAINAGE INLET
- INDICATES TREE TO BE REMOVED

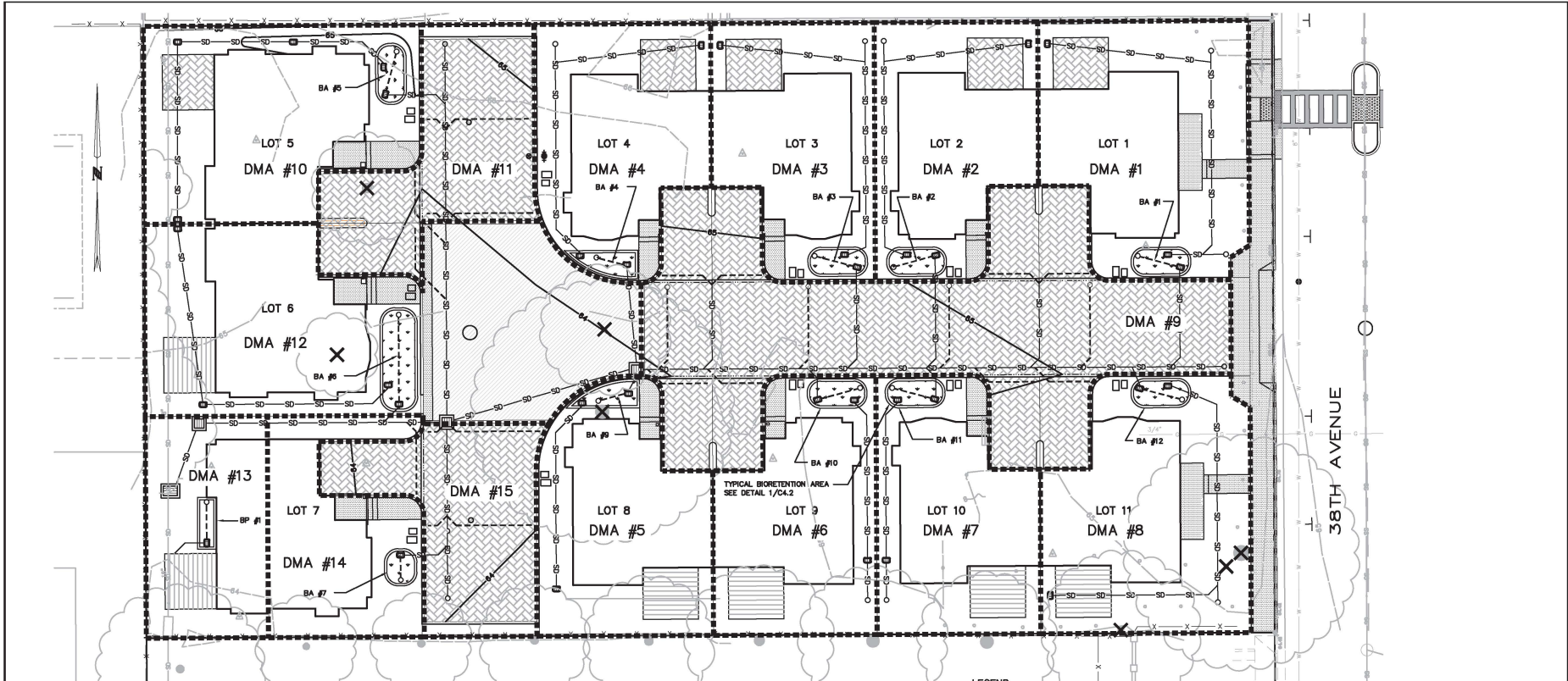


**UNDERGROUND UTILITIES**  
IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO STARTING ANY WORK. CALL UNDERGROUND SERVICE ALERT (CUSA) MONTHLY AT 1-800-327-2253 AT LEAST 48 HOURS IN ADVANCE OF EXCAVATION TO MARK THE LOCATION OF UTILITIES ON THE SITE. VERIFY DEPTH BY APPROVED "PHYSICAL" METHODS PRIOR TO EXCAVATION.

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APN 034-181-17		PRELIMINARY UTILITY PLAN	
<b>BOWMAN &amp; WILLIAMS</b> CONSULTING CIVIL ENGINEERS 1074 CEDAR STREET SANTA CRUZ, CA 95060 (877) 428-3050		1575 38TH AVENUE CAPITOLA, CALIFORNIA	
SCALE: SEE S1000	DESIGN: JRN	JOB NO.: 20204	SHEET: C3.1
DATE: 05/02/2019	DRAWN: JRN	INCHES: 1/8"	OF: 8
DESIGN: JRN	DATE: 05/02/2019	FILE NO.: 20204	

Attachment: 1575 38th Ave Plans (1259 : 1575 38th Avenue)



TRIBUTARY AREA CALCULATIONS  
1575 38th Avenue, Capitola, CA  
BOWMAN & WILLIAMS FILE: 20054

October 4, 2015

DMA	DESCRIPTION	TOTAL AREA	NEW IMPERVIOUS SURFACE AREA (ISA)	LANDSCAPE AREA	PERVIOUS DECKS AND PATIOS AREAS	PERVIOUS PAVEMENT DRIVEWAYS AND ROADWAYS AREA	EQUIVALENT IMPERVIOUS SURFACE AREA (EISA)	FLOW BASED TREATMENT AREA (4% x ISA) ***
1	LOT 1	2,269	1,151	1,011	107	0	1,263	51
2	LOT 2	1,721	1,086	526	109	0	1,310	46
3	LOT 3	1,722	1,079	534	109	0	1,348	46
4	LOT 4	1,760	1,079	572	109	0	1,347	46
5	LOT 5	1,759	1,086	566	107	0	1,353	46
6	LOT 6	1,750	1,087	526	107	0	1,350	46
7	LOT 7	1,721	1,079	533	109	0	1,343	46
8	LOT 8	2,269	1,151	1,011	107	0	1,263	51
9	ROADWAY (LOT 1 THRU 8 & LOTS 9 THRU 11) (ROADWAY AND LOT DRIVEWAYS)	3,961				3,961		
10	LOT 9	2,262	1,344	806	112	0	1,436	57
11	ROADWAY (ROADWAY & LOT 5 DRIVEWAYS)	1,429		65		1,364		
12	LOT 6 & ROADWAY (EXCLUDES LOT 6 DRIVEWAY)	4,196	1,336	715	112		3,452	138
13	LOT 7 REAR PARCEL	1,226	526	588	112	0	596	24
14	LOT 7 FRONT PARCEL	1,318	837	481	0	0	885	35
15	ROADWAY & LOT 7 DRIVEWAY	1,319		65		1,254		
Total		* 30,652	** 14,874	7,999	1,200		6,579	

Proposed Treatment Areas (Square Feet)

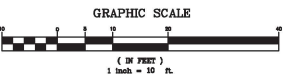
DMA	AREA DESCRIPTION	TREATMENT AREA PROVIDED	TREATMENT AREA REQUIRED	TREATMENT AREA DESCRIPTION
1	LOT 1	56	51	Front Yard Bioretention Area #1
2	LOT 2	56	46	Front Yard Bioretention Area #2
3	LOT 3	56	46	Front Yard Bioretention Area #3
4	LOT 4	50	46	Front Yard Bioretention Area #4
5	LOT 5	50	46	Front Yard Bioretention Area #5
6	LOT 6	56	46	Front Yard Bioretention Area #10
7	LOT 7	56	46	Front Yard Bioretention Area #11
8	LOT 8	56	51	Front Yard Bioretention Area #12
9	ROADWAY			Pervious Pavement - Self Treating
10	LOT 9	61	57	Front Yard Bioretention Area #5
11	ROADWAY			Pervious Pavement - Self Treating
12	LOT 6 & ROADWAY	159	138	Front Yard Bioretention Area #6
13	LOT 7 (Rear Portion)	30	24	Rear Yard Bioplanter Area #1
14	LOT 7 (Front Portion)	36	35	Front Yard Bioretention Area #7
15	ROADWAY			Pervious Pavement - Self Treating

LEGEND

- INDICATES ASPHALT CONCRETE PAVEMENT
- INDICATES PCC CONCRETE
- INDICATES PERMEABLE PAVERS
- INDICATES WOOD DECK
- INDICATES BIO RETENTION PLANTER

**UNDERGROUND UTILITIES**  
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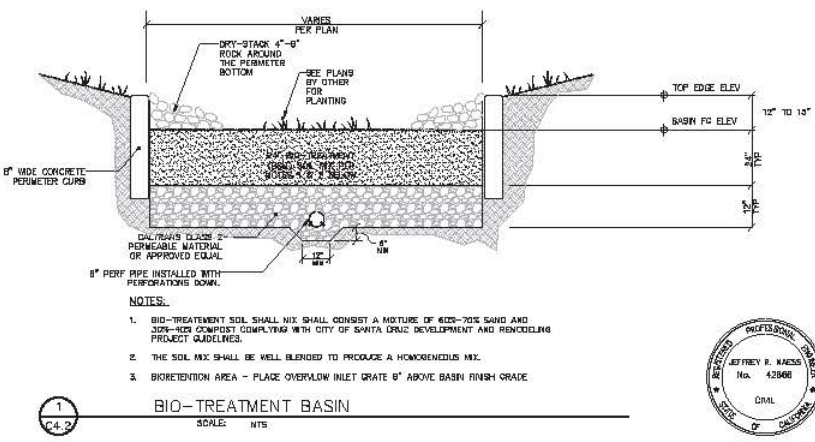
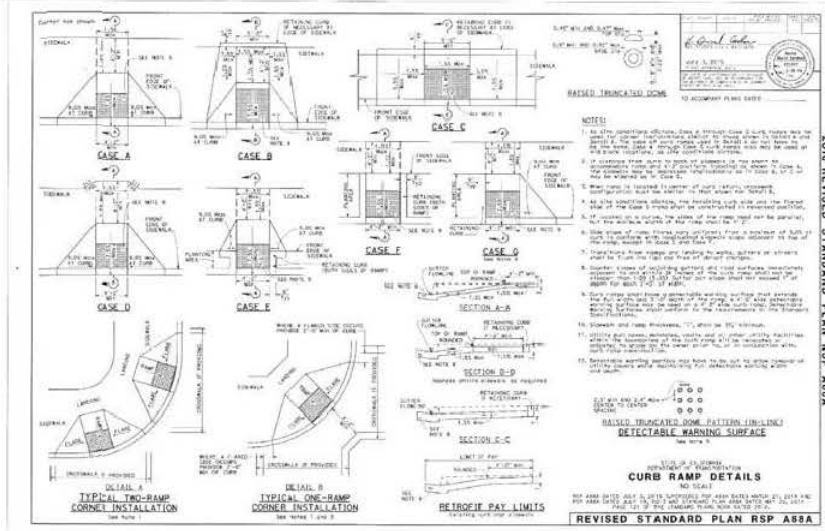
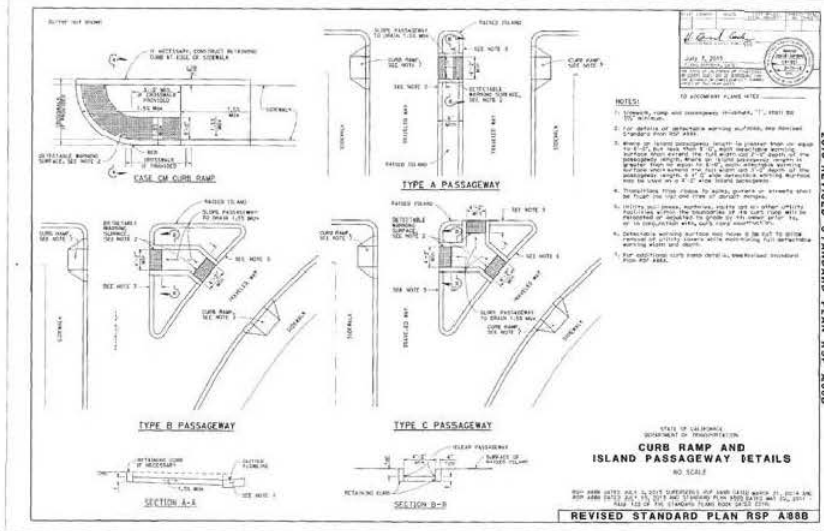
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APR 034-181-17

<b>BOWMAN &amp; WILLIAMS</b> CONSULTING CIVIL ENGINEERS 1011 CEDAR STREET SANTA CRUZ, CA 95060 (831) 438-3800		<b>PRELIMINARY STORM WATER CONTROL PLAN</b>  1575 38TH AVENUE CAPITOLA, CALIFORNIA	
SCALE AS SHOWN	DRAWN: CMM	JOB NO. 20054	SHEET
DATE: 8 OCT 2015	CHECKED: JPN		C4-1
DESIGN: CMM	DRW NAME:	FILE NO. 20054	OF 8

Attachment: 1575 38th Ave Plans (1259 : 1575 38th Avenue)



- NOTES:**
1. BIO-TREATMENT SOIL SHALL MIX SHALL CONSIST OF 60%-70% SAND AND 30%-40% COMPOST COMPLYING WITH CITY OF SANTA CRUZ DEVELOPMENT AND RENOVATION PROJECT GUIDELINES.
  2. THE SOIL MIX SHALL BE WELL BLENDED TO PRODUCE A HOMOGENEOUS MIX.
  3. BIORETENTION AREA - PLACE OVERFLOW INLET GRATE 6" ABOVE BASIN FINISH GRADE.

**UNDERGROUND UTILITIES**  
 IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO STARTING ANY WORK. CALL UNDERGROUND SERVICES ALERT (CUSA NORTH 611) AT 1-800-427-5862 AT LEAST 48 HOURS IN ADVANCE OF EXCAVATION TO MARK THE LOCATION OF UTILITIES ON THE SITE. VERIFY DEPTH BY APPROVED METHODOLOGIES PRIOR TO EXCAVATION.

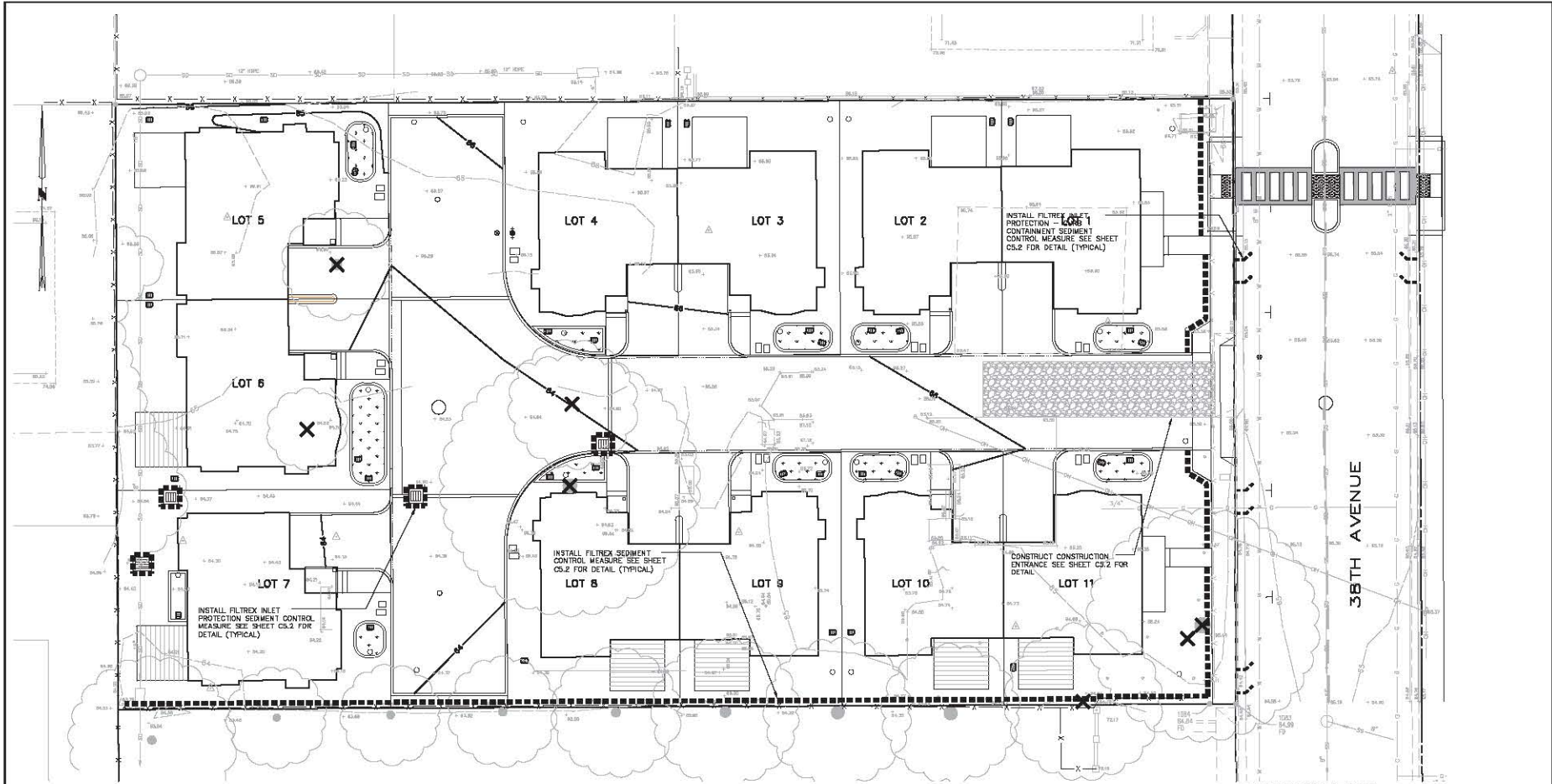
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BOWMAN & WILLIAMS CONSULTING CIVIL ENGINEERS 1411 CEDAR STREET SANTA CRUZ, CA 95060 (831) 426-3863		DETAILS	
1575 38TH AVENUE CAPITOL, CALIFORNIA		C4.2	
SCALE AS SHOWN	DESIGN: CMW	JOB NO.: 38254	SHEET
DATE: 6/20/2010	CHECKED: JWH	ISSUE:	C4.2
DESIGN: CMW	CHECK: MAC	PLC NO.: 38254	OF 5

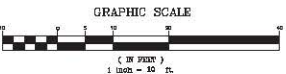
Attachment: 1575 38th Ave Plans (1259 : 1575 38th Avenue)





**LEGEND**

-  INDICATES FILTEREX SEDIMENT CONTROL MEASURE
-  INDICATES FILTEREX INLET PROTECTION - CURBS CONTAINMENT SEDIMENT CONTROL MEASURE
-  INDICATES FILTEREX INLET PROTECTION SEDIMENT CONTROL MEASURE
-  INDICATES CONSTRUCTION ENTRANCE



**UNDERGROUND UTILITIES**  
 IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO STARTING ANY WORK. CALL UNDERGROUND SERVICE ALERT (CUSA NORTH 811) AT 1-800-327-2253 AT LEAST 48 HOURS IN ADVANCE OF OCCUPATION TO MARK THE LOCATION OF UTILITIES ON THE SITE. VERIFY DEPTH BY APPROVED "PHYSICAL" METHODS PRIOR TO EXCAVATION.

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APN: 034-181-17			
REVISED	<b>BOWMAN &amp; WILLIAMS</b> CONSULTING CIVIL ENGINEERS 1071 CEDAR STREET SANTA CRUZ, CA 95060 (877) 428-3000		PRELIMINARY EROSION CONTROL PLAN  1575 38TH AVENUE CAPTOLA, CALIFORNIA
SCALE: SEE DRAWING	DRAWN: [initials]	JOB NO.: 20204	SHEET: C5.1
DATE: 05 OCT 2019	DESIGNED: [initials]	PROJECT: [initials]	DATE: 05 OCT 2019
DESIGN: [initials]	PREP NAME: [initials]	FILE NO.: 20204	OF: 8

Attachment: 1575 38th Ave Plans (1259 : 1575 38th Avenue)

**STORMWATER POLLUTION PREVENTION NOTES:**

**NOTES**

1. THE DEVELOPER/CONTRACTOR SHALL COMPLY WITH THE EROSION CONTROL MEASURES SHOWN ON THIS PLAN AND THE CITY OF SANTA CRUZ CONSTRUCTION BEST MANAGEMENT PRACTICES (CHAPTER 4 OF THE BEST MANAGEMENT PRACTICES MANUAL FOR THE CITY OF SANTA CRUZ STORM WATER MANAGEMENT PROGRAM).
2. THE DEVELOPER SHALL BE RESPONSIBLE FOR IMPLEMENTING AND MAINTAINING SITE EROSION CONTROL AT ALL TIMES.
3. TRAIN YOUR EMPLOYEES AND INFORM CONTRACTORS AND SUBCONTRACTORS ABOUT STORM WATER MANAGEMENT REQUIREMENTS AND THEIR RESPONSIBILITIES FOR COMPLIANCE.
4. SEE HOUSEKEEPING REQUIREMENTS AND INSPECTION NOTES ARE ON THIS SHEET.
5. PRIOR TO ISSUANCE OF THE BUILDING PERMIT, THE PROPERTY OWNER SHALL SIGN A BMP MAINTENANCE AGREEMENT ENSURING THAT THEY WILL PROVIDE LONG-TERM OPERATION AND MAINTENANCE OF THE STRUCTURAL STORM WATER BMP'S.

**SITE HOUSEKEEPING REQUIREMENTS**

**CONSTRUCTION MATERIALS**

1. ALL LOOSE STOCKPILED CONSTRUCTION MATERIALS THAT ARE NOT ACTIVELY BEING USED (I.E. SOIL, SPILLS, AGGREGATE, FLY-ASH, STUCCO, HYDRATED LIME, ETC.) SHALL BE COVERED AND BARRIRED.
2. ALL CHEMICALS SHALL BE STORED IN WATER-TIGHT CONTAINERS (WITH APPROPRIATE SECONDARY CONTAINMENT TO PREVENT ANY SPILLAGE OR LEAKAGE) OR IN A STORAGE SHED (COMPLETELY ENCLOSED).
3. EXPOSURE OF CONSTRUCTION MATERIALS TO PRECIPITATION SHALL BE MINIMIZED. THIS DOES NOT INCLUDE MATERIALS AND EQUIPMENT THAT ARE DESIGNED TO BE OUTDOORS AND EXPOSED TO ENVIRONMENTAL CONDITIONS (I.E. PILES, EQUIPMENT PADS, CABINETS, CONDUCTORS, INSULATORS, BRICKS, ETC.).
4. BEST MANAGEMENT PRACTICES TO PREVENT THE OFF-SITE TRACKING OF LOOSE CONSTRUCTION AND LANDSCAPE MATERIALS SHALL BE IMPLEMENTED.

**WASTE MANAGEMENT**

5. DISPOSAL OF ANY RUNOFF OR WASH WATERS OR MATERIALS ON IMPERVIOUS OR PEROUSIVE SITE SURFACES OR INTO THE STORM DRAIN SYSTEM SHALL BE PREVENTED.
6. SANITATION FACILITIES SHALL BE CONTAINED (E.G. PORTABLE TOILETS) TO PREVENT DISCHARGES OF POLLUTANTS TO THE STORM WATER DRAINAGE SYSTEM OR RECEIVING WATER, AND SHALL BE LOCATED A MINIMUM OF 25 FEET AWAY FROM AN INLET, STREET OR DRIVEWAY, STREAM, RIPARIAN AREA OR OTHER DRAINAGE FACILITY.
7. SANITATION FACILITIES SHALL BE INSPECTED REGULARLY FOR LEAKS AND SPILLS AND CLEANED OR REPLACED AS NECESSARY.
8. COVER WASTE DISPOSAL CONTAINERS AT THE END OF EVERY BUSINESS DAY AND DURING A RAIN EVENT.
9. DISCHARGES FROM WASTE DISPOSAL CONTAINERS TO THE STORM WATER DRAINAGE SYSTEM OR RECEIVING WATER SHALL BE PREVENTED.
10. STOCKPILED WASTE MATERIAL SHALL BE CONTAINED AND SECURELY PROTECTED FROM WIND AND RAIN AT ALL TIMES UNLESS ACTIVELY BEING USED.
11. PROCEDURES THAT EFFECTIVELY ADDRESS HAZARDOUS AND NON-HAZARDOUS SPILLS SHALL BE IMPLEMENTED.
12. EQUIPMENT AND MATERIALS FOR CLEANUP OF SPILLS SHALL BE AVAILABLE ON SITE AND THAT SPILLS AND LEAKS SHALL BE CLEANED UP IMMEDIATELY AND DISPOSED OF PROPERLY, AND
13. CONCRETE WASHOUT AREAS AND OTHER WASHOUT AREAS THAT MAY CONTAIN ADDITIONAL POLLUTANTS SHALL BE CONTAINED SO THERE IS NO DISCHARGE INTO THE UNDERLYING SOIL AND ONTO THE SURROUNDING AREAS.

**VEHICLE STORAGE AND MAINTENANCE**

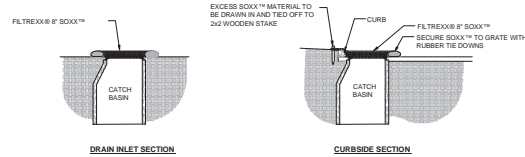
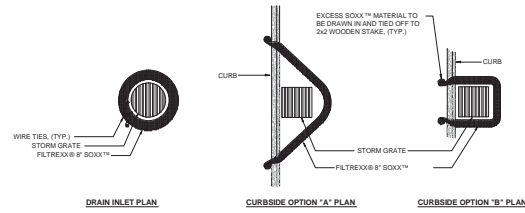
14. MEASURES SHALL BE TAKEN TO PREVENT OIL, GREASE, OR FUEL TO LEAK IN TO THE GROUND, STORM DRAINS OR SURFACE WATERS.
15. ALL EQUIPMENT OR VEHICLES, WHICH ARE TO BE FUELED, MAINTAINED AND STORED ON-SITE SHALL BE IN A DESIGNATED AREA FITTED WITH APPROPRIATE BMP'S.
16. LEAKS SHALL BE IMMEDIATELY CLEANED AND LEAKED MATERIALS SHALL BE DISPOSED OF PROPERLY.

**LANDSCAPE MATERIALS**

17. CONTAIN STOCKPILED MATERIALS SUCH AS MULCHES AND TOPSOIL WHEN THEY ARE NOT ACTIVELY BEING USED.
18. CONTAIN FERTILIZERS AND OTHER LANDSCAPE MATERIALS WHEN THEY ARE NOT ACTIVELY BEING USED.
19. DISCONTINUE THE APPLICATION OF ANY ERODIBLE LANDSCAPE MATERIAL WITHIN 2 DAYS BEFORE A FORECASTED RAIN EVENT OR DURING PERIODS OF PRECIPITATION.
20. APPLY ERODIBLE LANDSCAPE MATERIAL AT QUANTITIES AND APPLICATION RATES ACCORDING TO MANUFACTURE RECOMMENDATIONS OR BASED ON WRITTEN SPECIFICATIONS BY KNOWLEDGEABLE AND EXPERIENCED FIELD PERSONNEL.
21. STACK ERODIBLE LANDSCAPE MATERIAL ON PALLETS AND COVERING OR STORING SUCH MATERIALS WHEN NOT BEING USED OR APPLIED.

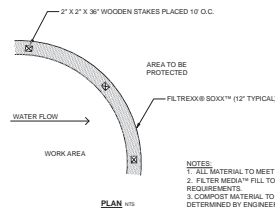
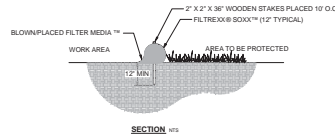
**INSPECTION & MAINTENANCE NOTES:**

1. THE CONTRACTOR SHALL PERFORM AND MAKE WRITTEN RECORD OF ALL SITE INSPECTIONS TO ENSURE ADEQUATE DEPLOYMENT OF BEST MANAGEMENT PRACTICES (BMP'S).
2. DURING INSPECTIONS IDENTIFY AND RECORD BMP'S THAT NEED MAINTENANCE TO OPERATE EFFECTIVELY, THAT HAVE FAILED, OR THAT COULD FAIL TO OPERATE AS INTENDED.
3. REPAIR TO BMP'S SHALL BEGAIN WITHIN 72 HOURS OF IDENTIFICATION AND THE CHANGES COMPLETED AS SOON AS POSSIBLE.
4. 48 HOURS PRIOR TO A PREDICTED RAIN EVENT, IN ADDITION TO THE INSTALLED BMP'S, THE CONTRACTOR SHALL COVER ANY EXPOSED BARE SOILS WITH MULCH OR EROSION CONTROL BLANKETS. THE CONTRACTOR SHALL IMPLEMENT ADDITIONAL BMP'S AS NECESSARY TO MINIMIZE CONSTRUCTION SITE RUNOFF ONTO NEIGHBORING PROPERTIES.



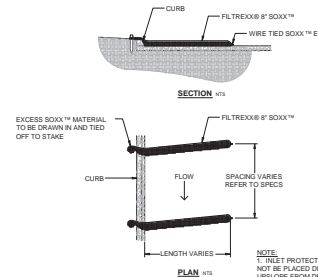
**FILTREXX® INLET PROTECTION**

NTS



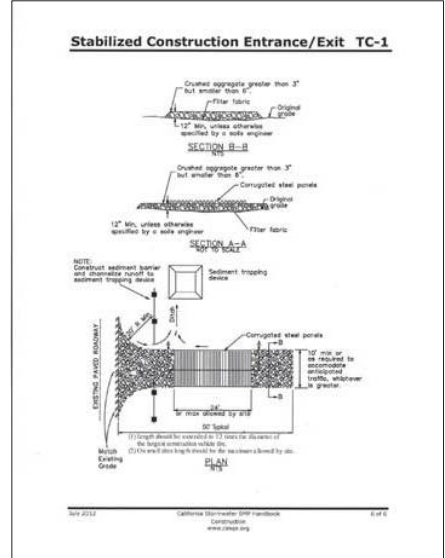
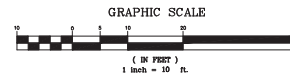
**FILTREXX® SEDIMENT CONTROL**

NTS



**FILTREXX® INLET PROTECTION - CURB CONTAINMENT**

NTS



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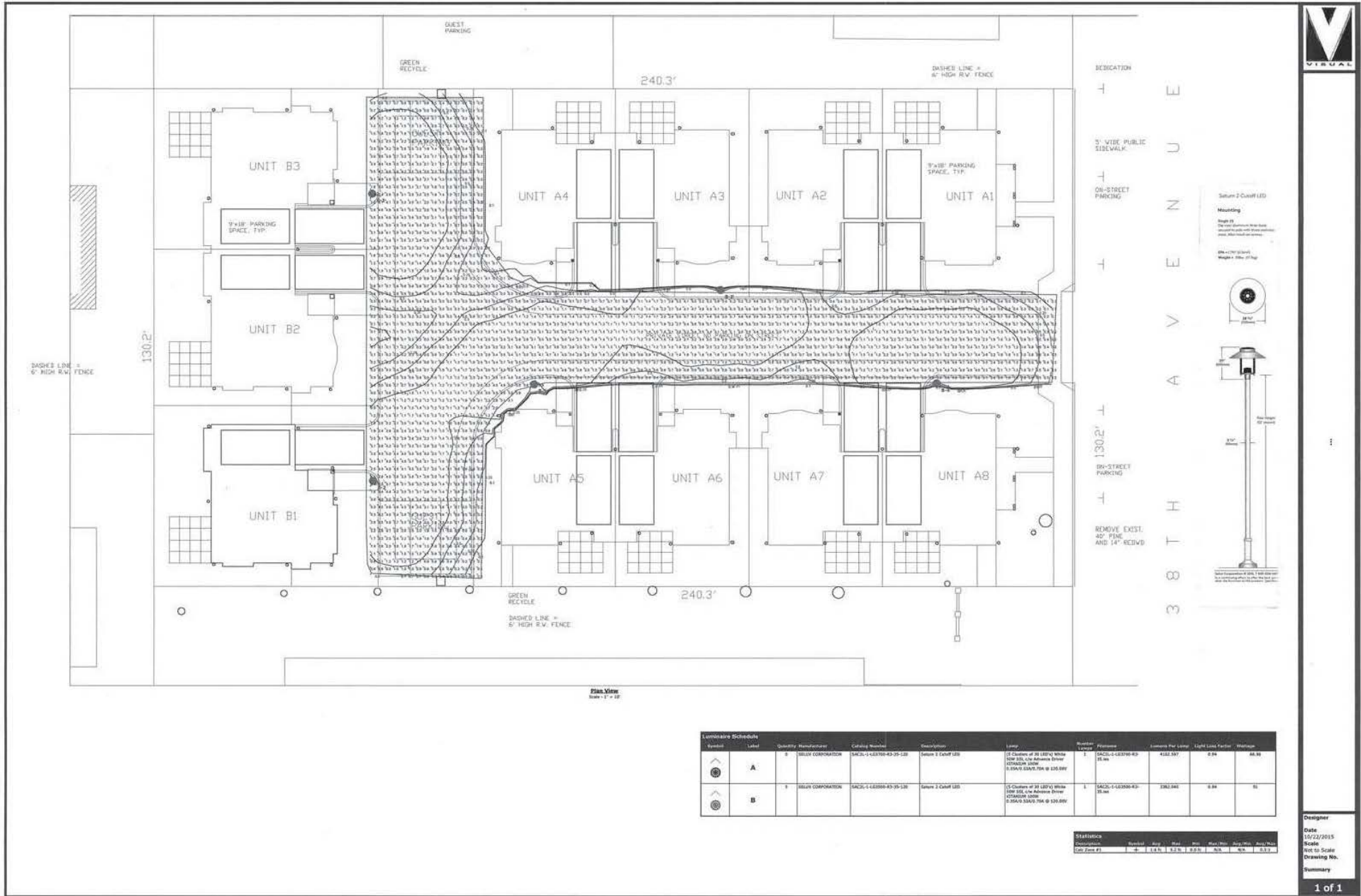
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APR 034-181-17

<b>BOWMAN &amp; WILLIAMS</b> CONSULTING CIVIL ENGINEERS 1011 CEDAR STREET SANTA CRUZ, CA 95060 (570) 438-3500		<b>PRELIMINARY EROSION CONTROL DETAILS</b>  1575 38TH AVENUE CAPITOLA, CALIFORNIA	
SCALE AS SHOWN	DRAWN: CMM	JOB NO. 26054	SHEET
DATE: 10 OCT 2015	CHECKED: JWH	NO. 05	C5.2
DESIGN: CMM	DWG NAME:	FILE NO. 26054	OF 8





Attachment: 1575 38th Ave Plans (1259 : 1575 38th Avenue)

# COLOR BOARD 1575 38TH AVENUE CAPITOLA, CA

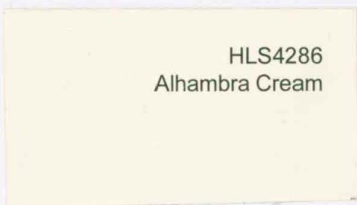


COMPOSITION ROOF



CERTAINTED --  
GRAND MANOR  
'GEORGIAN BRICK'

HORIZONTAL SIDING  
WINDOW AND DOOR  
FRAMES; EAVE EDGE &  
OVERHANG; PORCH  
AND RAILINGS



HLS4286  
Alhambra Cream

KELLY-MOORE  
ALHAMBRA CREAM  
HLS4286

Attachment: 1575 38th Ave Color Board and Rendering (1259 : 1575 38th Avenue)



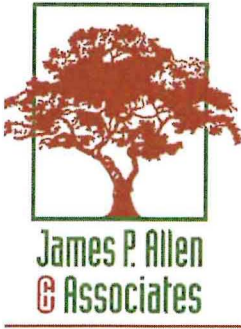
VIEW FROM 38TH AVENUE LOOKING WEST AND NORTH

Attachment: 1575 38th Ave Color Board and Rendering (1259 : 1575 38th Avenue)



INTERNAL VIEW LOOKING WEST AND SOUTH

Attachment: 1575 38th Ave Color Board and Rendering (1259 : 1575 38th Avenue)



**1575 38<sup>th</sup> Avenue, Capitola, CA  
APN 034-181-17**

**Tree Resource Analysis/  
Construction Impact Assessment**

**Tree Protection Plan**



**Attachment: 1575 38th Ave Arborist Report (1259 : 1575 38th Avenue)**

**Consulting Arborists**

611 Mission Street  
Santa Cruz, CA 95060  
831.426.6603 office  
831.460.1464 fax  
jpallen@cruzio.com

**Prepared for  
Katie Cattan  
City of Capitola Planning Department**

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Description of Construction Impacts .....Page 7

Required Procedures.....Pages 8 through 10

Tree Replacement .....Pages 8 and 9

Tree Preservation and Protection.....Page 10

Project Monitoring.....Page 10

Tree Preservation Specifications.....Page 11

Attachments

- Tree Resource Inventory
- Tree Location Map File
- Construction Impact Assessment
- Tree Protection Plan

Attachment: 1575 38th Ave Arborist Report (1259 : 1575 38th Avenue)



## ASSIGNMENT/SCOPE OF SERVICES

The construction of an 11-unit subdivision is proposed on a 0.7 acre plot at 1575 38th Avenue, APN 034-181-17, formerly the Capitola Freight and Salvage site. An assortment of tree species is located on the property site and three adjacent properties that may be impacted by project construction. In order to accurately quantify existing tree resources, assess construction impacts, determine necessary tree removal and mitigation requirements, Katie Cattan, Senior Planner with the City of Capitola has requested I prepare a Tree Resource Evaluation/Construction Impact Analysis and Tree Protection Plan. To complete this assignment the following tasks have been performed:

- Locate, numerically tag, catalog and verify mapped locations of trees greater than 6 inches in trunk diameter growing within 20 feet of project impacts
- Identify tree species and measure trunk diameter
- Rate individual tree health, structure and preservation suitability as “good”, “fair” or “poor”
- Identify trees that meet “protected” status as defined by Capitola City Code Chapter 12.12
- Review preliminary grading, utility, construction and landscape plans to determine potential impacts to the tree population
- Define necessary tree removal/retention based on overall tree condition and construction related impacts
- Create a Tree Protection Plan for trees suitable for retention
- Determine tree replacement requirements for “Protected” trees removed as outlined by Capitola City Code Chapter 12.12
  - Define the Maintenance and Monitoring Program
- Provide all findings in the form of a Tree Resource Evaluation/Construction Impact Assessment/Tree Protection Plan Report accompanied by a Tree Location Map/Preservation Plan

## SUMMARY

Twenty-one (21) trees growing within 20 feet of proposed grading limits have been assessed and the known impacts resulting from the construction of proposed improvements defined at this time have been evaluated.

To construct the improvements as presented, the removal of 7 “Protected” trees (**Trees #1, 2, 3, 16, 17, 18 and 20**) growing within the property boundaries will be required.

In addition, 14 trees growing on neighboring parcels may be affected by the proposed construction. Special Treatments defined within this report should be implemented decrease damage to these trees from proposed construction activities including:

- Installation and Maintenance of Tree Protection Structures during Construction
- Canopy Clearance Pruning
- Pier and Above Grade Beam Foundation Systems
  - Trees #4 through 10
- Pre-Construction Root Pruning

Mitigation for the (7) “protected” trees required to be removed this project will be comprised of:

- Design modifications to reduce impacts to trees growing on adjacent properties
- Tree preservation in the planning stages and protection during construction
- Trees planted as components of the planned landscape
  - Each “protected” tree removed will be mitigated by replanting at a minimum 2:1 ratio, two trees planted for each tree removed
    - A total of 21 replacement trees will be replanted, exceeding City Code requirements
- To ensure the survivability and proper growth of the replacement trees a five-year Maintenance and Monitoring Program (MM&P) has been defined with success criteria to meet a 100% survival rate.

Monitoring, by the Project Arborist should occur at the intervals defined within this report to assure tree protection guidelines are adhered to and unforeseen impacts are resolved prior to damage occurring.

To ensure the protection of the trees remaining on this site it is imperative that the recommendations detailed within this document are incorporated as conditions of project approval.

## **BACKGROUND**

Katie Cattan, Senior Planner with the City of Capitola contacted me during the month of August. She inquired of my interest in and cost for preparing the required analysis. I expressed my interest and sent a proposal that was accepted on September 1, 2015. Mrs. Cattan forwarded conceptual plans prepared by Thatcher and Thompson, Architects dated April 24, 2015. I requested and received the civil draft plans from Jeff Naess of Bowman and Williams, which included topography, existing conditions, property boundaries and proposed structures.

I met with Mrs. Cattan and Joe Appenrodt, the Project Developer on September 3 to review the site, discuss the condition of tree resources and proposed plans.

After I completed this initial site inspection, I spoke with Mr. Naess on the telephone and learned that grading and utility plans were not available and would not be completed until later in the month. We discussed necessary site stabilization requirements, storm drain and utility line placement. I informed Mr. Naess that constructing the proposed improvements would damage and potentially destabilize trees on the adjacent property to the south. We discussed the need to shift improvements north by a minimum distance of 12 feet or identify other tree protection strategies. Subsequently, I met with Matthew Thompson, Project Architect and Chris Shoemaker of Bowman and Williams to discuss the project, define modifications and alternative construction methods to decrease damage to tree resources growing on the adjacent properties. These adjustments included changing foundations to pier and above grade beam within Critical Root Zones (CRZ) along with other Special Treatments to protect tree resources on adjacent properties.

Although I was not provided updated civil plans including grading and utility placement, I received a confirming email from Matt Thompson verifying all discussion points and implementation of plan changes and alternative construction methods.

There are 7 trees located on the project site that will be impacted by project construction. There are 14 trees on four adjacent property sites that are located along the property line. The canopies and root structures of trees located on neighboring properties may be impacted by project activities without proper precautionary measures. Lack of attention to these issues may cause premature mortality and/or destabilization.

On September 17, 2015 our project team conducted a tree inventory, assessed condition and preservation suitability with an understanding of the required grading. Impacts to tree resources resulting from necessary site improvements were determined through review of plans presented to date and discussions with the Project Architect and Engineer.

The exact Limits of Grading will not be known until the grading plan is finalized and field staking representing cut/fill and disturbance limits are survey located and set in the field by the project survey team. The exact locations of the proposed grading and other improvements will be reviewed and evaluated once the site staking is in place. There is a possibility that tree classification and recommended procedures will change once the exact positions of the proposed improvements are known. If additional tree removal is necessary a confirming addendum will be prepared and submitted to the City of Capitola Planning Department.

## OBSERVATIONS

### Site Description

The project spans a .7-acre plot located at 1575 38th Avenue in Capitola (APN 034-181-17). This project is bound to the east by 38th Avenue and in all other directions by privately owned residential and commercial parcels. The site is relatively level and holds an old house used as an office and assorted auxiliary storage buildings.

### Tree Descriptions

The project site is populated with 7 trees that cover an assortment of tree species including: Monterey pine, coast redwood, ash, and plum trees. There are 14 trees located near the project boundaries on adjacent properties. Tree species located on the adjacent properties include:

- ash *Fraxinus* sp.
- coast redwood *Sequoia sempervirens*
- melaleuca, *Melaleuca quinquenervia*
- mayten *Mayten boaria*
- New Zealand tea tree *Leptospermum scoparium*
- willow *Salix* sp.
- liquid amber *Liquidambar styraciflua*
- plum *Prunus* sp.
- Loquat *Eriobotrya japonica*

All of the 21 inventoried trees meet tree "protection" criteria as defined by the City of Capitola.

Seven coast redwood *Sequoia sempervirens* trees grow on the property to this south. These trees are growing in a narrow planting strip abutting the property boundary. I found these trees to be well structured and in excellent health. Tree trunks have expanded in girth to fill the width of the planting strip. Buttress root systems develop beyond the property boundary as illustrated in the photo below. There is no visible damage; uplifting of curbs or asphalt at this time as would be expected of this tree species growing in such a limited area.



Attachment: 1575 38th Ave Arborist Report (1259 : 1575 38th Avenue)

### **Tree Inventory Methodology**

Each tree was visually assessed from the root crown to the extents of the foliar canopy. The attached inventory lists information on trees  $\geq 6$  inches in diameter growing within 20 feet of proposed grading limits. Trees located on the project property were visually assessed and diameters were measured at 4.5 feet above grade. Trees located on neighboring properties were visually assessed while standing on the project property site. Tree trunk diameters were estimated. Tree canopies for trees located on the neighboring property site were measured by determining the distance of canopy extent over the subject property. Tree locations are documented on the attached Tree Location Map.

The tree inventory lists species, trunk diameter, tree health, structure and suitability ratings, Critical Root Zone extents, level of impacts and description, observations, required procedures and whether the tree meets "Protected" criteria.

**Diameter** is the width of the trunk measured at 4.5 feet above natural grade (ground level). For trees that were unable to be measured at 4.5 feet above natural grade, measurement heights are provided.

**Health, Structure and Preservation Suitability Inventory ratings** are based on the following criteria:

**Tree health and structure** are separate issues that are related since both are revealed by tree anatomy. A tree's vascular system is confined in a thin layer of tissue between the bark and wood layers. This thin layer is responsible for transport of nutrients and water between the root system and the foliar canopy. When this tissue layer is functioning properly a tree has the ability to produce foliage (leaves). As long as the tree maintains a connected vascular system it may appear to be in good health.

When conditions conducive to decay are present, fungi, bacteria or poor compartmentalization, wood strength is degraded. As decay advances, the tree's ability to continue standing is compromised. Thus, a tree can appear to be in good health, but have poor structure.

**Tree Health:** This rating is determined visually. Annual growth rates, leaf size and coloration are examined. Indications of insect activity, decay and dieback percentages are also used to define health ratings.

Trees in "**good**" health are full canopied, with dark green leaf coloration. Areas of foliar dieback or discoloration are less than 10% of the canopy. Dead material in the tree is limited to small twigs and branches less than one inch in diameter. There is no evidence of insects, disease or decay.

Trees with a "**fair**" health rating have from 10% to 30% foliar dieback, with faded coloration, dead wood larger than one inch, and/or visible insect activity, disease or decay.

Trees rated as having "**poor**" health have greater than 30% foliar dieback, dead wood greater than two inches, severe decay, disease or insect activity.

**Tree Structure:** This rating is determined by visually assessing the roots, root crown (where the trunk meets the ground), supporting trunk, and branch structure. The presence of decay can affect both health and structural ratings.

Trees that receive a “good” structural rating are well rooted, with visible taper in the lower trunk, leading to buttress root development. These qualities indicate that the tree is solidly rooted in the growing site. No structural defects such as codominant stems (two stems of equal size that emerge from the same point), poorly attached branches, cavities, or decay are present.

Trees that receive a “fair” structural rating may have defects such as poor taper in the trunk, inadequate root development or growing site limitations. They may have multiple trunks, included bark (where bark turns inward at an attachment point), or suppressed canopies. Decay or previous limb loss (less than 2 inches in diameter) may be present in these trees. Trees with fair structure may be improved through proper maintenance procedures.

**Poorly** structured trees display serious defects that may lead to limb, trunk or whole tree failure due to uprooting. Trees in this condition may have had root loss or severe decay that has weakened their support structure. Trees in this condition can present a risk to people and structures. Maintenance procedures may reduce, but not eliminate these defects.

**Suitability for Preservation:** This rating evaluates tree health, structure, species characteristics, age and potential longevity.

Trees with a “good” rating have adequate health and structure with the ability to tolerate moderate impacts and thrive for their safe, useful life expectancy.

A “fair” rating indicates health or structural problems have the ability to be corrected. They will require more monitoring and intense management with an expectation that their lifespan will be shortened by construction impacts.

Trees with a “poor” rating possess health or structural defects that cannot be corrected through treatment. Trees with poor suitability can be expected to continue to decline regardless of remedies provided. Species characteristics may not be compatible with redefined use of the area. Species which are non-native and unusually aggressive are considered to have a poor suitability rating.

**Critical Root Zone:** Individual tree root systems provide anchorage, absorption of water/minerals, storage of food reserves and synthesis of certain organic materials necessary for tree health and stability. The Critical Root Zone (CRZ) is the species-specific amount of roots necessary to continue to supply these elements essential for each tree to stand upright and maintain vigor. This distance reflects the minimum footage measurement from the trunk required for the protection of the tree’s root zone. Construction activities proposed within these areas are subject to specific review and the implementation of recommended special treatments.

### Description of Construction Impacts

This section describes what procedures are proposed near the individual tree. The influences the proposed construction activities will have on the tree are classified as **None, Low, Moderate** or **High**. These classifications are defined as follows:

**NONE**, the tree is not near the impact area of the proposed construction.

**LOW**, adverse affects from the proposed construction activities are minimal.

**MODERATE**, this level of impacts will result in loss in tree vigor and/or stability. Recommended procedures must be implemented to decrease these impacts.

**HIGH**, requiring tree removal or the understanding that premature tree mortality can be anticipated. Mitigation is required for trees subject to this level of impacts.

Construction of this project as presented requires the following procedures that impact tree health and stability:

- Over-excavation and possible retaining wall construction for site stabilization
- Grading for road and building construction
- Trenching for utility lines, retaining walls and drainage structure construction
- Construction of 11 single-family residences with necessary infrastructure
- Planned landscape installation

These procedures require alteration of natural grade in the form of cut and/or fill (described below) at the defined "Limits of Grading". Roots shattered during this process provide openings for opportunistic decay causing organisms degrading tree support systems and vigor.

### Alteration of natural grade

- Cuts, lowering of natural grade, require the removal of soil until the desired elevation is reached. A cut within the trees Critical Root Zone can remove non-woody and woody roots. Non-woody (absorbing) roots are responsible for transporting moisture and nutrients necessary for maintaining tree health. More significant cuts remove woody roots that provide structural support, compromising the tree's ability to stand upright.
- Fill, increasing natural grade, often requires an initial cut to "knit in" and stabilize the material. This material is applied in layers and compacted in the process. Compaction breaks down soil structure by removing air and adding moisture. Anaerobic conditions may develop, promoting decay. Absorbing roots can suffocate from lack of oxygen. Structural roots may be compromised as a result of the decay.

### Protected Tree Definition

Trees that meet protected criteria were determined as defined in *Capitola Municipal Code for Community Tree and Forest Management, Chapter 12.12 (1) Article I, (2) Article IV Section 12.12.160, and (3) Article IV Section 12.12.190*:

1. A "tree" is defined as a "woody plant, distinguished from a shrub by having, at maturity, comparatively greater height and characteristically, a single trunk rather than several stems, and a minimum six-inch diameter measured at forty-eight inches above existing grade or at average breast height (abh)."
2. With the exception of fruit-bearing trees, " no person may, in the city, cause the cutting or intentional killing of any tree within the city unless a tree removal permit has been obtained".
3. "An approval for tree removal under this chapter shall be conditioned upon the applicant planting, at some other location on the subject property, replacement trees to compensate for the removed tree(s) on a ratio of at least two trees or more for each one tree removed, as determined by the director."

### REQUIRED PROCEDURES & SPECIAL TREATMENTS

**Alternative Foundation Design** is necessary adjacent to Trees #4 through 10. Pier and Above Grade Beam foundation systems will be designed and constructed in this section to decrease damage to neighboring trees.

#### Tree Removal

Seven (7) trees will need to be removed to construct the project as proposed. Trees proposed for removal are near or within disturbance limits. **Trees #1, 2, 3, 16, 17, 18 and 20** are identified in the attached spreadsheet. Tree locations are documented on the attached *Construction Impact Assessment Tree location* map.

Tree removal is to be performed by a qualified contractor with valid City Business and State Contractor Licenses and General Liability and Workmen's Compensation insurance.

#### Tree Canopy Clearance

Vertical clearance will be necessary to remove conflicts between canopy extents and buildings. Necessary branch removal shall be kept to a minimum with the approval of the tree owner(s).

A qualified certified arborist, using the following industry guidelines should be contracted to perform all tree pruning.

- American National Standards Institute A300 for Tree Care Operations-Tree, Shrub and Other Woody Plant Maintenance-Standard Practices.
  - (Part 1)-2001 Pruning
- International Society of Arboriculture: Best Management Practices
- American National Standards Institute Z133.1-1994 for Tree Care Operations-Pruning, Trimming, Repairing, Maintaining, and Removing Trees and Cutting Brush-Safety Requirements



**Pre Grading Root Severance;** A backhoe type machine may be required to excavate near **Tree #14** where a drainage structure/manhole is to be constructed and the distance between the tree trunk and excavation cannot be decreased. This procedure is defined below:

- Establish a “final line of disturbance” with field staking. This line represents the furthest distance from the trees trunk that will allow the proposed excavation.
- Determine the depth of the cut required.
- Begin digging 8 to 10 feet from the established line in a “spoke in wheel” pattern, using the tree trunk as the hub.
- Dig toward the tree trunk to determine where roots are located to the required depth
- Begin pruning roots using the techniques defined below.
- Upon reaching the final line of disturbance make the final root pruning cuts.

### **Root Pruning**

All root pruning should be performed by skilled labor. The following tools should be used:

- Hand-pruners/Loppers
- Handsaw
- Reciprocating saw
- Chainsaw

When completed, the pruned portions should be covered with burlap or similar material and kept moist.

### **Required Tree Replacement**

Seven “protected” trees will be removed to construct the project as currently proposed.

Compensation for tree removal required in order to complete the project will include:

- Preservation and protection of retained trees/tree groups
- Implementation of preconstruction treatments
- Tree planting as a component of the planned landscape to be maintained in perpetuity

A Landscape Plan prepared by Ellen Cooper, Landscape Architect dated September 18, 2015 proposes the replanting of 21 trees as components of the planned landscape. These plantings will serve screening, aesthetic and biotic function. This number of plantings exceeds the 2:1 replacement requirements defined in City Code Chapter 12.12.

Proposed replacement tree species, quantity and nursery container size include:

- London plane *Platanus acerifolia*, 4-24”box
- Washington hawthorn *Crataegus phaenopyrum*, 3-15 gallon
- swamp myrtle *Tristania laurina 'Elegant'*, 7, 15-gallon
- dark pink crepe myrtle *Lagerstroemia indica 'Tuscarora'*, 4, 15-gallon
- fruitless olive *Olea europaea*, 3, 24” box

Nursery stock selected for dominant species shall be standard (single trunk).

Trees planted should be well formed without co-dominant, poorly attached stems. Trees shall be disease free and absent of swirling or girdling roots.

Qualified professionals adhering to the following guidelines shall plant the replacement trees:

- Prepare the planting site by excavating 3 times the width and 2 inches less than the exact depth of the nursery container.
- Prune any visible matted or circling roots to remove or straighten them. Cut the root ball vertically on opposite sides at least half the distance to the trunk.
- Free roots from the root ball breaking away some of the soil to provide better contact between the root ball and the backfill soil.
- Backfill with native soil.
- After backfilling a two to four-inch layer of tree chip mulch should be applied to the soil layer. Chips should not be applied within 12 inches of the trunk.
- Stakes, for support should be driven opposite sides of the root ball and driven into the soil. The tree can be secured to the stakes using “Arbortape” or by using the “ReadyStake” system.

**Supplemental irrigation** will be provided the new trees by means of a temporary “drip” emitter system for a period of two (2) years. This system shall be designed, installed and maintained by a qualified professional to maintain appropriate moisture levels.

#### **Maintenance and Monitoring Program Criteria**

To ensure the survivability and proper growth of the replacement trees success criteria will be defined to meet a 100% survival rate and implemented as follows.

- A qualified professional will monitor the newly planted trees at one (1) month intervals for the first year of growth and every 3 months thereafter for an additional four-year period
- Tree health and growth rates will be assessed
- Trees suffering poor growth rates or declining health will be identified
- Invigoration treatments will be provided
- Dead trees or trees in an irreversible state of decline will be replaced
- At the end of the five-year period the status of the new plantings will be assessed to make certain that success criteria has been met and all replacement trees planted are performing well

Implementation of these success criteria shall be a condition of project approval.

## **TREE PRESERVATION AND PROTECTION**

**Tree Preservation Specifications** included in this report outline specifics for tree protection structures and other procedures that will provide the best opportunity for their long-term survivability.

**Tree Preservation Structures** shall be constructed of the following materials as field specified by the Project Arborist.

- Chain link, 72 inches in height secured to metal stakes driven at least 18 inches into the soil.
- Temporary orange snow fencing attached to “T” posts driven into the ground
- Silt fencing
- Rice straw bales

Tree Preservation Structure locations are documented on an attached map (Tree Location/Preservation Map).

**Project Monitoring** of the project will be the responsibility of the Project Arborist. Site inspections will take place at the following intervals;

- Following on-site placement of grade stakes
- During tree removal operations
- During preconstruction root severance
- After Tree Preservation fencing locations have been staked
- Following Tree Protection fencing installation and prior to the commencement of grading
- During all grading activities within Critical Root Zones
- As necessary during the grading activities to ensure compliance with all conditions of project approval

Site monitoring forms will be submitted to the Capitola Planning Department at regular intervals.

**To ensure the protection of the trees remaining on this site it is imperative that the recommendations detailed within this document are incorporated as conditions of project approval.**

Questions regarding this report may be directed to my office.

Respectfully submitted,

James P. Allen  
Registered Consulting Arborist #390

**Tree Preservation Specifications**  
**1575 38th Avenue, Capitola CA**  
**APN 034-181-17**

These guidelines should be printed on all pages of the development plans. Contractors and sub contractors should be aware of tree protection guidelines and restrictions. Contracts should incorporate tree protection language that includes “damage to trees will be assessed by the Project Arborist and monetary fines levied”.

**A pre construction meeting with the Project Arborist**

A meeting with the Project Arborist, Project Manager and all contractors involved with the project shall take place prior to the onset of tree removal. Tree removal and preservation specifications will be reviewed and discussed.

**Establishment of a tree preservation zone (TPZ)**

Tree protection structures will be

- Chain link, 72 inches in height secured to metal stakes driven at least 18 inches into the soil
- Temporary orange fencing 48 inches in height secured to metal stakes driven at least 12 inches into the soil.
- Silt fencing
- Rice straw bales

Structures will be installed prior to the onset of grading, under the supervision of the Project Arborist and shall not be moved until after landscape installation is completed

**Restrictions within the Tree Preservation Zone (TPZ)**

No storage of construction materials, debris, or excess soil will be allowed within the TPZ. Parking of vehicles or construction equipment in this area is prohibited. Solvents or liquids of any type should be disposed of properly, never within this protected area.

**Field decisions**

The Project Arborist, Soils Engineer and Grading Contractor will determine the most effective construction methods to maintain tree health and stability.

**Alteration of grade**

Maintain the natural grade around trees. If trees roots are unearthed during the construction process the consulting arborist will be notified immediately. Exposed roots will be covered with moistened burlap until the Project Arborist makes a determination.

**Trenching requirements**

Any areas of proposed grading and trenching adjacent to preserved trees will be evaluated with the Project Arborist and the contractor prior to construction.

**Tree canopy alterations**

Unauthorized pruning of any tree on this site will not be allowed. Necessary tree canopy alterations will be performed to the specifications established by the Project Arborist.



# City of Capitola 38th Avenue Project APN 034-181-17

*Dedicated to the Preservation of Trees*

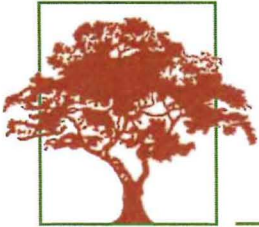
**James P. Allen  
& Associates**

## Construction Impact Assessment Tree Inventory

TREE #	SPECIES	DIAMETER @ 4.5ft ABOVE NATURAL GRADE (INCHES)	HEALTH	STRUCTURE	SUITABILITY	Description of Construction Impacts/ LEVEL	Critical Root Zone, Preserved Trees Only	•OBSERVATIONS •REQUIRED PROCEDURES •NUMBER THAT MEET "PROTECTED" CRITERIA Yes/No
1	Monterey pine	36.9 at 6" above grade	Fair	Poor	Fair	Proximity to Proposed Grading/ HIGH	N/A	<ul style="list-style-type: none"> <li>• Divides into two codominant stems at 1 foot above grade</li> <li>• Poor trunk-stem attachment</li> <li>• Evidence of sequoia pitch moth</li> <li>• <b>Remove Due to Construction Impacts</b></li> <li>• Yes</li> </ul>
2	coast redwood	13.2	Good	Fair	Good	Proximity to Proposed Grading/ HIGH	N/A	<ul style="list-style-type: none"> <li>• Suppressed by Tree #1</li> <li>• <b>Remove Due to Construction Impacts</b></li> <li>• Yes</li> </ul>
3	ash	Double Trunk 14.2, 8.5	Fair	Poor	Poor	Proximity to Proposed Grading/ HIGH	N/A	<ul style="list-style-type: none"> <li>• Grows on adjacent property near property boundary</li> <li>• Poor trunk-stem attachment</li> <li>• <b>Remove Due to Construction Impacts</b></li> <li>• Yes</li> </ul>
4	coast redwood	25*	Good	Good	Good	Proximity to Building Envelope/ Moderate	15	<ul style="list-style-type: none"> <li>• Grows on property boundary</li> <li>• Excellent form and structure</li> <li>• <b>Preserve and Protect Special Treatment Area</b></li> <li>• <b>Pier and Above Grade Beam Foundation</b></li> <li>• <b>Canopy Clearance Pruning</b></li> <li>• Yes</li> </ul>
5	coast redwood	27*	Good	Good	Good	Proximity to Building Envelope/ Moderate	15	<ul style="list-style-type: none"> <li>• Grows on adjacent property near property boundary</li> <li>• Excellent form and structure</li> <li>• <b>Preserve and Protect Special Treatment Area</b></li> <li>• <b>Pier and Above Grade Beam Foundation</b></li> <li>• <b>Canopy Clearance Pruning</b></li> <li>• Yes</li> </ul>

\* Measures are approximate

Attachment: 1575 38th Ave Arborist Report (1259 : 1575 38th Avenue)



# City of Capitola 38th Avenue Project APN 034-181-17

*Dedicated to the Preservation of Trees*

**James P. Allen  
Associates**

## Construction Impact Assessment Tree Inventory

TREE #	SPECIES	DIAMETER @ 4.5ft ABOVE NATURAL GRADE (INCHES)	HEALTH	STRUCTURE	SUITABILITY	Description of Construction Impacts/ LEVEL	Critical Root Zone, Preserved Trees Only	•OBSERVATIONS •REQUIRED PROCEDURES •NUMBER THAT MEET "PROTECTED" CRITERIA Yes/No
6	coast redwood	25	Good	Good	Good	Proximity to Building Envelope/ Moderate	15	<ul style="list-style-type: none"> <li>• Grows on adjacent property near property boundary</li> <li>• Excellent form and structure</li> <li>• <b>Preserve and Protect Special Treatment Area</b></li> <li>• <b>Pier and Above Grade Beam Foundation</b></li> <li>• <b>Canopy Clearance Pruning</b></li> <li>• Yes</li> </ul>
7	coast redwood	27	Good	Good	Good	Proximity to Building Envelope/ Moderate	15	<ul style="list-style-type: none"> <li>• Grows on adjacent property near property boundary</li> <li>• Excellent form and structure</li> <li>• <b>Preserve and Protect Special Treatment Area</b></li> <li>• <b>Pier and Above Grade Beam Foundation</b></li> <li>• <b>Canopy Clearance Pruning</b></li> <li>• Yes</li> </ul>
8	coast redwood	17	Good	Good	Good	Proximity to Building Envelope/ Moderate	15	<ul style="list-style-type: none"> <li>• Grows on adjacent property near property boundary</li> <li>• Excellent form and structure</li> <li>• <b>Preserve and Protect Special Treatment Area</b></li> <li>• <b>Pier and Above Grade Beam Foundation</b></li> <li>• <b>Canopy Clearance Pruning</b></li> <li>• Yes</li> </ul>
9	coast redwood	16	Good	Good	Good	Proximity to Building Envelope/ Moderate	16	<ul style="list-style-type: none"> <li>• Grows on adjacent property near property boundary</li> <li>• Excellent form and structure</li> <li>• <b>Preserve and Protect Special Treatment Area</b></li> <li>• <b>Pier and Above Grade Beam Foundation</b></li> <li>• <b>Canopy Clearance Pruning</b></li> <li>• Yes</li> </ul>

\* Measures are approximate

Attachment: 1575 38th Ave Arborist Report (1259 : 1575 38th Avenue)



# City of Capitola 38th Avenue Project APN 034-181-17

*Dedicated to the Preservation of Trees*

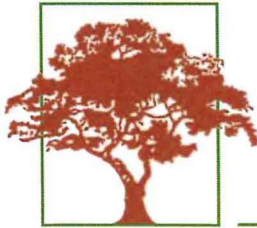
**James P. Allen  
Associates**

## Construction Impact Assessment Tree Inventory

TREE #	SPECIES	DIAMETER @ 4.5ft ABOVE NATURAL GRADE (INCHES)	HEALTH	STRUCTURE	SUITABILITY	Description of Construction Impacts/ LEVEL	Critical Root Zone, Preserved Trees Only	OBSERVATIONS •REQUIRED PROCEDURES •NUMBER THAT MEET "PROTECTED" CRITERIA Yes/No
10	coast redwood	14	Fair	Good	Good	Proximity to Building Envelope/ Moderate	8	<ul style="list-style-type: none"> <li>• Grows on adjacent property near property boundary</li> <li>• Excellent form and structure</li> <li>• <b>Preserve and Protect Special Treatment Area</b></li> <li>• Pier and Above Grade Beam Foundation</li> <li>• Canopy Clearance Pruning</li> <li>• Yes</li> </ul>
11	melaleuca	18	Fair	Fair	Fair	Unknown at This Time/ LOW	8	<ul style="list-style-type: none"> <li>• Grows from neighboring property</li> <li>• <b>Preserve and Protect Special Treatment Area</b></li> <li>• Possible canopy clearance required</li> <li>• Yes</li> </ul>
12	maytan	Multitrunk	Fair	Poor	Fair	Unknown at This Time/ LOW	8	<ul style="list-style-type: none"> <li>• Multi-trunk</li> <li>• Grows from neighboring property</li> <li>• Poor trunk-stem attachment</li> <li>• <b>Preserve and Protect Special Treatment Area</b></li> <li>• Possible canopy clearance required</li> <li>• Yes</li> </ul>
13	New Zealand tea tree	Multitrunk	Fair	Poor	Fair	Unknown at This Time/ LOW	9	<ul style="list-style-type: none"> <li>• Multi-trunk</li> <li>• Grows from neighboring property</li> <li>• Poor trunk-stem attachment</li> <li>• <b>Preserve and Protect Special Treatment Area</b></li> <li>• Possible canopy clearance required</li> <li>• Yes</li> </ul>

\* Measures are approximate

Attachment: 1575 38th Ave Arborist Report (1259 : 1575 38th Avenue)



# City of Capitola 38th Avenue Project APN 034-181-17

*Dedicated to the Preservation of Trees*

**James P. Allen  
Associates**

## Construction Impact Assessment Tree Inventory

TREE #	SPECIES	DIAMETER @ 4.5ft ABOVE NATURAL GRADE (INCHES)	HEALTH	STRUCTURE	SUITABILITY	Description of Construction Impacts/ LEVEL	Critical Root Zone, Preserved Trees Only	•OBSERVATIONS •REQUIRED PROCEDURES •NUMBER THAT MEET "PROTECTED" CRITERIA Yes/No
14	willow	26	Fair	Fair	Fair	Unknown at This Time/ LOW	14	<ul style="list-style-type: none"> <li>• Grows from neighboring property</li> <li>• Poor trunk-stem attachment</li> <li>• <b>Preserve and Protect Special Treatment Area</b></li> <li>• Possible canopy clearance required</li> <li>• Pre-construction root pruning</li> <li>• Yes</li> </ul>
15	liquid amber	13	Fair	Poor	Fair	Unknown at This Time/ LOW	10	<ul style="list-style-type: none"> <li>• Grows from neighboring property</li> <li>• Poor trunk-stem attachment</li> <li>• <b>Preserve and Protect Special Treatment Area</b></li> <li>• Possible canopy clearance required</li> <li>• Yes</li> </ul>
16	ash	9.1	Fair	Poor	Fair	Within Proposed Grading/ HIGH	N/A	<ul style="list-style-type: none"> <li>• Slightly curved trunk</li> <li>• Poor trunk-stem attachment</li> <li>• <b>Remove Due to Construction Impacts</b></li> <li>• Yes</li> </ul>
17	plum	Double Trunk 9.3, 8.5	Fair	Poor	Poor	Within Proposed Grading/ HIGH	N/A	<ul style="list-style-type: none"> <li>• Poor trunk-stem attachment</li> <li>• Decayed pruning wound</li> <li>• <b>Remove Due to Construction Impacts</b></li> <li>• Yes</li> </ul>
18	Monterey pine	33.2	Fair	Fair	Fair	Within Proposed Grading/ HIGH	N/A	<ul style="list-style-type: none"> <li>• Girdling root</li> <li>• Evidence of sequoia pitch moth</li> <li>• Small diameter dead and dying branches</li> <li>• <b>Remove Due to Construction Impacts</b></li> <li>• Yes</li> </ul>

\* Measures are approximate

Attachment: 1575 38th Ave Arborist Report (1259 : 1575 38th Avenue)





# City of Capitola 38th Avenue Project APN 034-181-17

*Dedicated to the Preservation of Trees*

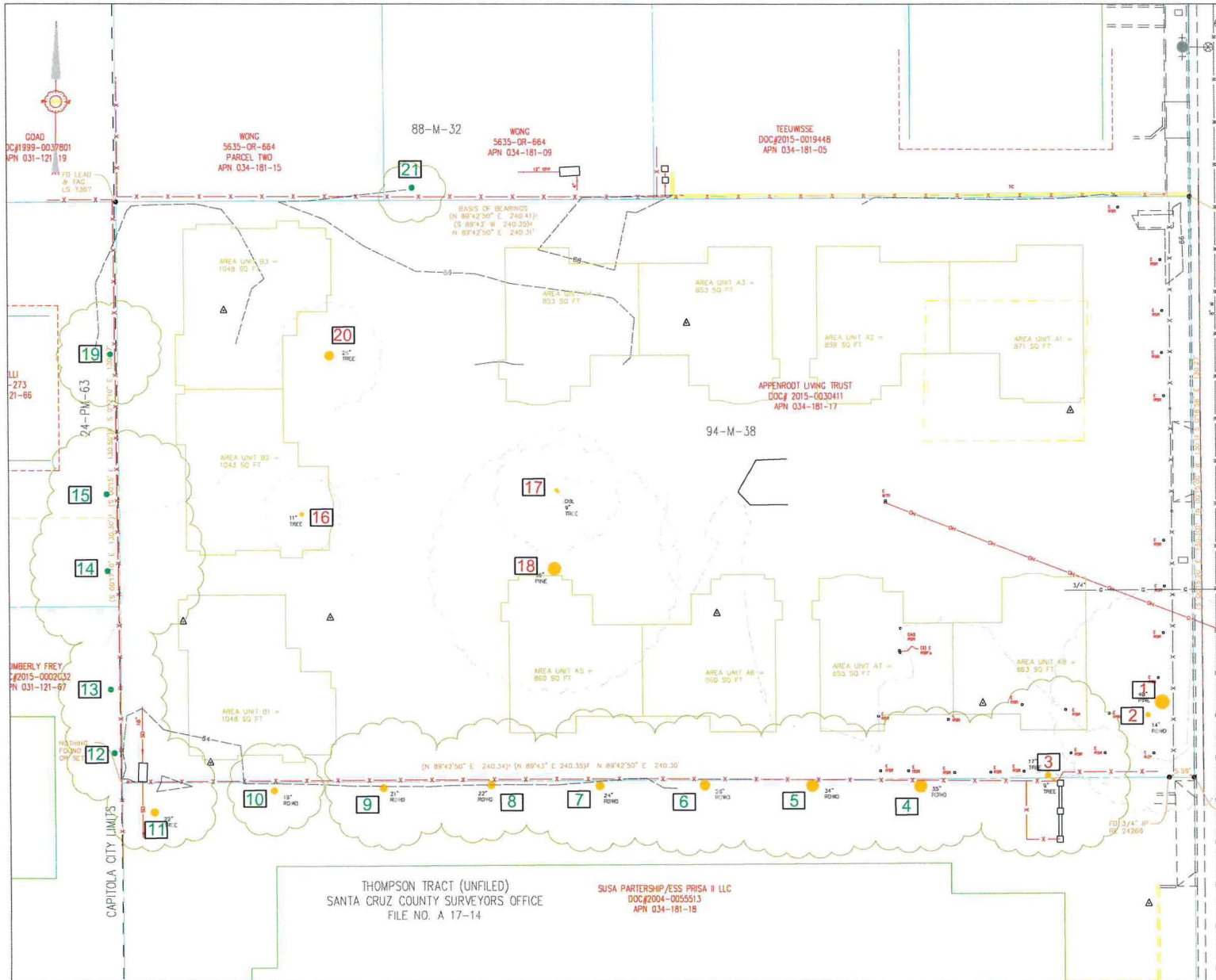
**James P. Allen  
Associates**

## Construction Impact Assessment Tree Inventory

TREE #	SPECIES	DIAMETER @ 4.5ft ABOVE NATURAL GRADE (INCHES)	HEALTH	STRUCTURE	SUITABILITY	Description of Construction Impacts/ LEVEL	Critical Root Zone, Preserved Trees Only	•OBSERVATIONS •REQUIRED PROCEDURES •NUMBER THAT MEET "PROTECTED" CRITERIA Yes/No
19	plum	9.8	Fair	Poor	Poor	Within Proposed Grading/ HIGH	8	<ul style="list-style-type: none"> <li>• Grows from neighboring property</li> <li>• Poor trunk-stem attachment</li> <li>• Decayed pruning wounds</li> <li>• <b>Preserve and Protect Special Treatment Area</b></li> <li>• Possible canopy clearance required</li> <li>• Yes</li> </ul>
20	ash	18.5	Fair	Poor	Poor	Within Proposed Grading/ HIGH	N/A	<ul style="list-style-type: none"> <li>• Poor trunk-stem attachment</li> <li>• <b>Remove Due to Construction Impacts</b></li> <li>• Yes</li> </ul>
21	loquat	Double Trunk* 7.4, 5.8	Fair	Fair	Fair	Unknown at This Time/ LOW	8	<ul style="list-style-type: none"> <li>• Grows from neighboring property</li> <li>• Poor trunk-stem attachment</li> <li>• Decayed pruning wounds</li> <li>• <b>Preserve and Protect Special Treatment Area</b></li> <li>• Possible canopy clearance required</li> <li>• Yes</li> </ul>

Attachment: 1575 38th Ave Arborist Report (1259 : 1575 38th Avenue)

\* Measures are approximate



Map Key / Legend

- Surveyed Tree Trunk Location
- Field Located Tree Trunk Location
- 2** Assigned Tree Number
- 2** Meets "Protected" Criteria
- 2** Remove due to Construction Impacts
- 2 Preserve and Protect
- 2 Tree Canopy Extents

Tree Resource Analysis/  
Construction Impact Assessment  
Tree Location Map

Entire Site at 10 Scale

City of Capitola Project  
APN 034-181-17  
575 38th Avenue  
Capitola, CA

Tree Location Map



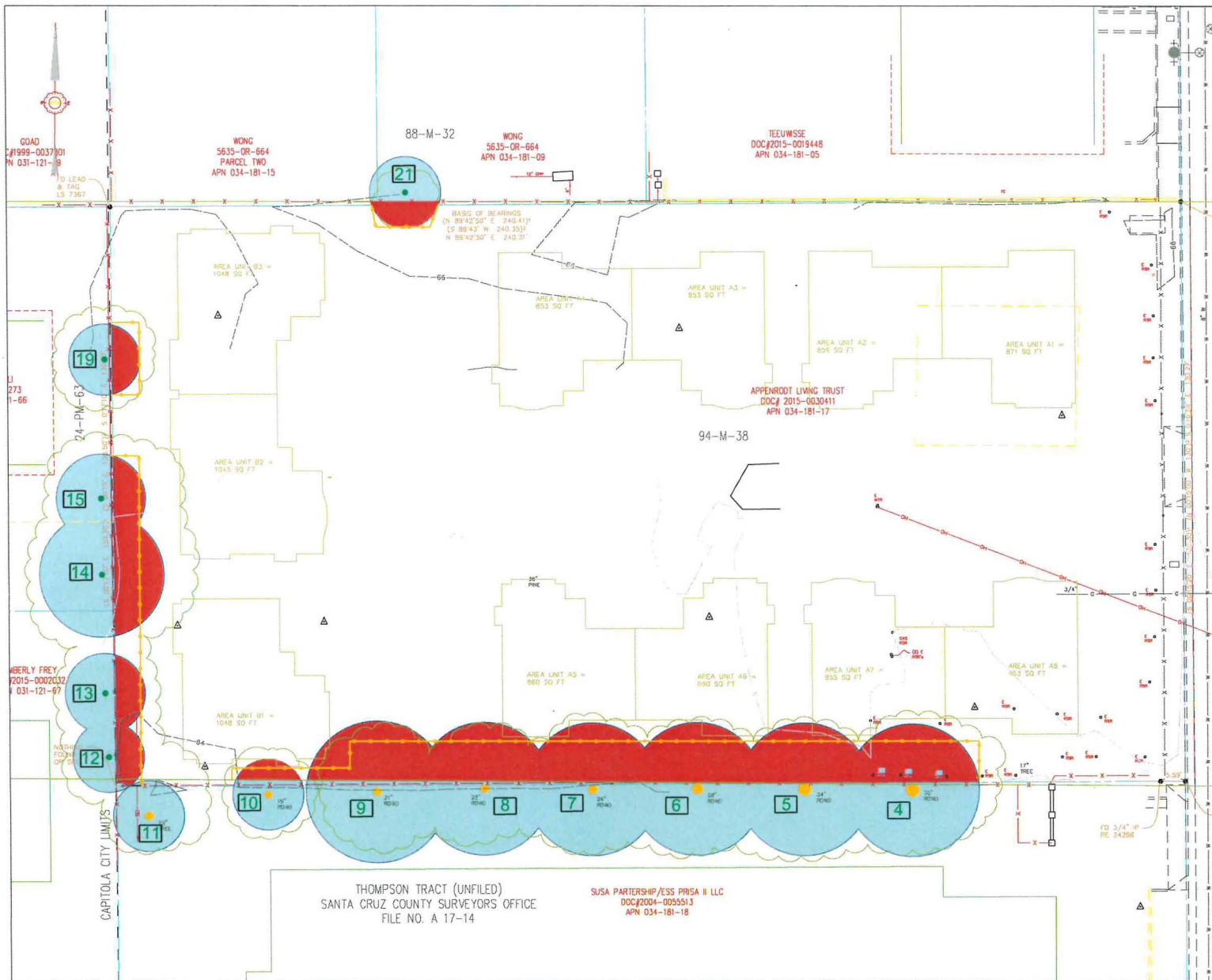
James P. Allen  
& Associates

411 Hecker Street, Suite 202 • 95008  
Office: (831) 454-8103 Fax: (831) 464-1444  
email: jpa@jpaassoc.com

**1** **2**

Date: 10/12/15  
Revision: 000000X  
Revision: 000000X

Attachment: 1575 38th Ave Arborist Report (1259 : 1575 38th Avenue)



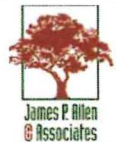
Map Key / Legend

- Surveyed Tree Trunk Location
- Field Located Tree Trunk Location
- 2** Assigned Tree Number
- 2 Meets "Protected" Criteria
- 2 Preserve and Protect
- Tree Canopy Extents
- Critical Root Zone
- Tree Preservation Zone
- Tree Preservation Structures as determined by the Project Arborist:  
Chain Link Fencing  
Temporary Orange Fencing  
Silt Fencing  
Rice Straw Bales
- Special Treatment Area**  
Treatments to be Determined by Project Arborist after grade stakes are set.
- Treatments may include:
  - Decrease Grading Limits
  - Pre-Construction Root Pruning
  - Mulching
  - Supplemental Irrigation
  - Canopy Clearance Pruning
  - Stabilization Treatments
  - Alternative Construction Methods
  - Pier and Above Grade beam Foundation

Construction Impact Assessment/  
Tree Protection Plan  
Entire Site at 10 Scale

City of Capitola Project  
APN 034-181-17  
575 38th Avenue  
Capitola, CA

Tree Location Map



111 Mission Street, Santa Cruz, CA 95060  
Office (520) 454-5100 Fax (520) 464-1444  
email: jallen@jpaallen.com



Date: 10/12/15  
Revision: 1000000  
Revision: 1000000

Attachment: 1575 38th Ave Arborist Report (1259 : 1575 38th Avenue)

**Cattan, Katie (kcattan@ci.capitola.ca.us)**

---

**From:** Cattan, Katie (kcattan@ci.capitola.ca.us)  
**Sent:** Wednesday, October 28, 2015 10:00 AM  
**To:** Cattan, Katie (kcattan@ci.capitola.ca.us)  
**Subject:** FW: Arbor Review of Plansets C2.1 and C3.1 dated 10.5.15, 1575 38th Avenue Project

---

**From:** James Allen [mailto:jpallen@cruzio.com]  
**Subject:** Arbor Review of Plansets C2.1 and C3.1 dated 10.5.15, 1575 38th Avenue Project

Good morning Katie,

I reviewed the plan sheets you provided and have the following comment

1. Deck supports for Lots 6, 7 and 8 through 11 are to be constructed on piers dug by hand, without the use of mechanical augers or drills when placed within Critical Root Zones (CRZs) . Roots encountered are to be cut cleanly following guidelines defined in the Construction Impact Assessment/Tree Protection Plan (CIA-TPP) report prepared for this project.
2. Storm Drain (SD) line between Lots 9 and 10 is within the CRZ of Tree #5. The extents between the Drain Inlets (DI) and their termination points shall be dug by hand following protocol defined in the CIA\_TPP.
3. The permeable paver surface for the parking area between Lots 7 and 8 is within the CRZs of Trees #8 and 9. Base excavation within CRZs shall be completed by hand if the existing grade needs to be reduced (cut). Roots encountered shall be cut cleanly as defined in the CIA\_TPP.
4. The SD line along the west side of the project, Lots 5, 6 and 7 travels through the CRZ of trees on neighboring properties and connects to an existing line on the neighboring property to the south. Where this line encroaches into CRZs, excavation should be performed by hand or with mechanized equipment under the direction of the Project Arborist.

As you can understand, typically the Construction Impact Analysis map file is overlaid on C3.1. I appreciate your attention and the opportunity to review this final planset as an addendum.

Best regards,

James

**James P. Allen**  
 Registered Consulting Arborist #390  
 Certified Urban Forester #120  
 Board Certified Master Arborist #625B



**611 Mission Street**  
**Santa Cruz, CA 95060**  
**831.426.6603 office**  
**831.234.7739 mobile**  
**831.460.1464 fax**

This communication (including any attachments) may contain privileged or confidential information intended for a specific individual and purpose, and is protected by law. If

### NOTICE OF EXEMPTION

To: Clerk of the Board  
County of Santa Cruz  
Governmental Center  
701 Ocean Street  
Santa Cruz CA 95060

From: City of Capitola  
Community Development Department  
420 Capitola Avenue  
Capitola, CA 95010

**Project Title:** 38<sup>th</sup> Avenue Homes

**Project Address:** 1575 38<sup>th</sup> Avenue      **Assessor's Parcel No.:** 034-181-17

**Project Location:**      **City of:** Capitola      **County of:** Santa Cruz

**Project Description:** The 38<sup>th</sup> Avenue Homes application proposes to demolish the existing structure and accessory buildings within the commercial salvage yard and construct an 11-unit, multi-family development. The project has been designed with 5 duplex town homes and 1 single-family home. The parcel will be subdivided into 11 lots creating individual ownership opportunities.

The project creates a private street with a hammerhead turnaround. The developer will also install new ADA compliant sidewalks along the frontage of 38<sup>th</sup> Avenue and a crosswalk connecting the west side of 38<sup>th</sup> Avenue to Kings Plaza. The private street is required to have street lighting and an ADA compliant street approach.

The 28<sup>th</sup> Avenue Homes application includes a drought tolerant landscape plan with waterwise irrigation. Each lot will have a bioretention area in the front yard for onsite retention of stormwater. The project requires the removal of 7 onsite trees. The applicant proposes to exceed the City's 2:1 replanting requirement with 3:1 ratio.

The project will be required to comply with Capitola's Inclusionary Housing Ordinance. Pursuant to §18.02.030, housing development projects creating seven or more for-sale housing units are required to reserve and restrict fifteen percent of the housing units for sale to moderate, low, or very low income households. The eleven unit development is required to reserve 1.65 units of deed restricted units. The fractional contribution will be credited through a payment of affordable housing in-lieu fees.

**Project Applicant:** Joe Appenrodt, Owner

**Lead Agency:** City of Capitola

**The project is exempt as follows:**

- It clearly will not have a significant effect on the environment (15061(b)(3).
- The project is qualifies for a General Plan exemption under CA Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.
- It is an emergency project (Section 21080(b)(4); 15269(b)(c)).
- It is statutorily exempt (Code/Section \_\_\_\_\_).

Attachment: Notice of Exemption (1259 : 1575 38th Avenue)

### Reasons why project is exempt:

California Public Resources Code section 21083.3 and California Environmental Quality Act (CEQA) Guidelines Section 15183 provide an exemption from additional environmental review for projects that are consistent with the development density established by existing zoning, community plan, or general plan policies for which an Environmental Impact Report (EIR) was certified except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that: (1) Are peculiar to the project or the parcel on which the project would be located, and were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent, (2) Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or (3) Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR. Section 15183(c) further specifies that if an impact is not peculiar to the parcel or to the proposed project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, then an additional EIR need not be prepared for that project solely on the basis of that impact.

### General Plan Update Program EIR

The City of Capitola General Plan Update (GPU) establishes a blueprint for future land development in the City that meets community desires and balances the environmental protection goals with the need for housing, infrastructure, and economic vitality. The GPU included adoption of new General Plan elements, which set the goals and policies that guide future development. It also included a corresponding land use map setting the future density limits and appropriate land use categories throughout the City. The GPU EIR was certified in conjunction with adoption of the GPU on June 26, 2014. The GPU EIR comprehensively evaluated environmental impacts that would result from plan implementation, including information related to existing site conditions, analyses of the types and magnitude of project-level and cumulative environmental impacts, and feasible mitigation measures that could reduce or avoid environmental impacts.

The General Plan land use designation for the site is Community Commercial (C-C). The C-C designation provides an area for commercial uses primarily serving Capitola residents. Permitted land uses include general retail, personal services, restaurants, offices, and residential uses. The maximum permitted density in the C-C designation is 20 dwelling units per acre. The proposed 11 unit subdivision on the 30,139 square foot lot would develop at a density of 16 dwelling units per acre, which conforms to General Plan density limits. The maximum FAR in the C-C designation is 1.0. The FAR for the 38<sup>th</sup> Avenue Homes application ranges from 0.7 to 0.87 within the individual lots, well under the maximum.

**Housing Element:** State law requires jurisdictions to provide for their share of regional housing needs. As part of the Regional Housing Needs Assessment (RHNA), the Association of Monterey Bay Area Governments (AMBAG) determines the housing growth needs by income category for jurisdictions within Santa Cruz and Monterey Counties. The City of Capitola Housing Element includes opportunity sites to identify locations in which the City will be able to meet the RHNA obligations for all income categories. The housing element includes the subject parcel at 1575 38<sup>th</sup> Avenue as a possible opportunity site for future housing needs for moderate and above moderate income households. Moderate income is defined as 80 – 120% of area median income. Above moderate income is defined as over 120% of area median income. The median income for Santa Cruz County in 2015 is \$87,000. The draft updated Housing Element identifies a need of 26 moderate housing units and 60 above moderate housing units within Capitola.

The following is an excerpt from the Housing Element:

*It is anticipated that due to the age and poor condition of the existing structures, that the site will be redeveloped in the current planning period. Given current zoning and proximity to public services the site is appropriate for a future mixed residential/commercial development project. Taking into consideration the setbacks, parking, and other design requirements of the CN district, it is possible to build 17 residential units above commercial on this site or 25 dwelling units per acre. Going by the standards set by the California State Department of Housing and Community Development, a density of 20 dwelling units/acre equates to low and very low income affordability. Although this site qualifies under State Housing Element*

P:\COUNCIL AND COMMISSIONS\Planning Commission\2015 Meeting Packet\11-05-2015\1575 38th Ave\NOTICE OF EXEMPTION.doc

requirements for the development of low-income housing units, the City of Capitola is choosing to show this site as being developed for moderate and above moderate income households. While a net of 17 units are possible on this site, the City has anticipated development at about 50% of the net new units, for a total of eight units.”

**Summary of Findings**

The 38<sup>th</sup> Avenue Homes application is consistent with the analysis performed for the GPU EIR. Further, the GPU EIR anticipated the site being developed under the previous application of 23 multi-family units as approved by the City in July 2013. The new owner has decreased the density, mass, and scale of the project. There are no identifiable mitigation measures for the new 11 unit development.

In accordance with CEQA Guidelines §15183, the project qualifies for an exemption because the following findings can be made:

**1. The project is consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified.**

The maximum permitted density in the C-C designation is 20 dwelling units per acre. The project would subdivide a 30,139 sf parcel into 11 residential lots, with a density of 16 units per acre. The proposed 11 unit subdivision is consistent with the Neighborhood Commercial development density established by the GPU Land Use map, the GPU Housing Element, and the certified GPU EIR.

**2. There are no project specific effects which are peculiar to the project or its site, and which the GPU EIR Failed to analyze as significant effects.**

The subject property is no different than other properties in the surrounding area, and there are no project specific effects which are peculiar to the project or its site. The project site is located in an area developed with similarly sized residential lots. The property does not support any peculiar environmental features, and the project would not result in any peculiar effects.

**3. There are no potentially significant off-site and/or cumulative impacts which the GPU EIR failed to evaluate.**

The proposed project is consistent with the density and use characteristics of the development considered by the GPU EIR and would represent a small part of the growth that was forecast for build-out of the General Plan. The GPU EIR considered the incremental impacts of the proposed project, and no potentially significant off-site or cumulative impacts have been identified which were not previously evaluated.

**4. There is no substantial new information which results in more severe impacts than anticipated by the GPU EIR.**

No new information has been identified which would result in a determination of a more severe impact than what had been anticipated by the GPU EIR.

**5. The project will undertake feasible mitigation measures specified in the GPU EIR.**

The project will undertake feasible mitigation measures specified in the GPU EIR. These GPU EIR mitigation measures will be undertaken through project design, compliance with regulations and ordinances, or through the project’s conditions of approval.

<b>Lead Agency Contact Person</b>	Katie Cattan, Senior Planner	<b>Phone:</b>	(831) 475-7300
<b>Department:</b>	Community Development	<b>Address:</b>	420 Capitola Avenue, Capitola, CA 95010

If filed by applicant:

1.	Attached certified document of exemption finding.		
2.	Has a notice of exemption been filed by the public agency approving the project?	Yes	No
Filer's Signature:		Title:	
Date Submitted to County Clerk:		Received by:	

Attachment: Notice of Exemption (1259 : 1575 38th Avenue)

To: Planner Katie Cattan (& Capitola Planning Dept.) Kcattan@CI.Capitola.CA.US  
 From: "Segrey Living Trust" Don Mosegaard and Kimberly Frey, Trustees of property @ 1530 Bulb Ave.  
 Date: 8/31/15  
 RE: 1575 38<sup>th</sup> Ave #15-112 APN: 034-181-17 Public Hearing 9/3/15 7:00pm

As we are out of state at the bedside of our father, who has advanced stage cancer, we will not be able to attend any of the council meeting regarding this development in the month of September and the first couple weeks of October. Thank you for these considerations. Contacts: donmosegaard@netscape.net 831-234-1709 and secondary # Kim Frey 325-9049

We would like to have our concerns addressed and documented about this development, as written;

1. There is an apparent Rear Set Back from our property line of 15 feet and it is of utmost importance that be adhered to.
2. As stated the building height is 27 feet and would like that height to be adhered to.
3. Preservation of the culvert in the south-west corner of the property, which is next to our lot line. We have two rain downspouts that connect underground to that culvert as told to us when we purchased the house in 1997. We also have a small grading ditch which drains under the fence to the culvert. Also, we would like the planners to take into account that the 1575 property has, at times in the past, had much rain water accumulation and was even marsh-like in places during rainy seasons. As a note, the property next door to the right of 1575 38<sup>th</sup> ave has had to install a sump pump due to water accumulation under that house. Plan well for drainage and please do not build in such a way that too much water will be unintentionally diverted to our property.
4. West Facing Windows: We ask that the duplex's/ house facing our property lines have a minimal of windows (and of small size) looking down upon our property to preserve privacy as much as possible.
5. The tree which are on our property line and some branches hanging over- please preserve the health and viability of these trees by not allowing toxic things to affect the grounds around the trees and judiciously and conservatively use of cutting the branches back. Another topic; potential tree which you might be planting near the lot line- We would like to be given a chance to give feedback should any tree be identified as potentially being planted- as the height, density and autumn leaf fallout will affect our own matures trees/bushes on near this lot line.
6. Fence: We would like to see a six foot redwood fence with a two foot "double thickness" lattice on top of it, thus a total of eight feet heigh. \* \* The sections of fence (8 foot each) from our property line were purchased by us and would like to see them carefully removed and given back to us as we will be reusing it between our lot line and the storage facility.
7. Lighting: please no lights which will be focused in the direction of our property during nights to preserve night time natural darkness.
8. Apparent work hours per code is:
 

M – F	7:30 am	-	9:00 pm
Sat	9:00 am	-	4:00 pm
Sun-	no work		

Please no work (due to noise) beyond those hours and if possible would like no work to start before 8:00 am



King's Plaza Shopping Center  
1601 41<sup>st</sup> Avenue, Suite 202  
Capitola, CA, 95010  
831-475-9042. Fax: 831-475-2186

September 3, 2015  
Sent via email to: [planningcommission@ci.capitola.ca.us](mailto:planningcommission@ci.capitola.ca.us)

City Of Capitola Planning Commission  
420 Capitola Avenue  
Capitola, CA  
95010

Re: Housing Project, 1575 Capitola Avenue, Capitola, CA.

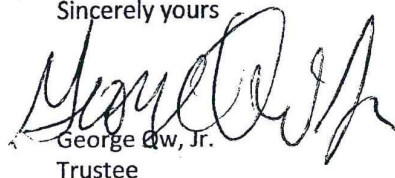
Dear Capitola Planning Commission

We have been the owner-operator of King's Village Shopping Center for over 50 years. The Noise, Odor and Light Easement, which was signed and recorded by the previous owner is still in effect and should handle any conflicts between commercial and residential uses. The potential buyers are forewarned that they will live with the back of the shopping center as it has been operating for over 50 years. There are people who like living close to commercial buildings, my parents were two of these people, so it will be these people who will live on the 1575 Capitola Avenue property.

With this subject already handled, we would like to write a letter of support. We have known developer Joe Appenrodt and architect Matthew Thompson for many decades and have the highest respect for their projects and body of work. We know that they will build a good project.

We give our full support to their housing project.

Sincerely yours

  
George Qw, Jr.  
Trustee

Attachment: 1575 38th Ave Public Comment George Ow Jr (1259 : 1575 38th Avenue)

***(D) (21) The uses proposed are consistent with the permitted or conditional uses of the zoning district in which the project is located;***

- The applicant has applied for a conditional use permit for the intensification of the use.

***(D) (22) Conformance to requirements of all other city ordinances, zoning requirements, and project review procedures;***

- The project conforms to the requirements of all city ordinances, zoning requirements with the approval of a conditional use permit and project development review and development procedures.

***(D) (23) Project complies with the Capitola parking permit program as follows:***

- The project site is not located within the area of the Capitola parking permit program.

<b>RESULT:</b>	<b>APPROVED AS AMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Gayle Ortiz, Commissioner
<b>SECONDER:</b>	Susan Westman, Commissioner
<b>AYES:</b>	Ortiz, Newman, Welch, Westman
<b>ABSENT:</b>	Smith

**B. 1575 38th Avenue #15-112 APN: 034-181-17**

Conceptual Review for an 11-lot subdivision with 5 duplex townhomes and one single-family home in the CN (Neighborhood Commercial) zoning district.

This project is not located in the Coastal Zone.

Environmental Determination: Exempt

Property Owner: Joe Appenrodt, filed 7/10/15

Representative: Matthew Thompson

Commissioner Newman recused himself since he owns property in the vicinity and left the dais.

Planner Cattan presented the staff report and an overview of the Conceptual Review process. The applicant prefers to subdivide rather than create a condominium association that owns the shared space. Under this plan, each lot should meet development standards and does not, requiring variances. She noted many variations in neighboring uses and zoning. The applicant is hiring an arborist to review impact on adjacent redwoods, the preservation of which was a concern in previous applications for the property. He has already noted soil compaction should be avoided. Initial feedback shows the most impact by the single-family home at the back of the development.

The applicant asks for direction for how to approach the application process. For existing zoning, the front and side yard setbacks require variance and findings. Trees may provide some special circumstances. The other option would be a planned development, although the site does not meet the four-acre minimum.

Architect Matthew Thompson spoke regarding the application. He said a small-lot subdivision is a good use for the mix in the neighborhood and he is a personal advocate for this type of development. Variances would be "internal;" they do not impact adjoining properties, only those new lots being created. He suggested the special circumstance is the variety of zoning

in vicinity. It is not a grant of special privilege since there is similar development with similar qualities nearby.

Commissioner Westman understands the distaste for condominium but ask if there will be an HOA and was told yes. The plan is to mimic Roosevelt Terrace of Broadway in Santa Cruz where the roads and front yards are common area landscaping. Buyers would be told no additions would be allowed.

Commissioner Ortiz asked how they will inform owners about neighboring noise? Joe Appenrodt noted the previous application asked for a noise, odor and light easement, and it would also apply to this project.

Commissioner Ortiz feels variances are appropriate and could support. She would prefer some commercial use but it is not required by current zoning.

Commissioner Westman does not have preference for process. She has some anxiety for variances but possible and feels it is a good use of the land and more compatible for back residential properties.

Commissioner Welch expressed concerns about variances, but prefers that approach to planned development.

Planner Cattan shared comments from absent chairperson Linda Smith, who likes the density, but would remove single-family from the zone. She would also prefer some commercial use as recommended in the General Plan.

### **C. Consideration of the Draft Climate Action Plan for City Council Adoption**

Continued to the meeting of Oct. 1, 2015.

#### **6. DIRECTOR'S REPORT**

None.

#### **7. COMMISSION COMMUNICATIONS**

Commissioner Ortiz asked for a process to identify whether letters of support are from the owners of a neighboring property, especially ones such as those for a second-story deck.

#### **8. ADJOURNMENT**

CAPITOLA CITY COUNCIL MINUTES  
September 24, 2015

- E. Zoning Code Update: Schedule for Special Meetings [730-85]  
RECOMMENDED ACTION: Accept staff recommendation on special meeting schedule for review of zoning code issues and options.

**RESULT:** ADOPTED [UNANIMOUS] ITEM 9.A. APPROVAL OF THE CITY CHECK REGISTER REPORTS DATED AUGUST 7, AUGUST 14, AUGUST 21, AND AUGUST 28, 2015

**MOVER:** Dennis Norton, Mayor

**SECONDER:** Jacques Bertrand, Council Member

**AYES:** Norton, Bottorff, Bertrand, Harlan

**ABSENT:** Termini

10. GENERAL GOVERNMENT / PUBLIC HEARINGS

- A. Receive presentation regarding 1575 38th Avenue Conceptual Review of 11-Unit Residential Development [730-10]  
RECOMMENDED ACTION: Receive presentation, consider 11-unit residential development, and provide applicant with feedback on the proposed concept.

The City Council provided direction to staff regarding the 11-unit residential development.

- B. Amend the City's Administrative Policy Number I-17 Pertaining to Over-the-Street Banners [100-10/720-50]  
RECOMMENDED ACTION: Adopt the amended Administrative Policy for Over-the-Street Banners.

**RESULT:** ADOPTED [UNANIMOUS]

**MOVER:** Ed Bottorff, Vice Mayor

**SECONDER:** Jacques Bertrand, Council Member

**AYES:** Norton, Bottorff, Bertrand, Harlan

**ABSENT:** Termini

11. ADJOURNMENT

The meeting adjourned at 8:30 PM.

\_\_\_\_\_  
Dennis Norton, Mayor

ATTEST:

\_\_\_\_\_, CMC  
Susan Sneddon, City Clerk

MINUTES WERE UNANIMOUSLY APPROVED ON OCTOBER 8, 2015

Attachment: 9-24-2015 CC Minutes Conceptual Review (1259 : 1575 38th Avenue)

**DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS  
38<sup>TH</sup> AVENUE HOMES**

THIS DECLARATION is made on the date hereinafter set forth by Joseph W. Appenrodt and \_\_\_\_\_, Trustees of \_\_\_\_\_, hereinafter referred to as "Declarant", being the owner of certain real property situated in the City of Capitola, County of Santa Cruz, State of California, more particularly described as: described in Exhibit "A" which is attached to this declaration and by this reference made a part hereof.

Lot 1 through Lot 11 and Common Area Lot 12, as shown on the Subdivison Map for 38<sup>th</sup> Avenue Homes, recorded in Book \_\_\_\_\_ of Maps, at Page \_\_\_\_\_, Santa Cruz County Official Records.

Declarant does hereby declare, for the purpose of establishing a general plan for the creation of a planned residential development, within the meaning of California Civil Code Section 41754175, that all of the property described above shall be held, occupied, sold and conveyed subject to the following easements, restrictions, covenants, and conditions, liens and charges, set forth hereinafter, all of which shall run with the real property described above and shall be binding on all parties having any right, title or interest therein or in any thereof, their heirs, successors and assigns, and which shall inure to the benefit of each owner thereof, and all of which are imposed upon said real property and every part hereof as a servitude in favor of each and every lot thereof as the dominant tenement and may be enforced by Declarant, or his or her successors and assigns, each owner, his or her successors and assigns, or by the association, its successors and assigns.

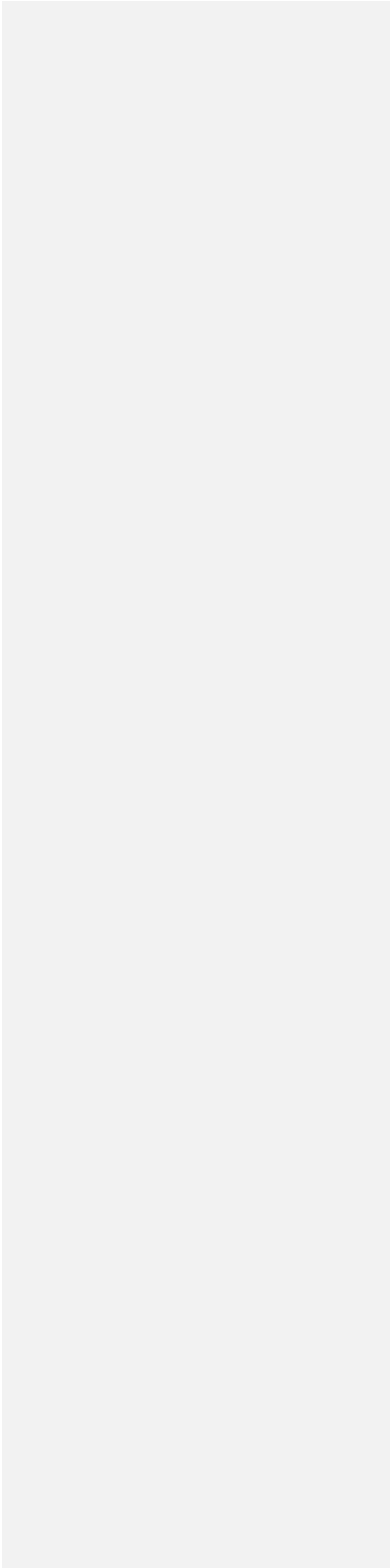
**ARTICLE I**

**DEFINITIONS**

Section 1.01. "Association" shall mean and refer to the 38<sup>th</sup> Avenue Homes Owners Association, a Nonprofit Mutual Benefit Corporation, its successors and assigns, the members of which shall be the owners of lots in the project.

Section 1.02. "Assessment" shall mean that portion of the cost of maintaining, improving, repairing, operating and managing the property which is to be paid by each lot owner as determined by the association.

Section 1.03. "Board" or "board of directors" shall mean and refer to the governing body of the association.



Attachment: 1575 38th Ave Draft CC&R (1259 : 1575 38th Avenue)

Section 1.04. "By-laws" shall mean and refer to the by-laws of the association as amended from time to time.

Section 1.05. "Common area" shall mean and refer to all of the property described as [Lot 12](#) on the above-described subdivision map.

Section 1.06. "Common expense" means and includes the actual and estimated expenses of operating the common area and any reasonable reserve for such purposes as found and determined by the board and all sums designated, and expenses by or pursuant to the project documents.

Section 1.07. "Declarant" shall mean and refer to [Joseph W. Appenrodt and \\_\\_\\_\\_\\_, Trustees of \\_\\_\\_\\_\\_](#), and their successors and assigns.

Section 1.08. "Declaration" shall mean and refer to this enabling declaration, as amended or supplemented from time to time.

Section 1.09. "Eligible mortgage holder" shall mean a first lender who has requested notice of certain matters from the association in accordance with Section 9.06c.

Section 1.10. "Eligible insuror or guarantor" shall mean an insuror or governmental guarantor of a first mortgage who has requested notice of certain matters from the association in accordance with Section 9.06c.

Section 1.11. "Exclusive use common area" shall mean and refer to those portions of the common area, if any, set aside for the exclusive use of the lot owner or owners pursuant to Article II, Section 2.04. Each such exclusive use common area shall be appurtenant to the owner's lot and may not be conveyed or transferred apart from the lot. Except as expressly provided in this declaration, no other portion of the project is exclusive use common area.

Section 1.12. "First lender" shall mean any person, entity, bank, savings and loan association, insurance company or financial institution holding a recorded first mortgage on any lot.

[Section 1.13 "Lot" shall mean and refer to any of Lots 1 through 11 as shown on the Map.](#)

Section 1.134. "Map" shall mean and refer to that subdivision map entitled Tract No. \_\_\_\_\_, recorded on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, in Book \_\_\_\_\_ of Maps at Page \_\_\_\_\_, in the Official Records of [Santa Cruz](#) County.

Section 1.145. "Member" shall mean and refer to a person entitled to membership in the association as provided herein.

Section 1.156. "Mortgage" shall mean a deed of trust as well as a mortgage.

Section 1.167. "Mortgagee" shall include a beneficiary or a holder of a deed of trust as well

as a mortgagee.

Section 1.178. "Mortgagor" shall include the trustor of a deed of trust as well as a mortgagor.

Section 1.189. "Owner" shall mean and refer to the record fee title owner, whether one or more persons or entities, of a fee simple title to any lot which is a part of the properties, except if a lot is sold under a recorded contract of sale, the contract purchaser, rather than the fee owner, shall be considered the "owner". "Owner" shall not include persons or entities who hold an interest in a lot merely as security for the performance of an obligation.

Section 1.1920. "Person" means a natural person, a corporation, a partnership, a trustee, or other legal entity.

Section 1.201. "Project" shall mean and refer to the entire real property above-described.

Section 1.242. "Project documents" shall mean this declaration, as amended from time to time, the exhibits, if any, attached thereto, together with the other basic documents used to create and govern the project, including the map, the articles, and the by-laws.

## ARTICLE II

### PROPERTY RIGHTS

#### Title to Homeowner's Association Common Area

Section 2.01. At any time prior to the conveyance of the first lot in the project, Declarant shall convey to the homeowners association fee simple title to the common area, free and clear of all liens and encumbrances, except current real property taxes, which taxes shall be prorated to the date of transfer, and reservations, easements, covenants, conditions, and restrictions then of record, including those set forth in this document.

In connection with the conveyance of the common area to the association, Declarant may reserve easements for a period of time not to exceed three years for the nonexclusive use of any driveways on the project, for drainage and encroachment purposes, and for ingress to and egress from the common areas for the purpose of completing improvements thereon or for the performance of necessary repair work. In addition to the foregoing, in the case of a phased project, Declarant may reserve an easement for entry onto the project in connection with the development of additional phases.

#### Owners' Easement of Enjoyment

Section 2.02. Every owner shall have a right and easement of enjoyment in and to the common area which shall be appurtenant to and pass with title to every lot, subject to reasonable

rules and regulations from time to time set by the association as well as the right of the association to dedicate or transfer a portion of the common area to any public agency, authority or utility for such purpose and subject to such conditions as may be agreed to by said members, so long as the dedication or transfer shall be for the general benefit of the association and its members.

**Delegation of Use**

Section 2.03. Any owner may delegate his or her rights of use and enjoyment of the common area and the facilities to the members of his or her family, his or her guests, tenants, employees, and invitees, and to such other persons as may be permitted by the by-laws and the association rules, subject however to this declaration. However, if an owner has sold his or her lot to a contract purchaser or has leased or rented it, the owner, members of the owner's family, guests, tenants, employees, and invitees shall not be entitled to use and enjoy any of such rights while the owner's lot is occupied by the contract purchaser or tenant. Instead, the contract purchaser, or tenant, while occupying such lot, shall be entitled to use and enjoy such rights, including the recreational facilities, and can delegate the rights of use and enjoyment in the same manner as if such contract purchaser or tenant were an owner during the period of his or her occupancy. Each owner shall notify the secretary of the association of the names of any contract purchasers or tenants of such owner's lot. Each owner, contract purchaser, or tenant shall also notify the secretary of the association of the names of all persons to whom such owner, contract purchaser, or tenant has delegated any rights of use and enjoyment and the relationship that each such person bears to the owner, contract purchaser, or tenant. Any delegated rights of use and enjoyment are subject to suspension to the same extent as are the rights of owners. No such delegation shall relieve an owner from liability to the association or to other owners for payment of assessments or performance of the covenants, conditions and restrictions contained in this declaration. The association and each owner shall have a right of action directly against any tenant or contract purchaser of an owner, as well as against the owner, for nonperformance of any of the provisions of this declaration to the same extent that such right of action exists against such owner.

**Exclusive Use Common Areas**

Section 2.04. There are no exclusive use common areas designated on the map and set aside and allocated for the exclusive use of the owner of the lot. The board may not grant exclusive use to any other portion of the common area to any member except in compliance with Civil Code Section 1363.074600, or any successor thereto.

**Guest Parking**

Section 2.05. All Common Area parking spaces may be used by all owners, their tenants and guests. The board may from time to time assign the exclusive right to use certain spaces to particular lots. All parking spaces not so assigned may be used by all owners, their tenants and guests.

**Non-Severability of Component Interests**



Section 2.06. An owner shall not be entitled to sever his or her lot from his or her membership in the association, and shall not be entitled to sever his or her lot and his or her membership from his or her interest in and to the common area, as provided in Section 2.02 above. Any attempt to sever an owner's interest in and to the common area from the ownership of his or her lot, shall be void. After the initial sale of each lot, any conveyance of the lot by the owner shall be presumed to convey all of the owner's right and easement of enjoyment in and to the common area.

**Destruction of Common Area Improvements**

Section 2.07. In the event of a partial or total destruction of the improvements upon the common area, it shall be the duty of the association to restore and repair the same to their former condition as promptly as is practicable and in a lawful and workmanlike manner. The proceeds of any insurance maintained pursuant hereto shall be used for such purpose, subject to the prior rights of mortgagees whose interests may be protected by said policies. In the event that the amount available from the proceeds of such insurance policies for such restoration and repair shall be at least ninety-five percent (95%) of the estimated cost of restoration and repair, a reconstruction assessment, with each owner contributing equally as provided in Section 4.07, may be levied by the association to provide the necessary funds for such reconstruction and repair, over and above the amount of any insurance proceeds available for such purpose.

In the event that the amount available from the proceeds of such insurance policies for such restoration and repair shall be less than ninety-five percent (95%) of the estimated cost of restoration and repair, the improvements shall not be replaced or restored unless approved by the vote or written consent of members entitled to exercise two-thirds (2/3) of the voting power of the membership of the association. In such event if the members do not elect to rebuild the improvements, the insurance proceeds received by the association on account of the destruction of the common area shall be distributed by the association among owners of lots and their respective mortgagees proportionately based upon the respective selling prices of the lots in the original sales of the lots by the Declarant.

**Eminent Domain - Common Area**

Section 2.08. The term "taking" as used in this section shall mean condemnation by eminent domain or sale under threat of condemnation. In the event of a threatened taking of all or any portion of the common area, the members hereby appoint the board of the association and such persons as the board of the association may delegate to represent all of the members in connection with the taking. The board shall act in its sole discretion with respect to any awards being made in connection with the taking and shall be entitled to make a voluntary sale to the condemner in lieu of engaging in a condemnation action. Any awards received on account of the taking shall be paid to the association. In the event of a taking of less than all of the common area, the rules as to restoration and replacement of the common area and the improvements thereon shall apply as in the case of destruction of improvements upon the common area. In the event of a total taking, the board shall retain any award in the general funds of the association. Notwithstanding anything to the contrary in this section, the distribution of any award or awards for taking of all or any portion of the

common area shall be subject to the prior rights of mortgagees under deeds of trust.

**Declarant's Obligation to Complete the Common Area Improvements**

Section 2.09. In the event that there are common area improvements which have not been completed prior to close of escrow on the sale of any first lot, and where the association is the obligee under a bond or other arrangement to secure performance of the commitment of Declarant to complete said improvements, the board shall consider and vote on the question of action by the association to enforce the obligations under the bond with respect to any improvement for which a Notice of Completion has not been filed within sixty (60) days after the completion date specified for that improvement in the planned construction statement appended to the bond. If the association has given an extension in writing for the completion of any common area improvement, the board shall consider and vote on the aforesaid question if a Notice of Completion has not been filed within thirty (30) days after expiration of the extension. A special meeting of members of the association for the purpose of voting to override a decision of the board not to initiate action to enforce the obligations under the bond or on the failure of the board to consider and vote on the question shall be held not less than thirty-five (35) days nor more than forty-five (45) days after receipt by the board of a petition for such a meeting signed by members representing five (5%) percent of the total voting power of the association. At such special meeting, a vote of a majority of the members of the association, other than Declarant, shall be required to take action to enforce the obligations under the bond, and a vote of a majority of the voting power of the association, excluding Declarant, shall be deemed to be the decision of the association, and the board shall thereafter implement this decision by initiating and pursuing appropriate action in the name of the association.

**Annexation of Additional Parcels**

Section 2.10. Additional parcels may be annexed to become subject to this declaration in accordance with the following provisions:

a. **Annexation Pursuant to Approval.** Upon approval in writing of the association, pursuant to vote or written consent of a two-thirds (2/3) majority of the voting power of its members, excluding the Declarant, and the approval of the Department of Real Estate of the State of California, all mortgagees of lots, the association and the owner of any property who desires to add it to the scheme of this declaration and to subject it to the jurisdiction of the association, may file of record a declaration of annexation in the manner described below.

~~ba. **Annexation Pursuant to Phased Development Plan.** In substantial conformance with a detailed plan of phased development submitted to the Department of Real Estate Bureau of Real Estate with the application for a public report for the first phase of the subdivision, Declarant may file of record a declaration of annexation in the manner described below. The plan for phased development for annexation referred to must include, but need not be limited to, the following:~~

~~(1) Proof satisfactory to the Department of Real Estate Bureau of Real Estate that no~~

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~~proposed annexation will result in an overburdening of the common facilities.~~

~~(2) Proof satisfactory to the Department of Real Estate Bureau of Real Estate that no proposed annexation will cause a substantial increase in assessments against existing owners which was not disclosed in subdivision public reports under which preexisting owners purchased their interest.~~

~~(3) Identification of the land proposed to be annexed and the total number of residential units then contemplated by the subdivider for the overall subdivision development.~~

~~(4) <Provisions requiring that annexation of a new phase be effected prior to the third anniversary of the issuance of the original public report for the immediately preceding phase.> A written commitment by Declarant to pay the association, concurrently with the closing of the escrow for the first sale of a subdivision interest in an annexed phase, appropriate amounts for reserves for replacement or deferred maintenance of common area improvements in the annexed phase necessitated by or arising out of the use and occupancy of residential units under a rental program conducted by Declarant which has been in effect for a period of at least one year as of the date of closing of the escrow for the first sale of a residential unit in the annexed phase.~~

**eb. Declaration of Annexation.** A declaration of annexation shall be recorded covering the applicable portion of the property to be annexed. Said declaration may contain such complementary additions and modifications of the covenants and restrictions contained in this declaration as may be necessary to reflect the different character, if any, of the added property, and as are not inconsistent with the scheme of this declaration.

**ec. Effect of Annexation.** Upon annexation, the property annexed shall become subject to this declaration without the necessity of amending individual sections hereof. Assessments collected from owners in the property may be expended by the association without regard to the particular phase from which such assessments came. All owners shall have ingress and egress to and use of all portions of the common area throughout the property, subject to the provisions of this declaration, the by-laws of the association, and to the rules and regulations of the association in effect from time to time.

#### **Delivery of Documents to the Association**

Section 2.11. Commencing not later than ninety (90) days after the close of escrow of the first interest in the subdivision, copies of the documents listed below, as soon as readily obtainable, shall be delivered by Declarant to the board of directors of the association at the office of the association, or at such other place as the board of directors of the association shall prescribe. The obligation to deliver the documents listed below shall apply to any documents obtained by the Declarant no matter when obtained, provided, however, such obligation shall terminate upon the earlier of (1) the conveyance of the last subdivision interest covered by a subdivision public report or (2) three years after the expiration of the most recent public report, on the subdivision:

- (1) The recorded subdivision map or maps for the project.
- (2) The deeds and easements executed by the subdivider conveying the common area or other interest to the association, to the extent applicable.
- (3) The recorded covenants, conditions and restrictions for the subdivision, including all amendments and annexations thereto.
- (4) The association's filed articles of incorporation, if any, and all amendments thereto.
- (5) The association's bylaws and all amendments thereto.
- (6) All architectural guidelines and all other rules regulating the use of an owner's interest in the subdivision or use of the common area which have been promulgated by the association.
- (7) The plans approved by the local agency or county where the subdivision is located for the construction or improvement of facilities that the association is obligated to maintain or repair; provided, however, that the plans need not be as-built plans and that the plans may bear appropriate restrictions on their commercial exploitation or use and may contain appropriate disclaimers regarding their accuracy.
- (8) All notice of completion certificates issued for common area improvements (other than residential structures).
- (9) Any bond or other security device in which the association is the beneficiary.
- (10) Any written warranty being transferred to the association for common area equipment, fixtures or improvements.
- (11) Any insurance policy procured for the benefit of the association, its board of directors or the common area.
- (12) Any lease or contract to which the association is a party.
- (13) The membership register, including mailing addresses and telephone numbers, books of account and minutes of meetings of the members, of the board of directors and of committees of the board of directors of the association.
- (14) Any instrument referred to in Section 11018.6(d) of the California Business and Professions Code but not described above which establishes or defines the common, mutual or reciprocal rights or responsibilities of the members of the association.

Commencing not later than 90 days after the annexation of additional phases to the subdivision, copies of those documents listed above which are applicable to that phase, shall, as soon

as readily obtainable, be delivered by the Declarant to the board of directors of the association at the office of the association, or at such other place as the board of directors of the association shall prescribe. The obligation to deliver the documents listed above shall apply to any documents obtained by Declarant no matter when obtained, provided, however, such obligation shall terminate upon the earlier of (1) the conveyance of the last subdivision interest covered by a subdivision public report or (2) three years after the expiration of the most recent public report, on the subdivision.

**ARTICLE III**

**MEMBERSHIP AND VOTING RIGHTS**

**Membership**

Section 3.01. The owner of a lot shall automatically, upon becoming the owner of same, be a member of the association, and shall remain a member thereof until such time as his or her ownership ceases for any reason, at which time his or her membership in the association shall automatically cease. Membership shall be held in accordance with the articles and by-laws of the association.

**Transferred Membership**

Section 3.02. Membership in the association shall not be transferred, pledged, or alienated in any way, except upon the sale or encumbrance of the lot to which it is appurtenant, and then only to the new fee owner or contract purchaser, in the case of a sale, or mortgagee, in the case of an encumbrance of such lot. Upon death of a member, his or her membership passes automatically along with title to his or her lot to his or her heirs. The mortgagee does not have membership rights until he becomes an owner by foreclosure or deed in lieu thereof. Any attempt to make a prohibited transfer is void. No member may resign his or her membership. In the event the owner of any lot should fail or refuse to transfer the membership registered in his or her name to the purchaser of his or her lot, the association shall have the right to record the transfer upon its books and thereupon any old membership outstanding in the name of the seller shall be null and void.

**Membership Classes and Voting Rights**

Section 3.03. Only memberships shall have voting rights, and the association shall have two classes of voting memberships:

a. Class A members shall be all owners with the exception of the Declarant and shall be entitled to one vote for each lot owned. When more than one person holds an interest in any lot all such persons shall be members.

b. Class B member(s) shall be the Declarant and shall be entitled to three votes for each lot owned. The Class B membership shall cease and be converted to Class A membership on the happening of any of the following events, whichever occurs earliest:

(1) When the total votes outstanding in the Class A membership equal the total votes outstanding in the Class B membership; or

(2) On the second anniversary of the first close of escrow for the sale of a subdivision interest to an individual owner.

c. Whenever membership approval is necessary for any action to be taken by the association or the board of directors, except with respect to any action to enforce the obligations of the Declarant as specified in Article II, Section 2.09, the vote or written assent of the designated percentage of each class of membership shall be required during the time that there are two outstanding classes of membership.

d. Whenever the vote or written assent of each class of membership is necessary for the initiation of action by or in the name of the association, except with respect to any action to enforce the obligations of Declarant as specified in Article II, Section 2.09, any requirement that the vote of the subdivider shall be excluded is not applicable. After the conversion of Class B memberships to Class A memberships, where the vote or written assent of a prescribed majority of the members is required other than Declarant, then except as provided in Article II, Section 2.09 of the declaration, the vote or written assent of a bare majority of the total voting power of the association as well as the vote or written assent of a prescribed majority of the total voting power of members other than the Declarant shall be required.

e. Voting rights shall vest either at the time assessments are levied against the owner's lot or as provided in a subsidization plan ~~approved by the California~~[reviewed by the California Department of Real Estate Bureau of Real Estate.](#)

**Joint Owner Disputes**

Section 3.04. All votes for each lot for any membership class shall, if at all, be cast as a unit. In the event that joint owners are unable to agree among themselves as to how their vote or votes shall be cast, they shall lose their right to vote on the matter in question. If any owner casts a vote or votes representing a certain lot, it will thereafter be conclusively presumed for all purposes that said owner was acting with the authority and consent of all the owners of the lot.

**ARTICLE IV**

**COVENANT FOR MAINTENANCE ASSESSMENTS OF COMMON AREA**

**Creation of the Lien and Personal Obligations  
of Assessments**

Section 4.01. The Declarant, for each lot owned within the properties, hereby covenants, and each owner of any lot by acceptance of a deed therefor, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to pay to the association: (1) regular assessments or charges, and (2) special assessments for capital improvements, such assessments to be established and collected as hereinafter provided. The regular and special assessments, together with any late charges, reasonable costs of collection (including reasonable attorney's fees) and interest shall be a lien on the owner's interest in the planned development from and after the time the association causes to be recorded in the recorder's office of the county in which the lot is located, a notice of delinquent assessment, which shall state the amount of the assessment and other sums imposed in accordance with California Civil Code Section 5600 and following, a legal description of the owner's interest in the common interest development against which the assessment and other sums are levied, the name of the record owner of the owner's interest in the common interest development against which the lien is imposed, and, in order for the lien to be enforced by nonjudicial foreclosure as provided in California Civil Code Section 5710, the name and address of the trustee authorized by the association to enforce the lien by sale. The notice of delinquent assessment shall be signed by the secretary or the president of the association, **and mailed in the manner set forth in Civil Code Section 2924(b) to all record owners of the owner's interest in the project no later than ten (10) calendar days after recordation.** Upon payment of the sum specified in the notice of delinquent assessment, the association shall cause to be recorded a further notice stating the satisfaction and release of the lien thereof. Each such assessment, together with any late charges, reasonable costs of collection (including reasonable attorney's fees) and interest shall also be the personal obligation of the person who was the owner of such property at the time when the assessment fell due. The personal obligation for delinquent assessments shall not pass to his or her successors in title unless expressly assumed by them.

A statement describing the association's policies and practices in enforcing lien rights or other legal remedies for default in payment of its assessments against its members shall be annually delivered to the members during the sixty (60) day period immediately preceding the beginning of the association's fiscal year.

**The association shall not place a lien upon the interest of any owner to collect amounts due as provided herein unless the association first complies with the requirements of Civil Code Section 1367.1(a) – (e) 5660-5673, and the notice of delinquent assessments complies with Civil Code Section 1367.1(d), notifies the owner in writing by certified mail of the fee and penalty procedures of the association, provides an itemized statement of the charges owed by the owner, including items on the statement which indicate the principal owed, any late charges, and the method of calculation, any attorneys' fees, and the collection practices used by the association, including the right of the association to the reasonable costs of collection. Any payment toward such a debt shall first be applied to the principal owed, and only after the principal owed is paid in full shall such payments be applied to interest or collection expenses.**

**A monetary penalty imposed by the association as a means of reimbursing the association for costs incurred by the association in the repair of damaged common areas and facilities for which a member or a member's guests or tenants were responsible may not**

**become a lien against the member's interest in the planned development enforceable by the sale of the interest under Civil Code Sections 2924, 2924(b), and 2924(c), in accordance with the procedures described above.**

### Purpose of Assessment

Section 4.02. The assessments levied by the association shall be used exclusively to promote the recreation, health, safety, and welfare of the residents in the properties and for the improvement and maintenance of the common area.

### Regular Assessments

Section 4.03.

a. Prior to the first meeting of the association, the maximum regular assessment under ARTICLE IV shall be as set forth in the budget worksheet ~~approved by the California~~ reviewed by the California Department of Real Estate Bureau of Real Estate.

b. The board may not impose a regular assessment that is more than twenty percent (20%) greater than the regular assessment for the association's preceding fiscal year without the approval of owners, constituting a quorum, casting a majority of the votes at a meeting or election of the association conducted in accordance with Chapter V (commencing with Section 7510) of Part III of Division II of Title I of the ~~Corporations~~ Civil Code and Section ~~7613~~ 5605 of the Corporations Code. For the purposes of this section, quorum means more than 50% of the owners of the association. The foregoing restriction shall not apply to any assessment increases necessary for emergency situations. For purposes of this section, an emergency situation is any one of the following:

- (1) An extraordinary expense required by an order of a court.
- (2) An extraordinary expense necessary to repair or maintain the planned development or any part of it for which the association is responsible where a threat to personal safety on the property is discovered.
- (3) An extraordinary expense necessary to repair or maintain the planned development or any part of it for which the association is responsible that could not have been reasonably foreseen by the board in preparing and distributing the pro forma operating budget required by the by-laws of the corporation.

c. The board of directors ~~may fix the regular assessment at an amount not in excess of the maximum, provided that the board has with respect to that fiscal year prepared and distributed to all members not less than 45 days nor more than 60 days prior to the beginning of the association's fiscal year a pro forma operating budget, which includes all of the following: (1) the estimated revenue and expenses of the association on an accrual basis; (2) a summary of the association's~~



reserves in accordance with Section 4.05(e) below; (3) a statement as to whether the board of directors of the association has determined or anticipates that the levy of one or more special assessments will be required to repair, replace, or restore any major component or to provide adequate reserves therefor; and (4) a general statement addressing the procedures used for the calculation and establishment of those reserves to defray the future repair, replacement, or additions to those major components that the association is obligated to maintain, or the association has obtained the approval of owners, constituting a quorum, casting a majority of the votes at a meeting or election of the association conducted in accordance with Chapter 5 (commencing with Section 7510) of Part 3 of Division 2 of Title 1 of the Corporations Code and Section 7613 of the Corporations Code. For purposes of this section, "quorum" means more than 50% of the owners of the association. The regular assessment may not be decreased either by the board or by the members, by more than ten percent (10%) in any one year without the approval of more than fifty percent (50%) of the members, other than the Declarant. **shall comply with the provisions of Section 5700 and following of the Civil Code prior to any increase in assessments.**

d. Subject to the limitations on the maximum and minimum amount of assessments herein provided, if at any time during the course of the year the board shall deem the amount of the regular assessment to be inadequate or excessive, the board shall have the power at a regular or special meeting, to revise the assessment for the balance of the assessment year, effective on the first day of the month following the date of the revision.

e. During the time the project is subject to an outstanding public report, the Declarant shall notify the [Department of Real Estate Bureau of Real Estate](#) of any increase of ten percent (10%) over the amount of the regular assessment reflected in the current public report for the project.

#### Special Assessments for Capital Improvements

Section 4.04. In addition to the regular assessments authorized above, the association may levy, in any assessment year, a special assessment applicable to that year only for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair, or replacement of a capital improvement upon the common area, including fixtures and personal property related thereto, provided that:

a. ~~In any fiscal year,~~ The board may not ~~impose~~ **levy** special assessments **without complying with the provisions of Section 5700 of the Civil Code,** ~~which in the aggregate exceed 5% of the budgeted gross expenses of the association for that fiscal year without the approval of owners, constituting a quorum, casting a majority of the votes at a meeting or election of the association conducted in accordance with Chapter V (commencing with Section 751) of Part III of Division II of Title I of the Corporations Code and Section 7613 of the Corporations Code. For the purposes of this section, quorum means more than 50% of the owners of the association. The foregoing restriction shall not apply to any assessment increases necessary for emergency situations. For purposes of this section, an emergency situation is any one of the following:~~

- (1) An extraordinary expense required by an order of a court.

~~(2) An extraordinary expense necessary to repair or maintain the planned development or any part of it for which the association is responsible where a threat to personal safety on the property is discovered.~~

~~(3) An extraordinary expense necessary to repair or maintain the planned development or any part of it for which the association is responsible that could not have been reasonably foreseen by the board in preparing and distributing the pro forma operating budget required by the by laws of the corporation.>~~

b. Every special assessment shall be levied on the same basis as that prescribed for the levying of regular assessments.

c. The provisions of this section regarding special assessments do not apply to an assessment levied by the board of directors against a member to reimburse the association for costs incurred in bringing the member and his or her subdivision interest into compliance with provisions of the governing instruments as provided in Section 4.12 below.

**Reserve Fund Procedures**

Section 4.05.

a. As part of the regular assessment for maintenance authorized above, the board of directors shall annually fix the amount to be contributed pro-rata by each member to reserve funds for the purpose of defraying, in whole or in part, the cost or estimated cost of any reconstruction, repair or replacement of improvements, including fixtures and personal property related thereto. Such determination shall be made after consideration of the need for additional funds and of the association's capital position. The board shall fix the method of payment of such assessments and shall be empowered to permit either lump sum or monthly payments. Separate records shall be maintained for all funds deposited to the said account, which shall be designated as a "reserve account". The signatures of at least two persons, who shall be members of the association's board of directors, or one officer who is not a member of the board of directors and a member of the board of directors, shall be required for the withdrawal of monies from the association's reserve account. Deposits shall be made and funds accounted for so that reserves for capital improvements and for replacement, can be clearly separated from funds for operating expenses.

~~<Reserve funds shall be used solely to defray future repair or replacement of, or additions to, those portions of the common area which the association is obligated to maintain.>~~

b. The board of directors shall not expend funds designated as reserve funds for any purpose other than **those purposes set forth in Section 5510 of the Civil Code.** ~~<the repair, restoration, replacement, or maintenance of, or litigation involving the repair, restoration, replacement, or maintenance of, major components which the association is obligated to repair, restore, replace, or maintain and for which the reserve fund was established. However, the board may authorize the~~

~~temporary transfer of money from a reserve fund to the association's general operating fund to meet short-term cash flow requirements or other expenses. The transferred funds shall be restored to the reserve fund within three years of the date of the initial transfer, except that the board may, upon making a finding supported by documentation that a delay would be in the best interests of the common interest development, delay the restoration until the time which the board reasonably determines to be necessary. The board shall exercise prudent fiscal management in delaying restoration of these funds and in restoring the expended funds to the reserve account, and shall, if necessary, levy a special assessment to recover the full amount of the expended funds within the time limits required by this section. This special assessment is not subject to the limitation imposed by Section 4.04.a above.~~

~~e. At least once every three years the board of directors shall cause a study of the reserve account requirements of the common interest development to be conducted if the current replacement value of the major components which the association is obligated to repair, replace, restore, or maintain is equal to or greater than one-half of the gross budget of the association for any fiscal year. The board shall review this study annually and shall consider and implement necessary adjustments to the board's analysis of the reserve account requirements as a result of that review.~~

**Notice and Quorum for Any Action Authorized Under Section 4.03, 4.04**

Section 4.06. Any action authorized under Section 4.03 or 4.04 shall be taken at a meeting called for that purpose, written notice of which shall be sent to all members not less than ten (10) days nor more than ninety (90) days in advance of the meeting specifying the place, day and hour of the meeting and in the case of a special meeting, the nature of the business to be undertaken. The presence at any such meeting in person or by proxy of members entitled to cast 33-1/3 percent of the total votes of all members shall constitute a quorum, except that in the case of the imposition of a regular assessment that is more than 20% greater than the regular assessment for the association's preceding fiscal year or the imposition of special assessments which in the aggregate exceed 5% of the budgeted gross expenses of the association for that fiscal year, the quorum requirement shall be more than 50% of the total voting power of the association. If a quorum is present and the proposed action is favored by a majority vote of the members present at such meeting, but such vote is less than a majority of the voting power of the association, including a majority of members other than the Declarant, approval of the action may be obtained by written ballot in accordance with the provisions of California Corporations Code Section 7513.

**Rate of Assessment**

Section 4.07. All ~~regular~~ assessments shall be charged to and divided among the lot owners according to the ratio of the number of lots owned by each owner assessed to the total number of lots assessed.

**Due Dates for Regular and Special Assessments**

Section 4.08. The regular assessments provided for herein shall commence as to all lots in a particular phase on the first day of the month following the closing of the first sale of a subdivision interest to an individual owner in that phase. The first regular assessment shall be adjusted according to the number of months remaining in the calendar year. The board of directors shall fix the amount of the regular assessment against each lot at least forty-five (45) days in advance of each regular assessment period. The due dates shall be established by the board of directors. The association shall provide notice by first class mail to the owners of all lots of any increase in the regular or special assessments of the association, not less than 30 nor more than 60 days prior to the increased assessment becoming due. The association shall, upon demand, and for a reasonable charge, furnish a certificate signed by an officer of the association setting forth whether the assessments on a specified lot have been paid.

**Effect of Nonpayment of Assessments; Remedies of the Association**

Section 4.09. Any assessment payment shall become delinquent if payment is not received by the association within fifteen (15) days after its due date. If an assessment is delinquent, the association may recover all of the following: (1) reasonable costs incurred in collecting the delinquent assessment, including reasonable attorney's fees; (2) a late charge not exceeding 10% of the delinquent assessment or \$10.00, whichever is greater; (3) interest on all sums imposed in accordance with this section, including the delinquent assessment, reasonable costs of collection, and late charges, at an annual percentage rate not to exceed twelve percent (12%) interest, commencing thirty (30) days after the assessment becomes due.

**Transfer of Lot by Sale or Foreclosure and Priority of First Lender**

Section 4.10. Sale or transfer of any lot shall not affect the assessment lien. However, a lien for regular or special assessments against an owner shall be subordinate to the lien of any first mortgage or first deed of trust against subdivision interests of the owner, and the sale of any lot pursuant to mortgage foreclosure or any proceeding in lieu thereof involving a default under the first encumbrance shall extinguish the lien of assessments which were due and payable prior to the transfer of the subdivision interest. No sale or transfer of a lot as the result of a foreclosure or exercise of the power of sale shall relieve the new owner, whether it be the former beneficiary or the first encumbrance or another person, from liability for any assessments thereafter becoming due or from any lien thereof.

When the mortgagee of a mortgage of record or other purchaser of a lot obtains title to the same as a result of foreclosure of any such mortgage, such acquirer of title, his or her successor and assigns, shall not be liable for the share of the common expenses or assessment by the association which became due prior to the acquisition of title to such lot by such acquirer (except for assessment liens recorded prior to the mortgage). No amendment of the preceding section may be made without the consent of owners of lots to which at least sixty-seven percent (67%) of the votes in the association are allocated, and the consent of the eligible mortgage holders holding first mortgages on

lots comprising fifty-one percent (51%) of the lots subject to first mortgages. Such unpaid share of common expenses of assessments shall be deemed to be common expenses collectible from all of the lot owners including such acquirer, his or her successors and assigns.

**Priorities; Enforcements; Remedies**

Section 4.11. When a notice of assessment has been recorded, such assessment shall constitute a lien on each respective lot prior and superior to all other liens except (1) all taxes, bonds, assessments and other levies which by law would be superior thereto, and (2) the lien or charge of any first mortgage of record made in good faith and for value.

If the lien is for delinquent assessments equal to or more than \$1,800, or more than 12 months delinquent, such lien, ~~when delinquent~~ after the expiration of thirty (30) days following the recording of the lien, may be enforced in any manner permitted by law in compliance with Civil Code section 5700 and following, and after complying with the requirements of Civil Code Section 1367.4(e) may be enforced by sale by the association, its attorneys or other person authorized to make the sale after failure of the owner to pay such assessment in accordance with its terms, such sale to be conducted in accordance with the provisions of Sections 2924, 2924(b), and 2924(e) of the California Civil Code, applicable to the exercise of powers of sale in mortgages and deeds of trust, or in any other manner permitted by law. If the amount of the delinquent assessments is less than \$1,800, not including any accelerated assessments, late charges, fees and costs of collection, attorneys' fees, or interest, the association may not collect the debt through judicial or nonjudicial foreclosure, but may attempt to collect or secure the debt as specified in Civil Code Section 1367.4(b).

The association, acting on behalf of the lot owners, shall have the power to bid for the lot at foreclosure sale, and to acquire and hold, lease, mortgage and convey the same. Where the purchase of a foreclosure lot will result in a five percent (5%) or greater increase in assessments, the purchase shall require the vote or written consent of a majority of the total voting power of the association, including majority of members other than Declarant. During the period a lot is owned by the association, following foreclosure: (1) no right to vote shall be exercised on behalf of the lot; (2) no assessment shall be assessed or levied on the lot; and (3) each other lot shall be charged, in addition to its usual assessments, its equal share of the assessment that would have been charged to such lot had it not been acquired by the association as a result of foreclosure. Suit to recover a money judgment for unpaid common expenses, rent and attorney's fees shall be maintainable without foreclosing or waiving a lien securing the same.

After acquiring title to the lot at foreclosure sale following notice and publication, the association may execute, acknowledge and record a deed conveying title to the lot which deed shall be binding upon the owners, successors, and all of the parties.

**Disciplinary Proceedings**

Section 4.12. In addition to all other remedies provided in this declaration, the board may

temporarily suspend the voting rights of a member who is in default in payment of any assessment, or was otherwise in violation of this declaration, and may impose reasonable monetary penalties which may be in the form of a special assessment against the member to reimburse the association for costs incurred in bringing a member and his or her subdivision interest into compliance with provisions of governing instruments, or for the purpose of repairing damage to common areas and facilities for which the member was responsible. Prior to any finding of liability or any decision to impose sanctions or penalties, the ~~member shall be given notice and afforded a hearing satisfying the following requirements:~~

~~a. The member is given fifteen (15) days prior notice of the finding of liability or decision to impose sanctions and penalties and the reasons for such action. The notice may be given by any method reasonably calculated to give actual notice. If the notice is given by mail, it must be sent by first class or registered mail to the last address of the member as shown on the association's records. Board shall notify the member in writing, by either personal delivery or first class mail, at least 10 days prior to the meeting. Notification shall contain, at a minimum, the date, time, and place of the meeting, the nature of the alleged violation for which the member may be disciplined, and a statement that the member has a right to attend and may address the board at the meeting. The board shall meet in executive session if requested by the member being disciplined.~~

~~Before the board imposes discipline on a member, the board shall provide the member a written notification of the disciplinary action, by either personal delivery or first class mail, within ten days following the action.~~

~~If the board imposes discipline on a member, the board shall provide the member a written notification of the disciplinary action, by either personal delivery or first class mail, within 15 days following the action. Any dispute between the Association and a member involving their rights, duties, or liabilities under the Declaration shall be subject to the internal dispute resolution process specified in California Civil Code Section ~~4363.810~~ 5935 and following.~~

~~b. The member is given an opportunity to be heard, orally or in writing, by the board, not less than five (5) days before the effective date of the finding of liability or the imposition of sanctions or penalties.~~

The association shall not cause a forfeiture or abridgement of an owner's right to the full use and enjoyment of his or her individually-owned subdivision interest on account of the failure by the owner to comply with provisions of the governing instruments or of duly-enacted rules of operation for common areas and facilities except by judgment of a court or a decision arising out of arbitration or on account of a foreclosure or sale under a power of sale for failure of the owner to pay assessments duly levied by the association. Any monetary penalty imposed by the association as a disciplinary measure for failure of a member to comply with the governing instruments except as a means of reimbursing the association for costs incurred by the association in the repair of damage to common areas and facilities for which the member ~~<was alleged responsible or in bringing the member and his subdivision interest into compliance with the governing instruments>~~ **or the member's guests or tenants were responsible**, shall not ~~may~~ be treated as an assessment which

may become a lien against the members subdivision interest enforceable by sale of the interest in accordance with the provisions of Sections 2924, 2924(b) and 2924(c) of the Civil Code.

The provisions of the preceding paragraph do not apply to charges imposed against an owner consisting of reasonable late payment penalties for delinquent assessments and/or charges to reimburse the association for the loss of interest and for costs reasonably incurred (including attorney's fees) in its efforts to collect delinquent assessments.

Notwithstanding any other provision of this declaration, the association shall not impose or collect an assessment, penalty, or fee that exceeds the amount necessary for the purpose or purposes for which it is levied.

#### **Unallocated Taxes**

Section 4.13. In the event that any taxes are assessed against the common area, or the personal property of the association, rather than against the lots, said taxes shall be included in the assessments made under the provisions of Section 4.01 and, if necessary, a special assessment may be levied against the lots in an amount equal to said taxes to be paid in two installments, thirty (30) days prior to the due date of each tax installment.

#### **Exemption from Assessments**

Section 4.14. Notwithstanding the provisions of Sections 4.01 - 4.08 inclusive, any lot having no structural improvements for human occupancy shall be exempt from the payment of that portion of any assessment that is for the purpose of defraying expenses and reserves directly attributable to the existence and use of the structural improvement. The exemption may include, but is not limited to:

- a. Roof replacement;
- b. Exterior maintenance;
- c. Walkway and carport lighting;
- d. Refuse disposal;
- e. Cable television; and
- f. Domestic water supplied to living units.

The foregoing exemption shall be in effect until the earliest of the following events:

- (1) Recordation of a notice of completion of the structural improvements;
- (2) Occupation or use of the lot; or
- (3) Completion of all elements of the residential structures that the association is obligated to maintain.

The Declarant and any other owner of a lot are exempt from the payment of that portion of any assessment that is for the purpose of defraying expenses and reserves directly attributable to the

existence and use of a common facility that is not complete at the time assessments commence. This exemption from the payment of assessments shall be in effect until the earliest of the following events:

- (1) A notice of completion of the common facility has been recorded; or
- (2) The common facility has been placed into use.

**ARTICLE V**

**DUTIES AND POWERS OF THE ASSOCIATION**

**Maintenance**

Section 5.01. The association shall maintain, repair, replace, restore, operate and manage, all of the common area, including roadways, sanitary sewage facilities, landscaping, on- site drainage and all on-site storm water improvements, and common open space area. The storm water improvements shall be maintained pursuant to the Storm water Control Plan for 1575 38<sup>th</sup> Avenue Homes, prepared by Bowman & Williams Consulting Civil Engineers, dated October 5, 2015. The responsibility of the association for maintenance and repair shall not extend to repairs or replacements arising out of or caused by the willful or negligent act or neglect of an owner, or his or her guests, tenants, or invitees, the cost of which is not covered by insurance. The cost of repair or replacement resulting from such excluded items shall be the responsibility of each owner; provided, however, that if an owner shall fail to make the repairs or replacements which are the responsibility of such owner, as provided above, then after thirty (30) days notice to the owner and at public hearing, the association shall make such repairs or replacements, and the cost thereof shall be paid immediately to the association by the owner of such lot. Any such amount, together with reasonable costs of collection (including reasonable attorneys' fees) and interest thereon at the legal rate of interest shall ~~become the personal obligation of the owner~~ be a lien on the owner's interest in the planned development from and after the time the association causes to be recorded in the Recorder's Office of the county in which the lot is located, a notice of delinquent assessment, which shall state the amount incurred the association to perform such maintenance, a description of the owner's interest in the common interest development against which the assessment and other sums are levied, the name of the record owner of the owner's interest in the common interest development against which the lien is imposed, and, in order for the lien to be enforced by nonjudicial foreclosure as provided in California Civil Code Section 1367(d), the name and address of the trustee authorized by the association to enforce the lien by sale. The notice shall be signed by the secretary or the president of the association. Upon payment of the sum specified in the notice, the association shall cause to be recorded a further notice stating the satisfaction release of the lien thereof.

**The association shall regularly inspect the roofs and decks of the buildings in the project, or cause them to be inspected by competent professionals. Any exterior repainting of stucco surfaces shall be done with elastomeric paint, or its equivalent.**

**Exterior Maintenance**

Attachment: 1575 38th Ave Draft CC&R (1259 : 1575 38th Avenue)



Section 5.02. In addition to maintenance on the common area, the association shall provide exterior maintenance on each lot. Such maintenance shall include painting, repairing, replacing and caring for roof, gutters, downspouts and exterior building surfaces **except windows**, drainage, sanitary sewer systems. The responsibility of the association for maintenance and repair shall not extend to repairs or replacements arising out of or caused by the willful or negligent act or neglect of an owner, or his or her guests, tenants, or invitees, the cost of which is not covered by insurance. The cost of repair or replacement resulting from such excluded items shall be the responsibility of each other; provided, however, that if an owner shall fail to make the repairs or replacements which are the responsibility of such owner, as provided above, then after thirty (30) days notice to the owner and at public hearing, the association shall make such repairs or replacements, and the cost thereof shall be paid immediately to the association by the owner of such lot. ~~Any such amount, together with reasonable costs of collection (including reasonable attorneys' fees) and interest thereon at the legal rate of interest shall be a lien on the owner's interest in the planned development from and after the time the association causes to be recorded in the Recorder's Office of the county in which the lot is located, a notice of delinquent assessment, which shall state the amount incurred by the association to perform such maintenance, a description of the owner's interest in the common interest development against which the assessment and other sums are levied, the name of the record owner of the owner's interest in the common interest development against which the lien is imposed, and, in order for the lien to be enforced by nonjudicial foreclosure as provided in California Civil Code Section 1367(d), the name and address of the trustee authorized by the association to enforce the lien by sale. The notice shall be signed by the secretary or the president of the association. Upon payment of the sum specified in the notice, the association shall cause to be recorded a further notice stating the satisfaction release of the lien thereof. Any such amount, together with reasonable costs of collection (including reasonable attorneys' fees) and interest thereon at the legal rate of interest shall be the personal obligation of the owner.~~

The association, or its agents, may enter into any residence lot when necessary in connection with any maintenance, repairs or construction for which the association is responsible, subject to 48 hours advance notice. In case of an emergency, the right to enter shall be immediate upon notice to the owner. Such entry shall be made with as little inconvenience to the owner as practicable and any damage caused thereby shall be repaired by the association at the expense of the maintenance fund.

**Insurance**

Section 5.03. The association shall maintain such policy or policies of insurance as are required by Article X of this declaration.

**Discharge of Liens**

Section 5.04. After notice of hearing as provided in Section 4.12, the association shall discharge by payment, if necessary, any lien against the common area, and assess the cost thereof to the member or members responsible for the existence of said lien.

**Assessments**

Section 5.05. The association shall affix, levy, collect, and enforce assessments as set forth in Article IV hereof.

**Payment of Expenses**

Section 5.06. The association shall pay all expenses and obligations incurred by the association in the conduct of its business including, without limitation, all licenses, taxes or governmental charges levied or imposed against the property of the association.

**Enforcement**

Section 5.07. The association shall enforce this declaration and has authority to enforce it as per Article IX hereof.

**Utility Service**

Section 5.08. The association shall have the authority to obtain, for the benefit of all of the lots, all water, gas and electric service and refuse collection, and cable TV service.

**Easements**

Section 5.09. The association shall have the authority by document signed or approved by fifty-one percent (51%) of the total voting power of the association, including fifty-one percent (51%) of the members other than Declarant, to grant easements in addition to those shown on the subdivision map, when necessary, for utilities, cable television and sewer facilities, over the common area, to serve the common and open space areas and the lots.

**Manager**

Section 5.10. The association shall have the authority to employ a manager or other persons and to contract with independent contractors or managing agents to perform all or any part of the duties and responsibilities of the association, except for the responsibility to levy fines, impose discipline, hold hearings, file suit, record and foreclose liens, or make capital expenditures, provided that any contract with a firm or person appointed as a manager or managing agent shall not exceed a one (1) year term, shall provide for the right of the association to terminate the same at the first annual meeting of the members of the association, and to terminate the same for cause on thirty (30) days written notice or without cause or payment of a termination fee on ninety (90) days written notice.

**Assessments, Liens and Fines**

Section 5.11. The association shall have the power to levy and collect assessments in

accordance with the provisions of Article IV hereof. The association may impose fines or take disciplinary action against any owner for failure to pay assessments or for violation of any provision of the project documents. Penalties may include but are not limited to: fines, temporary suspension of voting rights, or other appropriate discipline, provided that the accused member is given notice and the opportunity to be heard with respect to the alleged violations before a decision to impose fines or discipline is made, as provided in Section 4.12.

#### **Dedication**

Section 5.12. The association shall have the power to dedicate all or any part of the common area to any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed to by the members. No such dedication shall be effective unless an instrument has been signed by fifty-one percent (51%) of the total voting power of the association, including fifty-one percent (51%) of the members other than Declarant, or where the two class voting structure is still in effect, three-fourths (3/4) of the voting power of each class of members, agreeing to such dedication.

#### **Contracts**

Section 5.13. The association shall have the power to contract for goods and/or services for the common area or for the association, subject to limitations set forth in the by-laws or elsewhere in the project documents.

#### **Delegation**

Section 5.14. The association, the board and the officers of the association shall have the power to delegate their authority and powers to committees, officers or employees of the association, or to a manager employed by the association, provided that the board shall not delegate its responsibility for hearings required to be given by the board.

#### **Option of Rules**

Section 5.15. The association ~~shall adopt rules as provided in California Civil Code §4360 regarding elections. The association~~ or the board may adopt reasonable rules not inconsistent with this declaration relating to the use of the common area and all facilities thereon, and the conduct of owners and their tenants and guests with respect to the property and other owners. ~~All such rules shall comply with Civil Code ' 1357.100 et seq.~~

#### **Access**

Section 5.16. For the purpose of performing construction, maintenance or emergency repair for the benefit of the common area or the owners in common, the association's agents or employees

shall have the right, after reasonable notice (not less than 48 hours) to the owner thereof, to enter any lot or to enter any portion of the common area at reasonable hours. In case of emergency, the right shall be immediate upon notice. Such entry shall be made with as little inconvenience to the owner as practicable and any damage caused thereby shall be repaired by the board at the expense of the association.

### Preparation and Distribution of Documents

Section 5.17. The association shall prepare and distribute the following materials as indicated:

a. ~~A written notice as described in Civil Code Section 1365.1(b) 5300-5320. A copy of this notice shall be distributed to each owner and to any mortgagee that has requested a copy within sixty (60) days prior to the beginning of each fiscal year, and to the secondary address of any owner as required by Civil Code Section 1365.1(e).~~ statement of the association's policies and practices in enforcing its remedies against owners for delinquent, regular or special assessments including the recording and foreclosing of liens against a delinquent owner's lot. A copy of this statement shall be distributed to each owner and to any mortgagee that has requested a copy within sixty (60) days prior to the beginning of each fiscal year.

b. Copies of this declaration and the articles, together with a true statement in writing as to the amount of any delinquent assessments, penalties, attorneys' fees, and other charges imposed on the owner's lot, a copy of the most recent financial statement distributed to the members, and a true statement as to the amount of the association's current regular and special assessments and fees shall be provided any owner within ten (10) days of the mailing or delivery of a written request therefor. The board may impose a fee to provide these materials not exceeding the association's reasonable cost in preparing and reproducing the materials.

c. A statement describing the association's policies and practices in enforcing lien rights or other legal remedies for default in payment of its assessments against its members shall be annually delivered to the members during the sixty (60) day period immediately preceding the beginning of the association's fiscal year.

### Additional Association Powers

Section 5.18. The association shall have the power, subject to compliance with Section 5980 of the California Civil Code, to institute, defend, settle, or intervene on behalf of the association in litigation, arbitration, mediation, or administrative proceedings in matters pertaining to (A) enforcement of the governing instruments, (B) damage to the common areas, (C) damage to the separate interests which the association is obligated to maintain or repair, or (D) damage to the separate interest which arises out of, or is integrally related to, damage to the common areas or separate interests that the association is obligated to maintain or repair.

The association shall have the power to perform any act reasonably necessary to resolve any

civil claim or action through alternative dispute resolution proceedings such as mediation, binding arbitration, or nonbinding arbitration proceedings. The association shall provide, or in good faith attempt to provide, 120 days advance notice of the association's intent to initiate the prosecution of any civil action and of the nature and basis of the claim to every member of the association and every entity or person who is a prospective party to the civil action, provided that notice can be given (A) more than 120 days prior to the expiration of any pertinent statute of limitations, and (B) without prejudice to the association's right to enforce the governing documents, and further provided that no such notice need be given prior to the filing of an action in small claims court or an action solely to enforce assessment obligations. Prior to initiating the prosecution of a civil action solely for declaratory relief or injunctive relief to enforce the governing documents, or for declaratory relief or injunctive relief to enforce the governing documents in conjunction with a claim for monetary damages not in excess of \$5,000, the association shall endeavor to submit the matter to alternative dispute resolution in compliance with the provisions of Section 5925 of the Civil Code.

Section 5.19. No association funds shall be used for campaign purposes in connection with any association board election. Funds of the association shall not be used for campaign purposes in connection with any other association election except to the extent necessary to comply with duties of the association imposed by law.

**ARTICLE VI**

**UTILITIES**

**Owners' Rights and Duties**

Section 6.01. The rights and duties of the owners of lots within the project with respect to sanitary sewer, water, electricity, gas and television receiving and telephone lines and facilities shall be as follows:

a. Whenever storm or sanitary sewer, drainage, plumbing, water, electricity, gas, television receiving, telephone lines or connections, are installed within the property which connections or any portion thereof lie in or upon lots owned by other than the owner of a lot served by said connections, the owners of any lot served by said connections shall have the right of reasonable access for themselves or for utility companies to repair, replace and generally maintain said connections as and when necessary, subject to 48 hours advance notice. In case of emergency the right shall be immediate upon notice.

b. Whenever storm or sanitary sewer, drainage, plumbing, water, electricity, gas, television receiving or telephone lines or connections, are installed within the property which connections serve more than one lot, the owner of each lot served by said connection shall be entitled to the full

use and enjoyment of such portions of said connections as service his or her lot.

c. In the event of a dispute between owners with respect to the repair or rebuilding of said connections, or with respect to the sharing of the cost thereof, then, upon written request of one of such owners addressed to the association, the matter shall be submitted to arbitration and the decision of the arbitrator shall be final and conclusive on the parties.

**Easements for Utilities and Maintenance**

Section 6.02. Easements over and under the property for the installation, repair, and maintenance of electric, telephone, water, gas, and sanitary sewer lines and facilities, cable or master television antenna lines, drainage facilities, walkways, and landscaping as shown on the recorded map of the property, and as may be hereafter required or needed to service the property, are hereby reserved by Declarant and its successors and assigns, including the association, together with the right to grant and transfer the same.

**Association's Duties**

Section 6.03. The association shall maintain all utility installations located in the common area except for those installations maintained by utility companies, public, private, or municipal. The association shall pay all charges for utilities supplied to the project except those metered or charged separately to the lots.

**ARTICLE VII**

**USE RESTRICTIONS**

In addition to all the covenants contained herein, the use of the property and each lot herein is subject to the following:

**Usage**

Section 7.01. No lot shall be occupied and used except for residential purposes by the owners, their tenants, and social guests, and no trade or business shall be conducted therein, except that Declarant, its successors or assigns, may use any lot or lots in the project owned by Declarant for a model home site or sites and display and sales office during construction and for a time period not to exceed three years from sale of the first lot. Notwithstanding the foregoing, a lot may be used as a combined residence and executive or professional office by the owner thereof, so long as its use does not interfere with the quiet enjoyment by other lot owners of their residences. In addition, Lot 1 and Lot 8 are designated as live-work units, and may be used as such in compliance with the City of Capitola Home Occupation Ordinance, or any successor thereto. No tent, shack, trailer, basement, garage, outbuilding or structure of a temporary character shall be used at any time as a residence either temporarily or permanently.

No lot or any portion thereof in the project shall be leased, subleased, occupied, rented, let,

sublet, or used for or in connection with any time sharing agreement, plan, program, or arrangement, including without limitation, any so-called "vacation license", "travel club", "extended vacation" or other membership or time interval ownership arrangement. The term "time sharing" as used herein shall be deemed to include, but shall not be limited to, any agreement, plan, program, or arrangement under which the right to use, occupy or possess the lot or lots or any portion thereof in the project rotates among various persons, either corporation, partnership, individual, or otherwise, on a periodically recurring basis for value exchanged, whether monetary or like kind use privileges, according to a fixed or floating interval or period of time of 25 consecutive calendar days or less. Provided, this section shall not be construed to limit the personal use of any lot or any portion thereof in the project by any lot owner or his or her or its social or familial guests.

#### Nuisances

Section 7.02. No noxious, illegal, or seriously offensive activities shall be carried on upon any lot, or in any part of the property, nor shall anything be done thereon which may be or may become a serious annoyance or a nuisance to or which may in any way interfere with the quiet enjoyment of each of the owners of the respective lots, or which shall in any way increase the rate of insurance for the project, or cause any insurance policy to be canceled or to cause a refusal to renew the same, or which will impair the structural integrity of any building.

#### Vehicle Restrictions

Section 7.03. No trailer, camper, mobile home, motor home, house car, commercial vehicle, truck (other than standard size pickup truck or standard size van), boat, inoperable automobile, or similar equipment shall be permitted to remain upon any area within the property unless placed or maintained within an enclosed garage or carport. Commercial vehicles shall not include sedans or standard size vans and pickup trucks which are used both for business and personal use, provided that any signs or markings of a commercial nature on such vehicles shall be unobtrusive and inoffensive as determined by the board. No noisy or smoky vehicles shall be operated on the property. No unlicensed motor vehicles shall be operated on the property.

#### Signs

Section 7.04. No commercial sign of any kind shall be displayed to the public view on any lots or on any portion of the property without the approval of the association, except such signs as may be used by the Declarant or its designees for the purpose of developing, selling and improving lots within the project for a period of time not to exceed the date on which the last lot is sold by Declarant or three years from the date of recordation of this declaration, whichever is sooner. In exercising its rights under this provision, Declarant shall not unreasonably interfere with the use of the common area by any owner. Notwithstanding the foregoing, the association shall not prohibit or restrict the right of any owner or his or her agent to display or have displayed on their lot or on a lot owned by others with their consent, or both, signs which are reasonably located, in plain view of the public, are reasonable dimensions and design, and do not adversely affect public safety, including

traffic safety, and which advertise the property for sale, lease or exchange, or advertise directions to the property.

Noncommercial signs and posters that are more than nine square feet in size and noncommercial flags and banners that are more than 15 square feet in size shall not be posted or displayed on any lot or any portion of the property.

### **Animals**

Section 7.05. No animals, reptiles, insects or birds of any kind shall be raised, bred, or kept in any lot, or on any portion of the property; except that no more than a total of two usual and ordinary household pets such as dogs, cats, birds, etc. may be kept provided that they are not kept, bred, or maintained for any commercial purposes, and that they are kept under reasonable control at all times.

After making a reasonable attempt to notify the owner, Declarant or any owner may cause any unleashed dog found within the common area to be removed by Declarant (or any owner) to a point or county animal shelter, by calling the appropriate authorities, whereupon the owner may, upon payment of all expenses connected therewith, repossess the dog. The owner shall be given immediate notice of any such removal. Owners shall prevent their pets from soiling all portions of the common area and shall promptly clean up any mess left by their pets. Owners shall be fully responsible for any damage caused by their pets.

### **Garbage and Refuse Disposal**

Section 7.06. All rubbish, trash and garbage shall be regularly removed from the property, and shall not be allowed to accumulate thereon. Trash, garbage and other waste shall not be kept except in sanitary containers. All equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition. All equipment garbage cans, woodpiles, or storage piles shall be kept screened and concealed from view of other lots, streets and common areas.

### **Right to Lease**

Section 7.07. No owner shall be permitted to lease his or her lot for any period less than thirty (30) days. Any lease agreement shall be required to provide that the term of the lease shall be subject in all respects to the provisions of the declaration and the by-laws and that any failure of the lessee to comply with the terms of such documents shall be a default under the lease. All owners leasing or renting their units shall promptly notify the secretary of the association in writing of the names of all tenants and members of tenant's family occupying such house and of the address and telephone number where such owner can be reached. All leases shall be required to be in writing.

### **Architectural Control**

Section 7.08. No building, fence, wall, obstruction, outside or exterior wiring, balcony,



screen, patio, patio cover, tent, awning, carport, carport cover, improvement or structure of any kind shall be modified, installed, erected, painted, repainted or maintained upon the property, nor shall any alteration or improvement of any kind be made thereto until the same has been approved in writing by the board, or by an architectural control committee appointed by the board.

Plans and specifications showing the nature, kind, shape, color, size, materials and location of such improvements, alterations, etc., shall be submitted to the board or to the architectural control committee for approval as to quality of workmanship and design and harmony of external design with existing structures, and as to location in relation to surrounding structures, topography, and finish grade elevation. No permission or approval shall be required to repaint in accordance with Declarant's original color scheme, or to rebuild in accordance with Declarant's original plans and specifications. No permission or approval shall be required to remain in accordance with a color scheme previously approved by the board or the committee, or to rebuild in accordance with plans and specifications previously approved by the board or by the committee. Nothing contained herein shall be construed to limit the right of an owner to paint the interior of his or her lot any color desired.

The architectural control committee shall consist of three members. Declarant may appoint all of the original members of the committee and all replacements until the first anniversary of the issuance of the original final public report for the project. The Declarant shall appoint a majority of the members to the committee until ninety percent (90%) of all lots in the project have been sold or until the fifth anniversary of the issuance of the final public report for the project, whichever occurs first. After one year from the date of issuance of the original public report for the project, the board shall have the power to appoint one member to the architectural control committee until ninety percent (90%) of all the lots in the project have been sold or until the fifth anniversary date of the issuance of the final public report for the project, whichever occurs first. Thereafter, the board shall have the power to appoint all of the members of the architectural control committee. ~~Members appointed to the architectural control committee by the board shall be from the membership of the association. Members appointed to the architectural control committee by the Declarant need not be members of the association.~~ A majority of the architectural control committee may designate a representative to act for it. In the event of death or resignation of any member of the committee, the successor shall be appointed by the person, entity or group which appointed such member until Declarant no longer has the right to appoint any members to the committee, and thereafter the board shall appoint such a successor. Neither the members of the committee nor its designated representatives shall be entitled to any compensation for services performed pursuant hereto. In the event the committee fails to approve or disapprove plans and specifications within thirty (30) days after the same have been submitted to it, approval will not be required and the related covenants shall be deemed to have been fully complied with.

**Clothes Lines**

Section 7.09. There shall be no outside laundering or drying of clothes, except inside fenced patios and then only if the clothes cannot be seen from the street, common area, or other lots.

**Power Equipment and Car Maintenance**

Attachment: 1575 38th Ave Draft CC&R (1259 : 1575 38th Avenue)

Section 7.10. No power equipment, hobby shops, or car maintenance (other than emergency work) shall be permitted on the property except with prior written approval of the board. Approval shall not be unreasonably withheld and in deciding whether to grant approval the board shall consider the effects of noise, air pollution, dirt or grease, fire hazard, interference with radio or television reception, and similar objections.

**Liability of Owners for Damage to Common Area**

Section 7.11. The owner of each lot shall be liable to the association for all damage to the common area or improvements thereon caused by such owner or any occupant of his or her lot or guest, or by the owners' pets, except that portion of said damage, if any, fully covered by insurance. Liability of an owner shall be established only in accordance with the provisions of Section 4.12 of this declaration.

**Sports Apparatus**

Section 7.12. No sports apparatus shall be permitted on any lot which is visible from other lots or from common areas.

**Drainage Alterations**

Section 7.13 No owner shall do any act or construct any improvements which may interfere with the natural or established drainage system or patterns within the project without the prior consent of the Board.

**ARTICLE VIII**

**PARTY WALLS**

**General Rules of Law to Apply**

Section 8.01. Each wall which is built as a part of the original construction of the homes upon the properties and placed on the dividing line between the lots shall constitute a party wall, and, to the extent not inconsistent with the provisions of this Article VIII, the general rules of law regarding party walls and liability for property damage due to negligence or willful acts or omissions shall apply thereto.

**Sharing of Repair and Maintenance**

Section 8.02. If a party wall is destroyed or damaged by fire or other casualty, any owner who has used the wall may restore it, and if the other owners thereafter make use of the wall, they

shall contribute the cost of restoration thereof in proportion to such use without prejudice, however, to the right of any such owners to call for a larger contribution from the other under any rule of law regarding liability for negligent or willful acts or omissions.

**Weatherproofing**

Section 8.03. Notwithstanding any other provision of this article, an owner who by his or her negligent or willful act causes the party wall to be exposed to the elements shall bear the whole cost of furnishing the necessary protection against such elements.

**Right of Contribution Runs with the Land**

Section 8.04. The right of any owner to contribution from any other owner under this article shall be appurtenant to the land and shall pass to such owner's successors in title.

**Arbitration**

Section 8.05. In the event of any dispute arising concerning a party wall, or under the provisions of this article, each party shall choose one arbitrator, and such arbitrators shall choose one additional arbitrator, and the decision shall be by a majority of all the arbitrators.

**ARTICLE IX**

**GENERAL PROVISIONS**

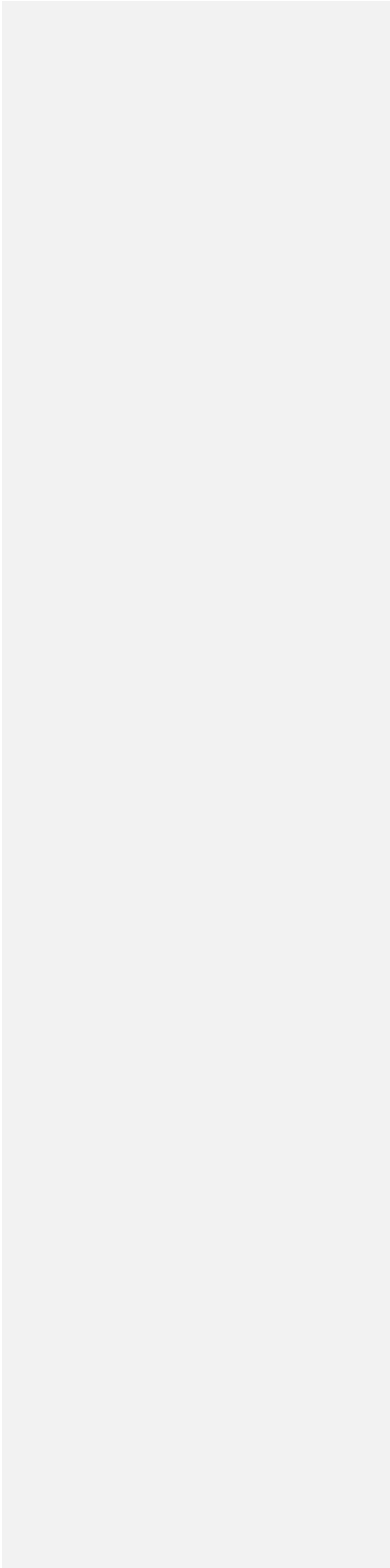
**Enforcement**

Section 9.01. The association, or any owner, shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens, and charges now or hereafter imposed by the provisions of this declaration, and in such action shall be entitled to recover reasonable attorney's fees as are determined by court. Failure by the association or by any owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

**Severability**

Section 9.02. Should any provision or portion hereof be declared invalid or in conflict with any law of the jurisdiction where this project is situated, the validity of all other provisions and portions hereof shall remain unaffected and in full force and effect.

**Term**



Section 9.03. The covenants and restrictions of this declaration shall run and bind the property, and shall inure to the benefit of and shall be enforceable by the association or the owner of any property subject to this declaration, their respective legal representatives, heirs, successors and assigns, for a term of thirty (30) years from the date this declaration is recorded, after which time they shall be automatically extended for successive periods of ten (10) years, unless an instrument in writing, signed by a majority of the then owners of the lots, has been recorded within the year preceding the beginning of each successive period of ten (10) years agreeing to change said covenants and restrictions in whole or in part, or to terminate the same.

**Amendments**

Section 9.04. Prior to close of escrow on the sale of the first lot, Declarant may amend this declaration (with the consent of the ~~Department of Real Estate~~Bureau of Real Estate as to any amendment constituting a material change). After sale of the first lot, this declaration may be amended only by the affirmative vote (in person or by proxy) or written consent of members representing a majority of the total voting power of the association and a majority of the affirmative votes or written consent of members other than the Declarant, or where the two class voting structure is still in effect, a majority of each class of membership. However, the percentage of voting power necessary to amend a specific clause shall not be less than the prescribed percentage of affirmative votes required for action to be taken under that clause. No amendment shall adversely affect the rights of the holder of any mortgage of record prior to the recordation of such amendment. Except as provided in California Civil Code Section 4275, an amendment shall be effective after (1) the approval of the percentage of owners required above; (2) the certification in writing of such approval executed and acknowledged by the secretary of the association; and (3) the recording of such writing in the county in which a portion of the planned development is located.

**Encroachment Easements**

Section 9.05. Each lot within the property is hereby declared to have an easement over all adjoining lots and the common area for the purpose of accommodating any encroachment due to minor engineering errors, minor errors in original construction, repair, settlement, shifting, or movement of a structure, or any other cause, including encroachments for footings, foundations and architectural projections such as overhangs, gutters and trim elements not to exceed eighteen (18) inches over any common property line. There shall be valid easements for the maintenance of said encroachments as long as they shall exist, and the rights and obligations of owners shall not be altered in any way by said encroachment, settlement or shifting; provided, however, that in no event shall a valid easement for encroachment be created in favor of an owner or owners if said encroachment occurred due to the intentional conduct of said owner or owners. In the event a structure is partially or totally destroyed, and then repaired or rebuilt, the owners of each lot agree that minor encroachments, over adjoining lots or common areas shall be permitted and that there shall be valid easements for the maintenance of said encroachments so long as they shall exist.

**Rights of First Lenders**

Section 9.06. No breach of any of the covenants, conditions and restrictions herein contained, nor the enforcement of any lien provisions herein, shall render invalid the lien of any first mortgage (meaning the mortgage with first priority over any other mortgage) on any lot made in good faith for value, but all of said covenants, conditions, and restrictions shall be binding upon and effective against any owner whose title is derived through foreclosure or trustee's sale, or otherwise.

Notwithstanding any provision in the association documents to the contrary, first lender shall have the following rights:

a. Copies of project documents: the association shall make available to lot owners and lenders, and to holders, insurers or guarantors of any first mortgage, current copies of the declaration, by-laws, articles or other rules concerning the project and the books, records and financial statements of the association. "Available" means available for inspection, upon request, during normal business hours or under other reasonable circumstances.

b. Audited statement: the holders of fifty-one percent (51%) or more of first mortgages shall be entitled, upon request, to have an audited financial statement for the immediately preceding fiscal year prepared at their expense if one is not otherwise available. Such statement shall be furnished within a reasonable time following such request.

c. Notice of action: upon written request to the association, identifying the name and address of the eligible mortgage holder or eligible insurer or guarantor, and the lot number or address, such eligible mortgage holder or eligible insurer or guarantor will be entitled to timely written notice of:

(1) condemnation loss or any casualty loss which affects a material portion of the project or any lot on which there is a first mortgage held, insured or guaranteed by such eligible mortgage holder or eligible insurer or guarantor, as applicable;

(2) any default in performance of obligations under the project documents or delinquency in the payment of assessments or charges owed by an owner of a lot subject to a first mortgage held, insured or guaranteed by such eligible mortgage holder or eligible insurer or guarantor, which remains uncured for a period of sixty (60) days;

(3) any lapse, cancellation or material modification of any insurance policy or fidelity bond maintained by the association;

(4) any proposed action which would require the consent of the specified percentage of eligible mortgage holders as specified in the following subsection;

(5) the association shall discharge its obligation to notify eligible holders or eligible insurers or guarantors by sending written notices required herein to such parties at the address given on the current request for notice, in the manner prescribed by Section 9.07.

d. Consent to action: except as provided by statute or by other provision of the project documents in case of substantial destruction or condemnation of the project, the consent of owners of lots which have at least sixty-seven percent (67%) of the votes of lots subject to eligible holder mortgages, shall be required to terminate the legal status of the project as a planned development. For purposes of this paragraph, "eligible mortgage holder" shall mean a first lender who has requested notice of certain matters from the association in accordance with this declaration.

e. Right of first refusal: the right of a lot owner to sell, transfer, or otherwise convey his or her lot shall not be subject to any right of first refusal or similar restriction.

f. Contracts: any agreement for professional management of the project, or lease or any other contract providing for services of the developer, sponsor, or builder, may not exceed one year. Any agreement, contract, or lease, including a management contract entered into prior to passage of control of the board of directors to lot owners, must provide for termination by either party for cause on thirty (30) days written notice, or without cause and without payment of termination fee or penalty on ninety (90) days or less written notice.

g. Reserves: association dues or charges shall include an adequate reserve fund for maintenance, repairs, and replacement of those common area improvements (and restricted common area improvements which the association is obligated to maintain) that must be replaced on a periodic basis, and shall be payable in regular installments rather than by special assessments.

h. Priority of liens: each holder of a first mortgage lien on a lot who comes into possession of the lot by virtue of foreclosure of the mortgage, or any purchaser at a foreclosure sale under a first deed of trust, will take the lot free of any claims for unpaid assessments and fees, late charges, fines or interest levied in connection therewith, against the lot which accrued prior to the time such holder comes into possession of the lot, except for claims for a pro-rata share of such assessments or charges resulting from a pro-rata reallocation of such assessments or charges for all project lots including the mortgaged lot, and except for assessment liens recorded prior to the mortgage.

i. Restoration or repair: any restoration or repair of the project, after a partial condemnation or damage due to an insurable hazard, shall be performed substantially in accordance with the declaration and the original plans and specifications, unless other action is agreed to by owners representing at least 67% of the total allocated votes in the association, and by eligible mortgage holders representing at least 67% of the votes of lots that are subject to mortgages held by eligible holders.

j. Termination: any election to terminate the legal status of the project after substantial destruction or a substantial taking in condemnation of the project property must require the approval of lot owners representing at least 67% of the total allocated votes in the association, and by eligible mortgage holders representing at least 67% of the votes of lots that are subject to mortgages held by eligible holders.

k. Limitations in actions of homeowners association: Unless at least 2/3 of the first

mortgagees (based on one vote for each first mortgage owned) or 2/3 of the owners of the lots, excluding the developer, have given their prior written approval, the association shall not be entitled to take any of the following actions:

(1) By any act or omissions seek to abandon, partition, subdivide, encumber, sell, or transfer the common property owned, directly or indirectly, by the association for the benefit of the owners. The granting of easements for public utilities or other public purposes consistent with the intended use of the common property by the association is not a transfer within the meaning of this clause;

(2) Change the method of determining the obligations, assessments, dues, or other charges that may be levied against an owner;

(3) By act or omission change, waive, or abandon any scheme of regulations or their enforcement pertaining to the architectural design or the exterior appearance of lots, the exterior maintenance of lots, the maintenance of the common property, party walks, common fences and driveways, and the upkeep of lawns and plantings in the project;

(4) Fail to maintain fire and extended coverage on insurable common property on a current replacement cost basis and in an amount at least 100% of the insurable value (based on current replacement costs);

(5) Use hazard insurance proceeds for losses to any common property for other than the repair, replacement or reconstruction of the common property.

1. Payment of taxes or other charges: First mortgagees of individual lots may, jointly or singly, pay taxes or other charges which are in default and which may or have become a charge against the common property and may pay overdue premiums on hazard insurance policies, or secure new hazard insurance coverage on the lapse of a policy, for the common property and first mortgagees making such payments shall be owed immediate reimbursement therefor from the association. Entitlement to such reimbursement shall be reflected by an agreement in favor of all first mortgagees of individual lots duly executed by the association.

**Notices**

Section 9.07. Any notices permitted or required by the declaration or by-laws may be delivered either personally or by mail. If delivery is by mail, it shall be deemed to have been delivered 72 hours after a copy of the same has been deposited in the United States mail, first-class or registered, postage prepaid, addressed to each person at the current address given by such person to the secretary of the board or addressed to the lot of such person if no address has been given to the secretary.

**Termination of Any Responsibility of Declarant**

Section 9.08. In the event Declarant shall convey all of its right, title and interest in and to the property to any partnership, individual or individuals, corporation or corporations, then and in such event, Declarant shall be relieved of the performance of any further duty or obligation hereunder, and such partnership, individual or individuals, corporation or corporations, shall be obligated to perform all duties and obligations of the Declarant.

**Owner's Compliance**

Section 9.09. Each owner, tenant or occupant of a lot shall comply with the provisions of this declaration, and to the extent they are not in conflict with the declaration, the articles, or the by-laws, as lawfully amended from time to time. Failure to comply with any such provisions, decisions, or resolutions, shall be grounds for an action to recover damages or injunctive relief.

All agreements and determinations lawfully made by the association in accordance with the voting percentages established in this declaration or in the articles or the by-laws shall be deemed to be binding on all owners of lots, their successors and assigns.

**ARTICLE X**

**DESTRUCTION - DUTY TO REBUILD - INSURANCE**

**Association Fire Insurance**

Section 10.01. The association shall obtain and maintain a master or blanket policy of fire insurance coverage for the full insurable value of all of the improvements within the project. The form, content, and term of the policy and its endorsements and the issuing company must be satisfactory to all institutional first mortgagees. If more than one institutional first mortgagee has a loan of record against the lot in the project, the policy and endorsements shall meet the maximum standards of the various institutional first mortgagees represented in the project. To the extent available the policy shall contain an agreed amount endorsement or its equivalent; an increased cost of construction endorsement or a contingent liability from operation of building laws endorsement or their equivalent; an extended coverage endorsement; vandalism, malicious mischief coverage; a special form endorsement; and a determinable cash adjustment clause or a similar clause to permit cash settlement covering full value of the improvements in case of partial destruction and a decision not to rebuild. The policy shall provide amounts of coverage as shall be determined by the board. The policy shall name as insured the association, the owners, and Declarant as long as Declarant is the owner of any lot, and all mortgagees as their respective interests may appear, and may contain a loss payable endorsement in favor of the trustee described in the following subparagraph.

**Trustee for Payment of Insurance Proceeds**

Section 10.02. All fire and casualty insurance proceeds payable under Section 10.01 above for losses to real property and improvements, subject to the rights of mortgagees, may be paid to a trustee, to be held and expended for the benefit of the owners, mortgagees, and others, as their



respective interests shall appear. The trustee shall be a commercial bank or other financial institution with trust powers in the county in which the project is located and agrees in writing to accept such trust. If repair or reconstruction is authorized, the association shall have the duty to contract for such work as provided for in this declaration.

**Limitations on Individual Insurance**

Section 10.03. Except as provided in this clause, no owner shall separately insure the improvements upon his or her lot against loss by fire or other casualty covered by insurance carried under Section 10.01. If any owner violates this provision, any diminution in insurance proceeds otherwise payable under policies described in Section 10.01 that results from the existence of such other insurance will be chargeable to the owner who acquired other insurance, and such other owner will be liable to the association to the extent of any such diminution. An owner can insure his or her personal property against loss, and may obtain additional living expense coverage and public liability insurance for the owner's individual lot. All such insurance that is individually carried must contain a waiver of subrogation rights by the carrier as to other owners, the association, Declarant, and institutional first mortgagee of such lot.

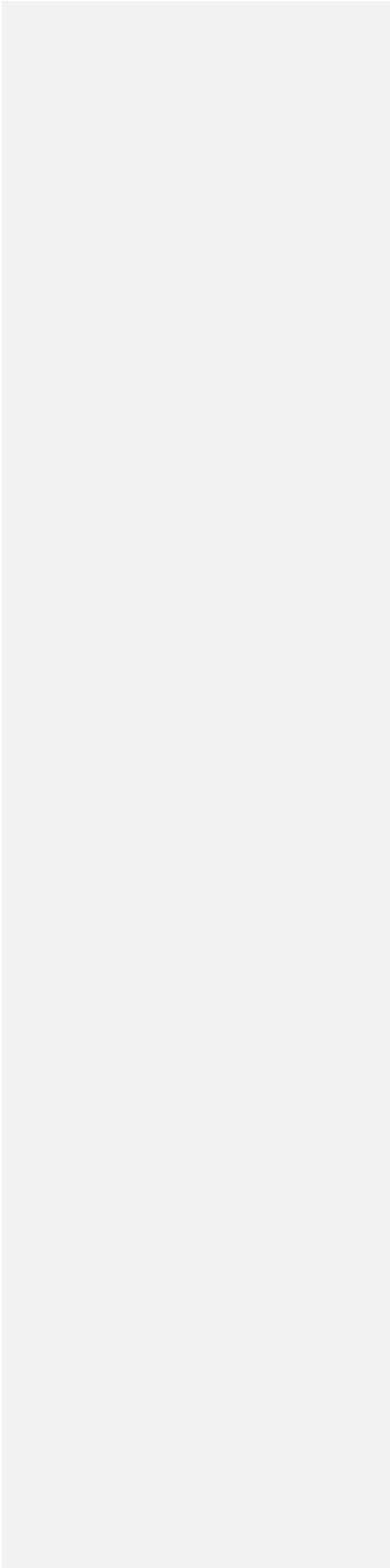
**Other Association Insurance**

Section 10.04. The association shall obtain and continue in effect a master policy of insurance covering all of the personal property and supplies of the association, comprehensive general liability insurance insuring the association and each owner for his or her liability and for the common area, and a fidelity bond covering officers, directors, and employees in an amount to be determined by the board, but in no event less than a sum equal to three (3) months' aggregate assessments on all lots plus reserve funds.

Each owner appoints the association, or any insurance trustee to be designated by the association, as attorney-in-fact for the purpose of purchasing and maintaining the association's insurance, including: the collection and appropriate disposition of the proceeds thereof; the negotiation of losses and execution of releases of liability; the execution of all documents; and the performance of all other acts necessary to accomplish such purpose. The association and any insurance trustee shall be required to receive, hold, or otherwise properly dispose of any proceeds of insurance in trust for lot owners and their first mortgage holders, as their interests may appear.

All insurance shall contain "severability of interest provision", "cross-liability endorsement" and waiver of subrogation as to the association, officers, directors, members, guests, agents and employees.

The minimum limits on the liability insurance policy shall be two million dollars (\$2,000,000.00) single limit and shall include personal injury, bodily injury, property damage and liability for non-owned automobiles. Worker's compensation insurance shall at all times be carried to the extent required to comply with any applicable law. Officers and directors liability insurance shall be carried by the association to cover persons serving in such capacities.



Insurance premiums for the master policy shall be a common expense to be included in the monthly assessment levied by the association and a portion of such payment necessary for the insurance premiums may be held in a separate account of the association and shall be used solely for the payment of the master insurance policy premiums as such premiums become due.

**Destruction of Improvements**

Section 10.05. If there is a total or partial destruction of any of the improvements in the project, and if the available proceeds of the insurance carried pursuant to Section 10.01 are sufficient to cover not less than 85% of the costs of repair and reconstruction, the improvements shall be promptly rebuilt, unless within sixty (60) days from the date of destruction, owners then holding at least 66-2/3% of the total voting power of each class of owners present and entitled to vote, in person or by proxy, at a duly constituted meeting, determine that repair and reconstruction shall not take place. If such a meeting is called, the association shall solicit and obtain bids from at least two reputable contractors to repair and reconstruct the improvements in accordance with the original plans and shall present this information to the owners at the meeting. If repair and reconstruction is to take place the association shall be required to execute, acknowledge and record in the Office of the County Recorder of the county not later than 120 days from the date of destruction, a certificate declaring the intention of the owners to rebuild.

If the proceeds of insurance carried pursuant to Section 10.01 are less than 85% of the costs of repair and reconstruction, the improvements shall be promptly rebuilt unless, within 60 days from the date of destruction, owners then holding at least 51% of the total voting power of each class of owners present and entitled to vote, in person or by proxy, in a duly constituted meeting, determine that repair and reconstruction shall not take place. If such a meeting is called, the association shall solicit and obtain bids from at least two reputable contractors to repair and reconstruct the improvements in accordance with the original plans and shall present this information to the owners at the meeting. If repair and reconstruction are to take place, the association shall execute, acknowledge, and record in the office of the County Recorder of the county not later than 120 days from the date of destruction a certificate declaring the intention of the owners to rebuild.

If the improvements are to be rebuilt pursuant to this section, the owners of all lots shall be obligated to contribute such funds as may be necessary to pay their proportionate share of the costs of rebuilding or reconstruction, over and above the available insurance proceeds. The proportionate share of each such owner or owners in the case of damage or destruction to improvements located upon a lot or lots, shall be determined based on the relative square footage of the living area and, in the case of damage or destruction of the common area shall be equally to each lot. If any owner fails to pay his or her proportionate share, the association may levy a special assessment against the lot or such owner, which may be enforced under the lien provisions contained in this declaration or in any other manner provided in this declaration. The contributions of the owners as provided in this section shall be assessed in accordance with the provisions pertaining to special assessments in Section 4.04(a) of this declaration.

Attachment: 1575 38th Ave Draft CC&R (1259 : 1575 38th Avenue)

If rebuilding is authorized, the association or its authorized representative shall, after having obtained bids from at least two reputable contractors, award the repair and reconstruction work to the lowest bidder that otherwise meets the requirements set forth by the association in soliciting bids.

The association shall have the authority to enter into a written contract with the contractor for the repair and reconstruction, and the insurance proceeds held by the trustee shall be disbursed to the contractor according to the terms of the contract. It shall be the obligation of the association to take all steps necessary to assure the commencement and completion of authorized rebuilding at the earliest possible date.

If the owners determine not to rebuild, then subject to the rights of mortgagees as set forth in this declaration, any insurance proceeds then available for such rebuilding shall instead be distributed to the owner or owners of such lot or lots in proportion based on the relative fair market value as described hereinafter; or, in the case of damage or destruction to the common area, shall instead be distributed to the owners equally. The association, within 120 days of the date of such destruction, shall execute, acknowledge, and record in the office of the County Recorder of the county, a certificate declaring the intention of the association not to rebuild.

The association shall have the duty to repair and reconstruct improvements, without the consent of owners and irrespective of the amount of available insurance proceeds, in all cases of partial destruction when the estimated costs of repair and reconstruction does not exceed \$5,000.00 in the case of destruction to the common area and does not exceed \$2,000.00 in the case of damage to any individual improvement. The association is empowered to levy a special assessment for the cost of repairing and reconstructing improvements to the extent insurance proceeds are unavailable, such assessment to be levied as described in this declaration and in accordance with the provisions of Section 4.04(a) herein.

Whenever reference is made in this section to a determination of the relative fair market value of one or more lots, it shall mean the relative fair market values of such lots as of the date immediately prior to any damage or destruction, as determined by an appraisal by an independent appraiser selected by the board, who shall be a member of the Society of Real Estate Appraisers or other nationally recognized appraiser organization and who shall apply its or such other organization's standards in determining the relative fair market value of each such lot. The costs of such appraisals shall be paid from the insurance proceeds.

**ARTICLE XI**

**LIMITATION OF LIABILITY AND INDEMNIFICATION**

**Limitation of Liability**

Section 11.01. No director, officer, committee member, employee or other agent of the association, including the Declarant or any agent of the Declarant when acting in such capacity, shall be liable to any owner or any other party, including the association, for any damage, loss, or prejudice suffered or claimed on account of any act, omission, error, or negligence of any such

person if such person has acted in good faith and in a manner such person reasonably believed to be in the best interests of the association.

**Indemnification**

Section 11.02. The association shall defend and indemnify the board, and each of its members, and the officers of the association, against expenses, judgments, fines, settlements and other amounts actually and reasonably incurred in connection with any proceedings to which such person may be made a party, by reason of his or her being or having been a board member or an officer of the association, if such person acted in good faith and in a manner such person reasonably believed to be in the best interests of the corporation and, in the case of a criminal proceeding, had no reasonable cause to believe the conduct of such person was unlawful.

ARTICLE XII

DISPUTE RESOLUTION

Compliance with California Civil Code Provisions Regarding Construction Defects

Section 12.01. Title 7, Part II of Division II of the California Civil Code, commencing with Section 895, provides certain standards, requirements and procedures for claims of construction defects. California Civil Code Section 914 requires a builder to notify all homeowners whether the builder intends to engage in the non-adversarial procedures of Section 910, and following, or attempt to enforce alternative non-adversarial contractual provisions. Declarant has elected to adopt and has elected to adopt and follow the standards and procedures set forth in Section 910, and following, including the pre-litigation procedures set forth in Section 910 through 938 of the California Civil Code. Completion of the prelitigation procedures shall be a condition precedent to pursuing a claim as set forth in Section 11.2 below.

The Association shall be limited to making claims for violations of building standards affecting the Common Area, or affecting the separate interests that the Association is obligated to maintain or repair.

Declarant shall neither participate nor vote on any matters relating to application of Section 895 and following, or on whether any claims should be made for construction defects.

In the event the Association makes a claim for violation of construction standards pursuant to Section 895 and following, the notice of claim shall be served upon Declarant at the address set forth below, or such other address as Declarant provides to the Association.

Declarant:

Joseph W. Appenrodt, Trustee  
, Trustee  
4375 Capitola Road, Ste. C

[Capitola, California 95010](#)

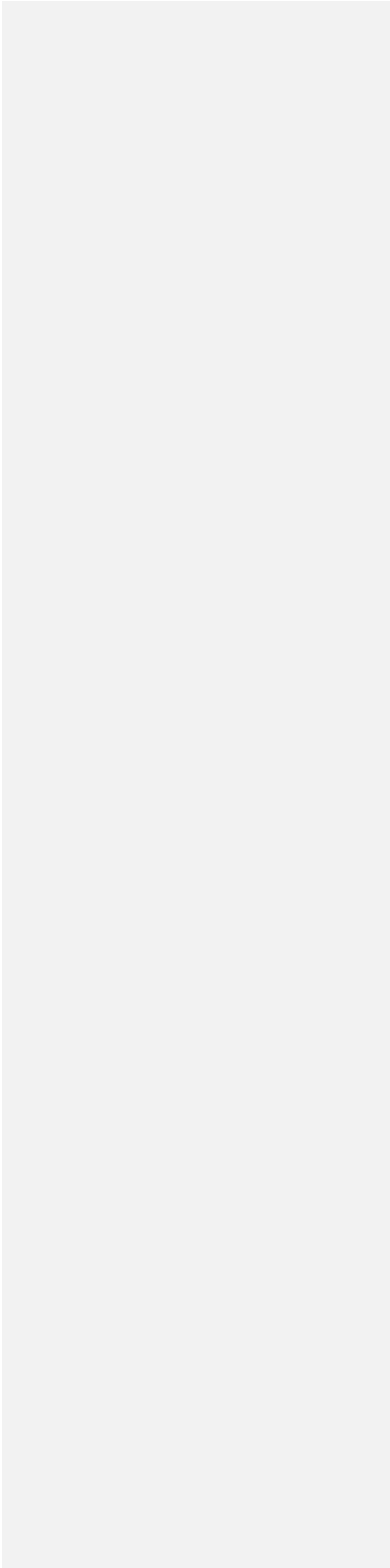
**Judicial Reference**

Section 12.02. It is the desire and intention of the parties to utilize a mechanism and procedure under which any controversy, breach or dispute arising out of this Declaration, including, without limitation, any dispute between Declarant and the Association or any owner arising over the design, specifications, surveying, planning, supervision, testing or observation of construction or construction of any improvements to the Project, will be resolved in a prompt and expeditious manner. Accordingly, any controversy, breach or dispute arising out of this Declaration or relating to the interpretation of any term or provision of this Declaration, or regarding any construction defect claim not otherwise resolved, shall be heard by a referee pursuant to the provisions of the California Code of Civil Procedure, Section 638-645.1, inclusive. The venue as to any such proceeding shall be in the County of Santa Cruz, California, unless all parties agree otherwise. The referee shall have the power to decide all issues of fact and law and report his/her decision thereon, and to issue all legal and equitable relief appropriate under the circumstances of the controversy. The parties shall agree upon a single, neutral referee, who after trial of all the disputed matters of fact and law, shall issue a finding and judgment thereon. If the parties are unable to agree upon a referee within ten days after written request by any party, a referee shall be appointed upon application of any party pursuant to California Code of Civil Procedure Section 638 and 640. The costs of the proceeding shall be born as determined by the referee. Notwithstanding any other provision of this Declaration, this Section may not be amended without the consent of Declarant.

IN WITNESS WHEREOF, the undersigned, being the Declarants herein, have signed this \_\_\_\_\_ day of \_\_\_\_\_, 201\_.

\_\_\_\_\_  
[Joseph W. Appenrodt, Trustee](#)

\_\_\_\_\_  
\_\_\_\_\_, Trustee



development fees for which Government Code Section [66018](#) is applicable.

D. As provided in Government Code Section [65094](#), "notice of public hearing" means a notice that includes the date, time and place of a public hearing, the identity of the hearing body or officer, a general explanation of the matter to be considered, and a general description, in text or by diagram, of the location of the real property, if any, that is the subject of the hearing. The city may additionally give notice in any other manner it deems necessary or desirable.

E. Additional notice requirements otherwise imposed by this code shall also be followed. For instance, see Section [17.46.080](#) for hearings involving coastal permits.

F. Defects in providing notice shall not, unless specifically required by law, invalidate any decision made at the hearing. (Ord. [721](#) § 3, 1991)

#### **17.81.180 Placement of utilities underground.**

A. New residential construction or any residential remodels that result in an increase of twenty-five percent or greater of the existing square footage shall be required to place existing overhead utility lines underground to the nearest utility pole.

B. Exceptions to this requirement can be made by the planning commission if it is determined that a hardship exists. Financial hardships are not the basis for exceptions, which may be granted primarily for environmental reasons, such as tree preservation, proximity to watercourses or archaeological sites, and similar considerations. (Ord. [873](#) § 18, 2004)

#### **17.81.190 Yard/garage sales.**

A. Yard/garage sales for individual [residences](#) shall be limited to not more than three, one- to two-day events per calendar year. [Block](#) or neighborhood sales would be allowed annually in addition to individual sales. (Ord. [873](#) § 19, 2004)

#### **17.81.200 Home occupation permits and limitations.**

A. Home occupations are permitted subject to Section [17.03.310](#) requirements, and approval of a home occupation permit by the community development director or designated zoning administrator. Neighboring property owners and residents within one hundred-foot radius will be provided notification that a permit has been issued, with the notice to describe the nature of the home occupation and the limitations imposed.

B. All [home occupations](#) must comply with the following restrictions and limitations:

1. No advertising signs or banners other than a nameplate, not to exceed one square foot;
2. No display or outside storage of goods, materials, or equipment;
3. No commodities sold on the premises in the normal course of operation;
4. No employees other than the residents of the [dwelling](#);
5. No objectionable noise, odor or equipment and materials;
6. No excessive pedestrian, auto, or truck traffic introduced to the neighborhood as a result of the

home occupation;

7. No more than one client/customer at the [dwelling](#) at any one time, by appointment only, and not more than three such clients, customers per day;

8. No [use](#) of required covered or uncovered parking;

9. Does not provide a service which normally involves the client being present when a significant portion of the services are performed;

10. Automotive repair or detailing services are specifically prohibited.

C. Community development director retains the discretion to forward any home occupation permit application to the planning commission for approval or termination in response to legitimate complaints regarding noncompliance with home occupation permit limitations. (Ord. [873](#) § 20, 2004)

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**The Capitola Municipal Code is current through Ordinance 1003, passed June 25, 2015.**

Disclaimer: The City Clerk's Office has the official version of the Capitola Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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## CITY COUNCIL AGENDA REPORT

**MEETING OF NOVEMBER 24, 2015**

FROM: Finance Department

SUBJECT: Public Hearing to Consider the Proposed Fee Schedule for Fiscal Year 2015/16; and a Resolution repealing Resolution No. 3964 and Amending the City's Fee Schedule to reflect updated Fees

**RECOMMENDED ACTION:** Conduct the noticed public hearing on the proposed City Fee Schedule for Fiscal Year 2015/16 and adopt the proposed resolution repealing Resolution No. 3964, and updating the existing fee and approve administrative adjustments.

**BACKGROUND:** The City generally updates the resolutions setting City Fees on an annual basis. To ensure the City's fees are compliant with State law, a comprehensive fee study was completed. The study began in June of 2013 with the review beginning in early 2014. The City's consultant, Matrix Consulting Group, provided their first draft in September 2014. With a change in Finance Staff the study was then updated with a new draft provided in August of 2015.

The Finance Advisory Committee reviewed the draft and raised several questions and concerns. The Committee was concerned the fee study utilized outdated two-year old financial information. Matrix agreed to update the study with current data and provided the updated study utilizing current financial information and time estimates. The Finance Advisory Committee reviewed the Final Study on November 17, 2015 and provided the following recommendation:

The Finance Advisory Committee supports staff's fee schedule recommendations including the incorporation of facts from the comprehensive fee study. The Finance Advisory Committee further recommends an annual review, including hour and staff costs assumptions, with a comprehensive fee study every five years. The Finance Advisory Committee also recommends that the City analyze Adult recreation fees in consideration of the Junior Guards and Camp Capitola proposed increases.

State law requires the City conduct a public hearing where testimony can be taken before any fees are added or existing fees are altered. Last year fees were maintained at the Fiscal Year 13/14 levels. Staff is recommending streamlining many fees in the Planning Division and Public Works Department, while updating fees in Administration, Police and Recreation.

**DISCUSSION:** The attached Study evaluated a majority of the City's fees. The conclusion of the study found the City was not in compliance with only seven fees. Staff recommends reducing three of these non-compliant fees (Bingo Permits, Memorial Bench and Building Permits for projects over \$1 million) and eliminating four of these fees.

The City utilizes an overhead percentage to charge customers for the true cost of services. The City last updated the overhead rate in 2010. The City currently charges an overhead rate of 17%. The fee study found the updated overhead rate should be 21%. Staff is recommending the



City Fee Schedule 2015/16  
November 24, 2015

City update all fees to include the new overhead rate. The reason for the increased percentage is due to the higher cost of support staff, with retirement contributions being a major factor.

### **Miscellaneous Fees**

Miscellaneous fees remained unchanged outside of the Bingo Permit, which was reduced \$2 to \$58 since the fee study found the City's cost of providing the service were slightly higher than the existing fee.

### **Parks and Recreation Fees**

Parks and Recreation Junior Guards and Camp Capitola fees are proposed to increase. Specifically Junior Guards fees are proposed to increase by 15% due to the increase cost of personnel along with the increased training requirements. The Camp Capitola proposed increases is 10% due to the increased personnel cost. These recreation fees were last changed prior to the 2012 season.

### **Police Department Fees**

Police Department fees remained unchanged under the proposed fee schedule. Staff is recommending fees set by the State are identified in the fee schedule but are listed as "set by state" in order to eliminate the need to update the fee schedule if the State updates the fee they require the City to charge.

### **Animal Service Fees**

Animal Service fees are adopted by Santa Cruz County and this resolution adopts the fee schedule they have in place.

### **Historical Museum Fees**

No changes proposed to the Historical Museum fees.

### **Building Fees**

Building fees have been updated to include on the Fee Schedule all fees that are charged through separate resolutions or codes. The additions include the 65% plan check fee the City has charges since the early 1980's. Staff is also proposing the Fee Schedule include the grading fees and update the fees previously set at zero as part of the Green Energy Incentive Program.

The Comprehensive Fee study found that the Building Fees are within the reasonable cost of providing the service in all cases except for the per \$1,000 charge for permits above the \$1 million range. Staff is recommending the City reduce this one fee from \$3.15 to \$2.59. The overall financial impact to the City is anticipated to be under \$1,000.

### **Planning Fees**

The Planning fees have several changes proposed.

#### **1. Convert several deposits to flat fees to improve cost certainty for customers**

- Residential Design Permits
- Coastal Development Permits
- Variance
- Conditional Use Permit (Staff review)
- Tree Permits (PC review)

City Fee Schedule 2015/16  
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- Sign Permits (PC review)
- Fence Permits (PC review)
- Boundary (lot line) Adjustments
- Certificates of Compliance
- Transient Rental Occupancy Permit (Vacation Rentals)
- Permit Time Extensions
- Conceptual Reviews

## 2. Reorganized and simplified fee structure

- Incorporated intake fees into permit costs
  - Intake fee, public notice, and CEQA exemption fees included in permit cost
- Grouped similar permit types by category
- Combined similar fee types
  - Consolidated various technical study reviews into a single category
  - Consolidated multiple Variances into a single Variance fee
  - Document reproduction costs
- Eliminated outdated and/or unnecessary fees
  - Environmental Initial Study
  - Building Permit Zoning Consistency Review
  - CUPs for historic structures (standard CUP would apply)
- Moved some fees to other departments
  - Encroachment permit to Public Works
  - Final Maps to Public Works
  - Structural Review to Building

## 3. Codified previously unlisted fees

- Secondary Dwelling Units
- Appeals of Building/Zoning Code Violations
- Subdivision Time Extensions and Map Revisions

## 4. Added new fees for existing services

- Inclusionary Housing Unit Sales
- Inclusionary Housing Unit Refinance Request
- Created two Conceptual Review paths: one for PC only, one for PC + CC

## 5. Reduced GP Maintenance Fee

Staff proposes to reduce the General Plan Maintenance Fee from .06% to .05% which is projected to result in an annual revenue decrease between \$10,000 - \$15,000, depending on building activity. Due to recent completion of several long range planning efforts, including the General Plan Update, Climate Action Plan, and Housing Element Update, there is a modestly diminished need for General Plan Maintenance funds over

City Fee Schedule 2015/16  
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the next 5-10 years. However, General Plan Maintenance funds are targeted to complete updates to the Zoning Code and Local Coastal Program, to develop a historic preservation program and residential and commercial guidelines, and to implement measures in the General Plan and Climate Action Plan.

**6. Other Reduced fee/deposit costs**

- Transient Rental Occupancy Permit
- Home Occupation Permits
- Commercial Design Permits - deposit reduction
- Subdivision Modifications
- Fence and Sign Permits (PC review)
- Fence Permit (PC review)

**Public Works Fees**

The Public Works fees have been updated to more accurately offset the costs associated with various project types. The existing encroachment fee structure allowed for a range of interpretations resulting in variable charges for similar services. To remedy this situation, staff is proposed to create Levels A-E for encroachment fees with specific definitions for each level. In addition a new tiered deposit system for Storm water Development is proposed to cover required design review costs of private stormwater improvements and ensure compliance with the City's new stormwater ordinance. The proposed fee schedule updates better align fees with the reasonable cost of providing services. The fee schedule also moves the Final Map Review fee from Planning to Public Works, since Public Works is the lead department in the final map review.

All additional fees that are set by resolution, ordinance, or by State Law have not been adjusted, unless noted in these attachments. If Council chooses to add or increase fees, the attached resolution and fee schedule can be modified to reflect the adjustments.

FISCAL IMPACT: The fiscal impact from the fee updates should be revenue neutral. The proposed fee schedule will become effective November 25, 2015.

ATTACHMENTS:

1. 2015/16 City Fee Schedule Resolution (PDF)
2. Exhibit A: City Fee Schedule (PDF)
3. Exhibit B: Animal Service Fees (PDF)
4. Changes to the City Fee Schedule (PDF)
5. Capitola Fee Study Report (PDF)
6. 2015/16 City Fee Schedule Public Notice of Hearing (PDF)

Report Prepared By: Mark Welch  
Finance Director

City Fee Schedule 2015/16  
November 24, 2015



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Jamie Goldstein, City Manager

11/20/2015

City Fee Schedule 2015/16  
November 24, 2015

**DRAFT**  
**RESOLUTION NO. \_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA REPEALING  
RESOLUTION NO. 3964 AND AMENDING THE CITY'S FEE SCHEDULE FOR  
FISCAL YEAR 2015/2016**

**WHEREAS**, the Government Code of the State of California, Section 66018 requires local agencies to notice and hold at least one open and public meeting prior to levying a new fee or increasing an existing fee; and

**WHEREAS**, the City Council of the City of Capitola has held a duly noticed public hearing on November 24, 2015, to consider increases to existing fees charged for various City services; and

**WHEREAS**, this fee schedule sets forth the City's cost recovery fee programs, which includes minimum deposits against which staff costs, adjusted for overhead, are assessed; and

**WHEREAS**, the City Council adopted Resolution No. 3964 on September 12, 2013, stating that all flat fees, with the exception of those established by law, shall be adjusted annually by the Consumer Price Index (CPI) for the San Francisco, Oakland, San Jose area; and

**WHEREAS**, the City of Capitola will analyze the fee schedule on a yearly basis to ensure hour estimate and staff cost are reasonable; and

**WHEREAS**, the comprehensive fee study ensures that the City of Capitola is charging a reasonable level of fees for cost recovery; and

**WHEREAS**, the City of Capitola plan to conduct a comprehensive fee study review every five years; and

**WHEREAS**, the fee schedule has been updated as described in Exhibit A; and

**WHEREAS**, the City of Capitola has made available to the public the required data pursuant to Government Code Section 66018 for at least ten days prior to adoption of a revised fee schedule.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Capitola does hereby resolve as follows:

- Adopts the City of Capitola Fee Schedule pursuant to the changes in Exhibit A attached hereto are hereby approved to become effective on November 25, 2015; and
- Adopts the Animal Services Fees identified in Exhibit B attached hereto are hereby approved to become effective on November 25, 2015.

**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 24<sup>th</sup> day of November, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Dennis Norton, Mayor

ATTEST:

\_\_\_\_\_, CMC  
Susan Sneddon, City Clerk

Attachment: 2015/16 City Fee Schedule Resolution (1126 : City Fee Schedule 2015/16)

## Exhibit A

Description	2015/16 Fee Schedule
<b>MISCELLANEOUS FEES</b>	
Bingo Permit (Municipal Code § 5.16.190) can change by resolution	\$58
Capitola Municipal Code	\$597
Capitola Municipal Code Supplement Service (Per year)	\$179
Copies:	
1 – 5 copies	\$0
6 or more copies (Per copy)	\$0.25 / page
Gov't Code § 81008 (Political Reform Act) statements/reports (Per copy)	\$0.10 / page
DVD's	\$27
Entertainment Permit Application Fee	\$35
Single Event Permit	\$35
Minor Entertainment Permit	\$146
Regular Entertainment Permit	\$548
Pet Shops and Kennel License Fee (Municipal Code § 5.20.020) set only by ordinance	\$20
Returned Check Fee	\$35
Business License Overpayment Refund Fee (resolution 3532, ord 871)	0 (Set to -0- by Council in 2011)
Business License Late Payment Penalty Admin. Fee (Reso. 3532)	\$35 + 10% each month late
Business License Application Fee (Reso. 3532)	\$35
Business License - Disability Access and Education Fee (State)	\$0
Temporary, Publicly Attended Activities, Application Fee (Municipal Code § 9.36.040)	\$31
Public Art (Total Building Valuation \$250,000 or more) (Municipal Code Chapter 2.58)	2% of TBV or 1% in lieu to City
Notice of Intent to Circulate Initiative Petition (Elections Code § 9103(b))	\$200
Bandstand Rental Fee	\$210 / 4 hrs or \$630 all day / deposit \$1,500
Notary Service Fees (State Code)	
Acknowledgment or proof of a deed, or other instrument, to include the seal and writing of the certificate	\$10 / signature
Administering an oath or affirmation to one person and executing the jurat, including the seal	\$10 / signature

Description	2015/16 Fee Schedule
<b>POLICE DEPARTMENT FEES</b>	
<u>Special Event Permit</u>	\$56
Amplified Sound Permit (Municipal Code 9.12.040)	\$28
DUI Cost Recovery Fee (Res. 3533)	Not to exceed \$12,000
Copies of reports: Crime Reports, Special Reports, etc. (Regardless of number of pages)	\$24
Copies of: Citations, Code sections, Ordinances, etc.	\$6
Bicycle Licenses (New)	\$10
Bicycle Licenses (Renewal)	\$7
Citation Sign-Offs	\$14
Photographs	\$18 + administration fees
VIN verifications	\$14
Video or cassette Tapes	\$50 1st Hour (Minimum) + \$25 / hour
Local Fire Arm dealers (set by state)	
New application	set by state
Renewal	set by state
Second Dealers License (set by state)	
Application	set by state
Renewal	set by state
Taxi Fee per application	set by state
Civil Subpoena (per case) (set by state)	set by state
Parking Permits (separate action by the Council)	
Neighborhoods per year (Resolution No. 3733)	\$25
Village Preferential Permit (Resolution No. 3733)	\$50 per year
Village Employer/Employee Permit (Resolution No. 3733)	\$50 per year
Morning Village Parking Permit (Resolution No. 3715)	\$50 per year
Concealed Weapon Permits (set by state)	
<i>Application</i>	
Standard	set by state
Judicial	set by state
Employment	set by state
<i>Renewal</i>	
Standard	set by state
Judicial	set by state
Employment	set by state
Firearm Surrender Fees (set by state law)	
1-5 guns	set by state
6+guns	set by state
Vehicle Storage per day	\$24
Administrative fee to release Impounded / Stored Vehicle	\$119
Surf School Permit Fee ( Resolution No. 3695)	\$52
<b><u>Animal Services Fees</u></b>	
See Exhibit B "Animal Services Fees"	

Attachment: Exhibit A: City Fee Schedule (1126 : City Fee Schedule 2015/16)



Description	2015/16 Fee Schedule
<b>PARKS AND RECREATION FEES</b>	
All fees are evaluated annually to determine if they are competitive with other recreation programs in Santa Cruz County	
<b>Classes</b>	
Negotiated Instructor Activity Fee (Instructor receives 65% of this fee, Department retains 35%)	Negotiated
Registration Fee - Resident (Capitola Residents Only)	\$16 per class
-Department retains this fee	
Non-Resident (Anyone residing outside of the City) in addition to Residential Registration Fee	\$14 per class
-Department retains this fee	
Senior Discount	10%
<b>Sports</b>	
<b>League Fees</b>	
Costs + 30% admin fee	
League fees will change depending upon number and type of leagues offered, number of games per league, number of officials, amount of equipment needed, field/site prep and maintenance, and whether or not playoffs & awards are offered. Fees are calculated based on direct costs + 30% admin fee.	
<b>Junior Guards</b>	
5 weeks resident/non resident	\$278/\$315
4 weeks resident/non resident	\$220/\$252
<b>Camp Capitola</b>	
All day 2 week session, resident/non resident	\$262/\$288
1/2 day resident/non resident	\$148/\$167
All day 3 week session, resident/non resident	\$388/\$428
1/2 day resident/non resident	\$202/\$221
Extended Care--daily resident/non resident	\$8.00
Extended Care--weekly resident/non resident	\$35
Transportation fee to Jr. Guards (1st Session / 2nd Session)	\$54 / \$42
<b>Private Tennis Lessons</b>	75% of Activity Fee
<b>Facility Rentals</b>	
Softball & Soccer fields hourly rental; non profit youth groups/other non profit & Cap residents/all others	\$13 / \$25 / \$33
<b>Jade Street Community Center</b>	
Rooms A&B hourly rent	\$42
Room C hourly rent	\$58
Kitchen hourly rent	\$21
Entire Center hourly rent	\$150
Non profit discount of Jade Street Facility rents	25%
Field Prep and/or additional staffing required to prepare for or supervise the Sports rentals only	\$13 / hr
<b>Notes:</b>	
Costs mean staff costs adjusted for benefits, department overhead, and City overhead as calculated by the City Manager. Costs can also mean direct cost of a consultant. When consultant costs are included 21% of such costs will be charged to cover staff time for contract management. <i>Staff costs do not accrue during an appeal unless appeal is made by applicant.</i>	
Deposits are stated as minimums. Actual deposits depend on the evaluation by staff of an individual project or application. The City Manager may lower minimum deposits if the application or project justifies a lower deposit. When an application involves multiple minimum fees the highest minimum fee applies.	

Attachment: Exhibit A: City Fee Schedule (1126 : City Fee Schedule 2015/16)

Description	2015/16 Fee Schedule
<b>BUILDING FEES</b>	
<p>The cost of a “combination building permit” shall be 1.5 times the amounts shown in Table 1-A. A “combination building permit” is defined as a permit for a scope of construction work regulated by two or more of the model codes. The model codes are the building code, the plumbing code, the mechanical code and the electrical code.</p>	
<p>The cost of a “building permit” shall be the amounts shown in Table 1-A. A “building permit” is defined as a permit for a scope of construction work regulated solely by a single model code. The model codes are the building code, the plumbing code, the mechanical code and the electrical code.</p>	
<b>TABLE 1-A</b>	
Total Valuation	<b>FEES</b>
\$1.00 to \$500.00	\$23.50
\$501.00 to \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00 or fraction thereof.
\$2,001.00 to \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1000.00 or fraction thereof.
\$25,001.00 to \$50,000.00	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00 or fraction thereof.
\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00 or fraction thereof.
\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00 or fraction thereof.
\$500,001.00 to \$1,000,000.00	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00 or fraction thereof.
\$1,000,001.00 and up	\$5,608.75 for the first \$1,000,000.00 plus \$2.59 for each additional \$1,000.00 or fraction thereof.
Building Plan Check Fee	65% of Building Permit Fee
Greywater System Permit	\$0
Electric Vehicle Charging Permits ( <i>* Note: These fees were added to the fee schedule for FY2011-12, but will be waived per the Green Energy Incentive Program</i> )	
<b>a. Level I (120 volts)</b>	\$0
<b>b. Level II (208-240 volts)</b>	\$0
<b>c. Level III (480 volts)</b>	\$0
Solar P.V. System	\$0

Attachment: Exhibit A: City Fee Schedule (1126 : City Fee Schedule 2015/16)

Description	2015/16 Fee Schedule
Solar P.V. System (Commercial Sale/Distribution)	\$0
Solar Hot Water Heater	\$0
Research Fee - 1/2 hour minimum charge	Cost
Information Technology Fee (Resolution No. 3786 adopted 11/12/09)	5% of Permit Fee
Temporary Trailer/Mobile Home Occupancy Permit	\$5
Structural Review of Engineered Plans	cost + 21%
Outside Consultant Plan Review	cost + 21%
Stop Work Order Fee	2x the singular building permit fee
<b>Grading Plan Review Fees</b>	
50 cubic yard or less	\$ -
51 to 100 cubic yard	\$ 23.50
101 to 1,000 cubic yards	\$ 37.00
1,001 to 10,000 cubic yards	\$ 49.25
10,001 to 100,000 cubic yards	\$49.25 for first 10,000 plus \$24.50 for each additional 10,000 cubic yards
100,001 to 200,000 cubic yards	\$269.75 for first 100,000 plus \$13.25 for each additional 10,000 cubic yards
200,001 cubic yards or more	\$402.25 for first 200,000 plus \$7.25 for each additional 10,000 cubic yards
<b>Grading Permit Fees</b>	
50 cubic yard or less	\$ 23.50
51 to 100 cubic yard	\$ 37.00
101 to 1,000 cubic yards	\$37.00 for first 100 plus \$17.50 for each additional 100 cubic yards
1,001 to 10,000 cubic yards	\$194.50 for first 1,000 plus \$14.50 for each additional 1,000 cubic yards
10,001 to 100,000 cubic yards	\$325.00 for first 10,000 plus \$66.00 for each additional 10,000 cubic yards
100,001 to 200,000 cubic yards	\$919.00 for first 100,000 plus \$36.50 for each additional 10,000 cubic yards

Attachment: Exhibit A: City Fee Schedule (1126 : City Fee Schedule 2015/16)

Description	2015/16 Fee Schedule
<b>PLANNING FEES</b>	
<b>Administration/Documents</b>	
Continuance Request - Applicant (2+)	\$147
Staff Billing Rate	Cost
Appeals-by Applicant	Cost
Appeals- by City Officials	\$0
Appeals- by Other	\$142
Appeals - Coastal Commission	\$0
Appeals -Building/Zoning Code Violations	\$142
Records Search/Research/Special Report	Cost
<b>Administrative Permits</b>	
Tree Removal I- Staff -Review	\$120
Tree Removal -PC Review	\$1,000
Tree Removal -- 3 or more trees on a property	\$257
Tree Installation Deposit (Refundable)	500
Commercial Sidewalk/Parking Lot Sale Permit	\$72
Tenant Use Permit (MCUP)--Staff approval	\$73
Transient Rental Occupancy Use Permit	\$500
Home Occupation Use Permit	\$150
Fence Permit- Staff approval	\$41
Fence Permit- PC approval	\$750
<b>Sign Permits</b>	
Temporary Signs and Banner Permits	\$36
Signs-permit - Staff Review	\$121
Signs- permit - PC Review	\$500
Master Sign Program	Cost; \$3,000 min deposit
Village Sidewalk Sign Permit	\$61
<b>Design Permits</b>	
Residential-Single Family	\$2,500
Residential Multi-Family	\$3,500
Commercial	\$4,000 Deposit
Secondary Dwelling Unit- Staff Review	\$500
Secondary Dwelling Unit- PC Review	\$1,500
<b>Use Permits</b>	
Master Conditional Use Permit	Cost; \$3,500 min. deposit
Conditional Use Permit - Staff approval	\$1,500
Conditional Use Permit--PC approval	Cost; \$3,000 min. deposit
Temporary Use Permit	\$76
<b>Subdivisions</b>	
Certificate of Compliance & Lot Merger	\$500
Boundary Line Adjustment	\$800
Tentative Parcel Map	Cost; \$2,000 min. deposit
Tentative Map	Cost; \$5,000 min. deposit
Revised Map	\$2,000 Deposit
Time Extension	\$2,000 Deposit
Subdivision Modification	\$2,000 Deposit
<b>Plan Amendments</b>	
General Plan Amendment	Cost; \$5,000 min. deposit
Local Coastal Plan Amendment	Cost; \$5,000 min. deposit
Rezone	Cost; \$5,000 min. deposit
Planned Development Rezone	Cost; \$3,500 min. deposit
<b>Other Discretionary Permits</b>	
Variance	\$1,500
Coastal Development Permit	\$750
Coastal Permit Exclusion	\$84

Attachment: Exhibit A: City Fee Schedule (1126 : City Fee Schedule 2015/16)

Description	2015/16 Fee Schedule
Mobile home Park Change of Use or Closure	\$5,000 Deposit
Development Agreement	Cost; \$5,000 min. deposit
Specific Plan	Cost; \$5,000 min. deposit
Permit Time Extension -Staff Review	\$500
Permit Time Extension - PC Review	\$1,500
Permit Amendment (any permit)	50% of original cost
Annexation	Costs+ overhead / \$3,000 min. deposit
<b>Environmental Review</b>	
Negative Declaration (and Mitigated ND)	Cost; \$2,000 min deposit
EIR Processing	Cost; + 17% of consultant; \$10,000 min deposit
Mitigation/Condition Monitoring Program	Cost + 21%
NEPA Compliance	Cost + 21%
<b>Other Permits/Fees</b>	
Conceptual Review Fee- PC	\$1,500
Conceptual Review Fee- PC and CC	\$2,250
Technical Study Preparation and Review	Cost + 21%
NOTE: Third party review costs to be required as necessary	Cost + 21%
Code Compliance	Double Application Fees
Research Fee - 1/2 hour minimum charge	Cost
Pre-Application Review	\$210
Building Plan Check & Final Inspection	20% of Building Permit Fee
Major Development Project Fee	Cost; \$5,000 min. deposit
<b>Inclusionary Housing</b>	
Inclusionary Housing -Unit Sale	\$500
Inclusionary Housing -Unit Refinance	\$200
<b>Other Fees and Assessments</b>	
General Plan Maintenance Fee	Total Building Valuation X 0.5%
Information Technology Fee (Resolution No. 3786 adopted 11/12/09)	5% of Permit Fee
Green Building Educational Resource Fund Fee (Municipal Code 17.10.080)	Fee equals .0025 times the overall building permit valuation of the project.
<b>Affordable Housing In-Lieu Fees</b>	
For Sale Housing Developments of two to six units (Municipal Code Chapter 18.02/Reso. 3473) :	
All Units	\$10 per sq. ft.
For Sale Housing Developments of Seven or more units	
#Units	#Units Built
7	1
8-13	1
14	2
15-20	2
21	3
22-27	3
28	4
Rental Multi-Family	\$6 per sq. ft.

- NOTES:
- All Fees are non-refundable.
  - Deposit accounts are billed on a time and material basis. Additional deposits may be necessary depending on the complexity of the project. Any unused monies in a deposit account will be refunded following case closure.
  - The Community Development Director may reduce the total fee/deposit requirements for applications which are unlikely to require the full deposit amounts established herein.
  - Applications which include a fee and a deposit payment will be processed with a single deposit account.
  - Outside agency fees, including but not limited to County recordation fees, State Fish and Wildlife fees, etc. are charged at cost.
  - The Community Development Director may establish a reasonable fee or deposit amount for permit types required by the Capitola Municipal Code or State law which are not included in the fee schedule.
  - Flat fee applications are entitled up to two public hearings. Additional public hearings shall be charged to the applicant at cost
  - The Community Development Director may designate a project as a Major Development Project if it has a valuation of \$2M+ or is considered technically



Description	2015/16 Fee Schedule
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<b>HISTORICAL MUSEUM FEES</b>
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Description	Cost
Research Fee - 1/2 hour minimum charge	
Print of an electronically available Photograph in Collection	\$7
Digital Copies of Collection Items	\$17
Scan High Resolution Tiff File of any collection item for a customer	\$21

**Animal Service Fees**

**Exhibit B**

		Current 2014-15	Proposed 2015-16
<b>Adoption Fees</b>			
Dogs	Puppies 2-6 months	\$195	
	Adults 7 mon-6 yrs	\$130	
	Sr. Adult 6 yrs+	\$60	
Cats	Kittens 2-12 months	\$120	
	Adults 1-6 yrs	\$100	
	Sr. Adult 6 yrs+	\$55	
Rabbits		\$50	
Rodents		\$25	
Small caged birds		\$25	
Exotic birds (i.e. parrots)		\$75	
Small Livestock	Goats	\$75	
Large Livestock	Cow	\$100	
Horse		\$250	
Chicken/Rooster		\$10	
Adoption Hold Fee, until 5:00 p.m. next business day, not applicable to adoption, non-refundable			
	Cat	\$20	
	Dog	\$25	

Adoption fee for rescue/non-profit agencies is equal to the cost of the spay/neuter for only adoptable animals  
 Adoption fee for rescue/non-profit agencies for Rabbits \$20  
 Adoption fee for rescue/non-profit agencies include a microchip

**Impound Fees**

		Altered	* Unaltered
Cat	First Impound	\$ 30	\$ 30 + Penalty \$ 35
	Second Impound	\$ 50	\$ 50 + Penalty \$ 50
	Third Impound	\$ 75	\$ 75 + Penalty \$100
	Fourth/Subsequent	\$ 75	\$ 75 + Penalty \$100
Dog	First Impound	\$ 75	\$ 75 + Penalty \$ 35
	Second Impound	\$ 115	\$115 + Penalty \$ 50
	Third Impound	\$ 195	\$195 + Penalty \$100
	Fourth/Subsequent	\$ 225	\$225 + Penalty \$100

\*Unaltered animal penalty fee provided under California Food and Agriculture Code section 30804.7 and 31751.7

Livestock:	Large: First Impound	\$200
	Second/Subsequent	\$250
	Small: First Impound	\$75
	Second/Subsequent	\$125
	A.C. Officer Services	\$75 /hour min.2 hours (after hrs)

**Board Fees - Daily**

Cats	\$20
Dogs	\$25
Other	\$25

Attachment: Exhibit B: Animal Service Fees (1126 : City Fee Schedule 2015/16)



## Animal Service Fees

## Exhibit B

	Current 2014-15	Proposed 2015-16
<b>License Fees – Dogs</b>		
Altered - one year	\$29	
Unaltered - one year	\$100 with Unaltered Animal Certificate	
Late Penalty	\$15	
Senior Citizen (65+) - one year, altered (waived for one dog)	\$29	
Potentially Dangerous/Vicious dog – one year	\$200	
Unaltered Animal Certificate -- one time	\$250	
Exemption from Unaltered Animal Certificate	\$15 plus license fee	
Administrative fee for mailed licenses		\$1
<b>License Fees – Cats</b>		
Unaltered Animal Certificate	\$250	
Late Penalty	\$15	
Failure to license-if impounded	\$30	
Feral Cat Colony Registration Fee	\$20	
<b>Quarantine Fees</b>		
Home Quarantine (Field Check)	\$75	
Shelter Quarantine	\$50 plus board fees	
<b>Service Fees</b>		
Microchip	\$15	
Microchip for impounded dogs and cats	\$25	
Dog/Cat trap rental	\$10	
Dog Humane Trap Deposit	\$255	
Cat Humane Trap Deposit	\$70	
Pick-Up Animal in a Trap	\$75	
Pick-Up of Owned Animal	\$75	
Pick-up and Disposal of Deceased Animal on Private Property	\$85	
Use of Livestock Trailer	\$100/\$150 (1st /2nd time)	
<b>Medical Fees</b>		
Medical groom	\$45	
Medical nail trim	\$15	
Medication dispensed	\$20	
Vet procedure	\$25	
Rabies	\$14	
Medical bath	\$20	
Wound prep	\$35	
<b>Owner Surrender of Animal Residing in Santa Cruz County</b>		
Owner Surrender of Dog	\$50	\$0
Owner Surrender of Cat	\$35	\$0
Owner Surrender of Rabbit	\$25	\$0
Owner Surrender of Exotic (snake, lizard, bird, turtle)	\$55	\$0
small rodents	\$15-\$35	\$0
Large livestock	\$10-\$25	\$0
small livestock	\$100	\$0
Large Exotic	\$75	\$0
Large Exotic	\$55	\$0
<b>Owner Surrender of Animal Residing Outside of Santa Cruz County</b>		
Owner Surrender of Dog	\$50	\$50
Owner Surrender of Cat	\$35	\$35
Owner Surrender of Rabbit	\$25	\$25

**Animal Service Fees****Exhibit B**

	<b>Current 2014-15</b>	<b>Proposed 2015-16</b>
Owner Surrender of Exotic (snake, lizard, bird, turtle)	\$55 \$15-\$35	\$55 \$15-\$35
small rodents	\$10-\$25	\$10-\$25
Large livestock	\$100	\$100
small livestock	\$75	\$75
Large Exotic	\$55	\$55
<b>Protective Custody Fee</b>		
Owner Arrest	\$75 /hour min.(2 hours after hrs)	
Confiscate/Humane	\$75 /hour min.(2 hours after hrs)	
Emergency Hospital	\$25	
Owner Requested Euthanasia	\$50 Plus Disposal	
Disposal of Owned Dead Animals	\$30 Up to 19 lbs \$40 20 – 69 lbs \$55 70 – 99 lbs \$70 100 – Up	
Refund Processing Fee	\$25	
Animal Control Officer Services	\$75/hour	
Field Return of Owned Animal	\$75 unaltered penalty fee if applicable	
<b>Spay/Neuter Fees for Impounded Animals</b>		
Cats		
Neuter	\$55	
Spay	\$80	
Dogs		
Neuter 30 lbs/under	\$100	
Neuter 50 lbs/under	\$110	
Neuter 75 lbs/under	\$120	
Neuter 99 lbs/under	\$130	
Neuter +100 lbs	\$150	
Spay 30 lbs/under	\$100	
Spay 50 lbs/under	\$120	
Spay 75 lbs/under	\$130	
Spay 99 lbs/under	\$160	
Spay +100 lbs	\$190	
<b>Planned Pethood Spay/Neuter Fees</b>		
Dog	\$100	
Cat	\$50	
Rabbit	\$75	
“Fix-a-Pit” Program all Pit Bulls & Chihuahuas	\$50	
Animals over 100 lbs., in heat, pregnant or cryptorchid add	\$20	
<b>Fees for Additional Required Services</b>		
Microchip	\$15	
License	\$29	
Rabies	\$10	
Late drop-off fee	\$20	
Late pick-up fee	\$40/night	
Blood panel	\$55	

**ONE STOP Fees with Purchase of License**

**Animal Service Fees**

**Exhibit B**

	<b>Current 2014-15</b>	<b>Proposed 2015-16</b>
Rabies	\$10	
Microchip	\$15	

Attachment: Exhibit B: Animal Service Fees (1126 : City Fee Schedule 2015/16)

## Animal Service Fees

## Exhibit B

	Current 2014-15	Proposed 2015-16
Nuisance Abatement Appeals Fee (County)	\$75	
Non-sufficient Funds Check Fee	\$40	
Puppy Training Deposits	\$100-\$200	
Training Room Rental Fees	\$22	

**FINES FOR VIOLATIONS OF ANIMAL ORDINANCE – ADMINISTRATIVE CITATION PROGRAM****\*Failure to license**

First offense in one year	\$100
Second offense in one year	\$200
Third offense in one year	\$500

**\*\*Failure to microchip**

First offense in one year	\$100
Second offense in one year	\$200
Third offense in one year	\$500

**\*\*\*Failure to provide rabies vaccination,**

First offense in one year	\$100
Second offense in one year	\$200
Third offense in one year	\$500

**Failure to display license (each dog)**

\$50

**\*\*\*\*Failure to spay or neuter dog or cat over 6 months, unless owner holds unaltered animal certificate**

First offense	\$250
Second offense	\$500
Third offense	\$750

Dog running at large, first offense	\$100
Dog running at large, second offense	\$200
Dog running at large, third offense	\$250

Dog off leash, first offense	\$50
Dog off leash, second offense	\$150
Dog off leash, third offense	\$250

Safety of animal in parked vehicle \$250

Failure of owner to pick up after dog or cat defecating \$100

Habitual noisy animals (6.12.090) \$100

Permitting livestock to trespass, per offense \$200

All first offense recommended penalties not subject to cure will be reduced by 50% if they are paid in full by 5:00 p.m. of the first business day following issuance.

\*Citations for failure to license will be dismissed if cured within 7 calendar days, including day of issuance

\*\*Citations for failure to microchip will be dismissed if cured within 7 calendar days, including day of issuance

\*\*\*Citations for failure to provide rabies vaccination will be dismissed if cured within 7 calendar days, including day of issuance

\*\*\*\*Citations for failure to spay or neuter dog or cat over 6 months, unless owner holds unaltered animal certificate will be dismissed if ASA receives evidence that animal was spayed or neutered within 30 calendar days, including day of issuance.

Description	CURRENT FEES (09/12/13)	Recommended Changes	100% Cost Recovery
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**MISCELLANEOUS FEES**

Bingo Permit (Municipal Code § 5.16.190) can change by resolution	\$60	\$58	\$ 58
Capitola Municipal Code	\$597		N/A
Capitola Municipal Code Supplement Service (Per year)	\$179		N/A
Copies:			N/A
1 – 5 copies	\$0		N/A
6 or more copies (Per copy)	\$0.25 / page		N/A
Gov't Code § 81008 (Political Reform Act) statements/reports (Per copy)	\$0.10 / page		N/A
DVD's/ <del>Cassette Tapes</del> (Per tape)	\$27		N/A
Entertainment Permit Application Fee	\$35		N/A
Single Event Permit	\$35		\$ 44
Minor Entertainment Permit	\$146		\$ 267
Regular Entertainment Permit	\$548		\$ 883
Pet Shops and Kennel License Fee (Municipal Code § 5.20.020) set only by ordinance	\$20		N/A
Returned Check Fee	\$35		N/A
Business License Overpayment Refund Fee (resolution 3532, ord 871)	0 (Set to -0- by Council in 2011)		N/A
Business License Late Payment Penalty Admin. Fee (Reso. 3532)	\$35 + 10% each month late		N/A
Business License Application Fee (Reso. 3532)	\$35		N/A
Business License - Disability Access and Education Fee (State)	Council Approved Waiver - This Year	\$0	N/A
Temporary, Publicly Attended Activities, Application Fee (Municipal Code § 9.36.040)	\$31		\$ 251
Public Art (Total Building Valuation \$250,000 or more) (Municipal Code Chapter 2.58)	2% of TBV or 1% in lieu to City		N/A
Notice of Intent to Circulate Initiative Petition (Elections Code § 9103(b))	\$200		N/A
Bandstand Rental Fee	\$210 / 4 hrs or \$630 all day / deposit \$1,500		N/A
Notary Service Fees (State Code)			N/A
Acknowledgment or proof of a deed, or other instrument, to include the seal and writing of the certificate	\$10 / signature		N/A
Administering an oath or affirmation to one person and executing the jurat, including the seal	\$10 / signature		N/A

Description	CURRENT FEES (09/12/13)	Recommended Changes	100% Cost Recovery
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**POLICE DEPARTMENT FEES**

Special Event Permit	\$56		\$254 or \$768
Amplified Sound Permit (Municipal Code 9.12.040)	\$28		\$ 89
DUI Cost Recovery Fee (Res. 3533)	Not to exceed \$12,000		N/A
Copies of reports: Crime Reports, Special Reports, etc. (Regardless of number of pages)	\$24		\$19 or \$71
Copies of: Citations, Code sections, Ordinances, etc.	\$6		N/A
Bicycle Licenses (New)	\$10		\$ 19
Bicycle Licenses (Renewal)	\$7		\$ 19
Citation Sign-Offs	\$14		\$ 19
Photographs	\$18 + administration fees		\$ 19
VIN verifications	\$14		N/A
Video or cassette Tapes	\$50 1st Hour (Minimum) + \$25 / hour		\$ 31
Local Fire Arm dealers (set by state)			
New application	\$325	set by state	\$ 285
Renewal	\$100	set by state	\$ 126
Second Dealers License (set by state)			
Application	\$300	set by state	\$ 252
Renewal	\$300	set by state	\$ 126
Taxi Fee per application	\$56	set by state	\$ 242
Civil Subpoena (per case) (set by state)	\$150	set by state	N/A
Parking Permits (separate action by the Council)			
Neighborhoods per year (Resolution No. 3733)	\$25		\$ 54
Village Preferential Permit (Resolution No. 3733)	\$50 per year		\$ 54
Village Employer/Employee Permit (Resolution No. 3733)	\$50 per year		\$ 54
Morning Village Parking Permit (Resolution No. 3715)	\$50 per year		\$ 54
Concealed Weapon Permits (set by state)			
Application			
Standard	\$340	set by state	N/A
Judicial	\$357	set by state	N/A
Employment	\$323	set by state	N/A
Renewal			
Standard	\$42	set by state	N/A
Judicial	\$59	set by state	N/A
Employment	\$25	set by state	N/A
Firearm Surrender Fees (set by state law)			
1-5 guns	\$0	set by state	N/A
6+guns	\$0	set by state	N/A
Vehicle Storage per day	\$24		N/A
Administrative fee to release Impounded / Stored Vehicle	\$119		\$ 198
Surf School Permit Fee ( Resolution No. 3695)	\$52		\$ 140

Description	CURRENT FEES (09/12/13)	Recommended Changes	100% Cost Recovery
<b>Animal Services Fees</b>			
See Exhibit B "Animal Services Fees"			

Description	CURRENT FEES (09/12/13)	Recommended Changes
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**PARKS AND RECREATION FEES**

All fees are evaluated annually to determine if they are competitive with other recreation programs in Santa Cruz County		
<b>Classes</b>		
Negotiated Instructor Activity Fee (Instructor receives 65% of this fee, Department retains 35%)	Negotiated	
Registration Fee - Resident (Capitola Residents Only)	\$16 per class	
-Department retains this fee		
Non-Resident (Anyone residing outside of the City) in addition to Residential Registration Fee	\$14 per class	
-Department retains this fee		
Senior Discount	10%	
<b>Sports</b>		
League Fees	Costs + 30% admin fee	
League fees will change depending upon number and type of leagues offered, number of games per league, number of officials, amount of equipment needed, field/site prep and maintenance, and whether or not playoffs & awards are offered. Fees are calculated based on direct costs + 30% admin fee.		
<b>Junior Guards</b>		
5 weeks resident/non resident	\$242 / \$275	\$278/\$315
4 weeks resident/non resident	\$192 / \$220	\$220/\$252
<b>Camp Capitola</b>		
All day 2 week session, resident/non resident	\$238 / \$262	\$262/\$288
1/2 day resident/non resident	\$135 / \$152	\$148/\$167
All day 3 week session, resident/non resident	\$353 / \$389	\$388/\$428
1/2 day resident/non resident	\$184 / \$201	\$202/\$221
Extended Care--daily resident/non resident	\$8.00	
Extended Care--weekly resident/non resident	\$35	
Transportation fee to Jr. Guards (1st Session / 2nd Session)	\$54 / \$42	
Private Tennis Lessons	75% of Activity Fee	
<b>Facility Rentals</b>		
Softball & Soccer fields hourly rental; non profit youth groups/other non profit & Cap residents/all others	\$13 / \$25 / \$33	
Gym hourly rental; non-profit youth groups/other non profits & Cap residents/all others	\$19/ \$32/ \$43	
<b>Jade Street Community Center</b>		
Rooms A&B hourly rent	\$42	
Room C hourly rent	\$58	
Kitchen hourly rent	\$21	
Entire Center hourly rent	\$150	
Non profit discount of Jade Street Facility rents	25%	
Field Prep and/or additional staffing required to prepare for or supervise the Sports rentals only	\$13 / hr	
Notes:		



Description	CURRENT FEES (09/12/13)
<p>Costs mean staff costs adjusted for benefits, department overhead, and City overhead as calculated by the City Manager. Costs can also mean direct cost of a consultant. When consultant costs are included 17% of such costs will be charged to cover staff time for contract management. <i>Staff costs do not accrue during an appeal unless appeal is made by applicant.</i></p>	
<p>Deposits are stated as minimums. Actual deposits depend on the evaluation by staff of an individual project or application. The City Manager may lower minimum deposits if the application or project justifies a lower deposit. When an application involves multiple minimum fees the highest minimum fee applies.</p>	

Recommended Changes
<p>Costs mean staff costs adjusted for benefits, department overhead, and City overhead as calculated by the City Manager. Costs can also mean direct cost of a consultant. When consultant costs are included <u>21%</u> of such costs will be charged to cover staff time for contract management. <i>Staff costs do not accrue during an appeal unless appeal is made by applicant.</i></p>

Description	CURRENT FEES (09/12/13)	Recommended Changes	100% Cost Recovery
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**BUILDING FEES**

The cost of a "combination building permit" and its associated plan check shall be 1.5 times the amounts shown in Table 1-A. A "combination building permit" is defined as a permit for a scope of construction work regulated by two or more of the model codes. The model codes are the building code, the plumbing code, the mechanical code and the electrical code.			
The cost of a "building permit" and its associated plan check shall be the amounts shown in Table 1-A. A "building permit" is defined as a permit for a scope of construction work regulated solely by a single model code. The model codes are the building code, the plumbing code, the mechanical code and the electrical code.			
<b>TABLE 1-A</b>			
Total Valuation	<b>FEES*</b>		
\$1.00 to \$500.00	\$23.50		\$ 35.38
\$501.00 to \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00 or fraction thereof.		\$35.38 + \$2.36 for each additional \$100
\$2,001.00 to \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1000.00 or fraction thereof.		\$70.75 + \$33.83 per \$1,000 fraction
\$25,001.00 to \$50,000.00	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00 or fraction thereof.		\$849.03 + \$22.64 per \$1,000
\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00 or fraction thereof.		\$1,414.69 + \$14.15 per \$1,000 fraction
\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00 or fraction thereof.		\$2,122.57 + \$3.54 per \$1,000 fraction
\$500,001.00 to \$1,000,000.00	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00 or fraction thereof.		\$3,537.62+ \$4.24 per \$1,000 fraction
\$1,000,001.00 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.15 for each additional \$1,000.00 or fraction thereof.	\$5,608.75 for the first \$1,000,000.00 plus \$2.59 for each additional \$1,000.00 or fraction thereof.	\$5,660.19+ \$2.59 per \$1,000 fraction
Building Plan Check Fee	65% of Building Permit Fee	65% of Building Permit Fee	65% of Building Permit Fee
Greywater System Permit	\$0	\$0	N/A
Electric Vehicle Charging Permits ( <i>* Note: These fees were added to the fee schedule for FY2011-12, but will be waived per the Green Energy Incentive Program. for the first year. *</i> )			
a. Level I (120 volts)	\$100	\$0	\$ 236



Description	CURRENT FEES (09/12/13)	Recommended Changes	100% Cost Recovery
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**PLANNING FEES**

<b>Administration/Documents</b>			
Request for Continuance by Applicant (2nd and each after) Request - Applicant (2+)	\$147		\$ 371
Staff Billing Rate	Cost		N/A
Appeals by other than city official Applicant	\$142	Cost	\$ 2,692
Appeals- by City Officials	\$0		N/A
Appeals- by Other	\$142		\$ 2,692
Appeals - Coastal Commission of coastal permits-	\$0		\$ 2,692
Appeals -Building/Zoning Code Violations	New	\$142	\$ 2,692
Records Search/Special Report -Minor	\$84 / hour minimum 1/2 hour		\$ 25
Records Search/Research/Special Report -Major	Cost		\$ 25
<b>Administrative Permits</b>			
Tree Removal -any tree subject to ordinance-Staff approval-Review	\$120	\$120	\$ 688
Tree Removal -any tree subject to ordinance-CPC hearing-PC Review	Cost; \$1,000 min deposit	\$1,000	\$ 1,414
Tree Removal - 3 or more trees on a property	257 + hrly cost for staff beyond 3 hrs.	\$257	\$ 793
Tree Installation Deposit (Refundable)	500		N/A
CV/CN Outdoor Display Merchandise	\$210		N/A
Commercial Sidewalk/Parking Lot Sale Permit	\$72		\$ 251
Tenant Use Permit (MCUP)-Staff approval	\$73		\$ 96
Transient Rental Occupancy Use Permit	Cost; \$1,500 min. deposit	\$500	N/A
Home Occupation Use Permit	\$266	\$150	\$ 361
Fence Permit- Staff approval	\$41		\$ 155
Fence Permit- PC approval	Cost; \$750 min deposit	\$750	\$ 870
<b>Sign Permits</b>			
Temporary Signs and Banner Permits	\$36		\$ 60
Signs (staff approval) per permit application - Staff Review	\$121		\$ 215
Signs (CPC approval) per permit application - PC Review	Cost; \$500 min deposit	\$500	\$ 1,121
Master Sign Program-CPC approval	Cost; \$3,000 min deposit		N/A
Village Sidewalk Sign Permit	\$61		N/A
<b>Design Permits</b>			
Residential New or >= 50% addition/remodel-Single Family	Cost; \$3,500 min. deposit	\$2,500	N/A
Residential New <50% Addition/Remodel	Cost; \$3,000 min. deposit		\$ 1,896
Residential New or >= 50% addition/remodel-Multi-Family	Cost; \$3,500 min. deposit	\$3,500	N/A
Commercial New, Addition or Exterior Remodel	Cost; \$5,500 min. deposit	\$4,000 Deposit	N/A
Secondary Dwelling Unit- Staff Review	New	\$500	N/A
Secondary Dwelling Unit- PC Review	New	\$1,500	N/A
<b>Use Permits</b>			
Master Conditional Use Permit-CPC approval	Cost; \$3,500 min. deposit		N/A
Conditional Use Permit-ZA/Staff approval	Cost; \$2,000 min. deposit	\$1,500	N/A
Conditional Use Permit-PC approval	Cost; \$3,000 min. deposit		N/A
Temporary Use Permit	\$76		
<b>Subdivisions</b>			
Certificate of Compliance & Lot Merger	Cost; \$1,500 min. deposit	\$500	\$ 634
Boundary Line Adjustment	Cost; \$1,500 min. deposit	\$800	\$ 921
Tentative Parcel Map	Cost; \$2,000 min. deposit		N/A
Tentative Map	Cost; \$5,000 min. deposit		N/A
Revised Map	New	\$2,000 Deposit	





**Description**

**CURRENT FEES (09/12/13)**

**Recommended Changes**

**100% Cost Recovery**

NOTES:

1. All Fees are non-refundable.
2. Deposit accounts are billed on a time and material basis. Additional deposits may be necessary depending on the complexity of the project. Any unused monies in a deposit account will be refunded following case closure.
3. The Community Development Director may reduce the total fee/deposit requirements for applications which are unlikely to require the full deposit amounts established herein.
4. Applications which include a fee and a deposit payment will be processed with a single deposit account.
5. Outside agency fees, including but not limited to County recordation fees, State Fish and Wildlife fees, etc. are charged at cost.
6. The Community Development Director may establish a reasonable fee or deposit amount for permit types required by the Capitola Municipal Code or State law which are not included in the fee schedule.
7. Flat fee applications are entitled up to two public hearings. Additional public hearings shall be charged to the applicant at cost.
8. The Community Development Director may designate a project as a Major Development Project if it has a valuation of \$2M+ or is considered technically





Description	CURRENT FEES (09/12/13)
Information Technology Fee (Resolution No. 3796 adopted 11/12/09)	5% of Permit Fee
Final Map (moved from Planning)	Cost; \$3,000 min. deposit

Recommended Changes
Cost; \$3,000 min. deposit

100% Cost Recovery
N/A

Description	CURRENT FEES (09/12/13)	Recommended Changes	100% Cost Recovery
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<b>HISTORICAL MUSEUM FEES</b>			
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Research Fee - 1/2 hour minimum charge	Cost		N/A
Print of an electronically available Photograph in Collection	\$7		N/A
Digital Copies of Collection Items	\$17		N/A
Scan High Resolution Tiff File of any collection item for a customer	\$21		N/A

**Cost of Services (User Fee) Study  
Final Report  
CITY OF CAPITOLA, CALIFORNIA**

Attachment: Capitola Fee Study Report (1126 : City Fee Schedule 2015/16)

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**October 30, 2015**

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# 1. EXECUTIVE SUMMARY

The report, which follows, presents the results of the Cost of Services (User Fee) Study conducted by the Matrix Consulting Group for the City of Capitola.

## 1. PROJECT BACKGROUND AND SCOPE OF WORK

The Matrix Consulting Group analyzed the cost of service relationships that exist between fees for service activities in the following departments: Community Development, Public Works, Police, and Miscellaneous services. The results of this Study provide a tool for understanding current service levels, the cost and demand for those services, and what fees for service can and should be charged.

## 2. GENERAL PROJECT APPROACH AND METHODOLOGY

The Methodology employed by the Matrix Consulting Group is a widely accepted “bottom up” approach to cost analysis, where time spent per unit of fee activity is determined for each position within a division. Once time spent for a fee activity is determined, all applicable City costs are then considered in the calculation of the “full” cost of providing each service. The following table provides an overview of types of costs applied in establishing the “full” cost of services provided by each Department included in this Study:

**Table 1: Cost Components Overview**

<b>Cost Component</b>	<b>Description</b>
<b>Direct</b>	Fiscal Year 2015/16 Adopted Budgeted salaries, benefits and allowable expenditures.
<b>Departmental Overhead</b>	Division and departmental administration / management and clerical support.
<b>Supporting (Cross) Division Review</b>	Where applicable, direct and indirect costs associated with external divisions' assistance.

Together, the cost components in the table on the previous page comprise the calculation of the total “full” cost of providing any particular service, whether a fee for that service is charged or not.

The work accomplished by the Matrix Consulting Group in the analysis of the proposed fees for service involved the following steps:

- **Divisional Staff Interviews:** The project team interviewed staff in each division regarding their needs for clarification to the structure of existing fee items, or for addition of new fee items.
- **Data Collection:** Data was collected for each item, including time estimates and volume of activity. In addition, all budgeted costs and staffing levels for Fiscal Year 15/16 were entered into the Matrix Consulting Group’s analytical software model.
- **Cost Analysis:** The full cost of providing each service included in the analysis was established. Cross-checks including allocation of not more than 100% of staff resources to both fee and non-fee related activities assured the validity of the data used in the Study.
- **Review and Approval of Results with City Staff:** Department and City management have reviewed and approved these documented results.

A more detailed description of user fee methodology, as well as legal and policy considerations are provided in subsequent chapters of this report.

### **3. SUMMARY OF RESULTS**

Overall, this Cost of Services Study concluded that the City under-recovers its *fee-related* service costs by approximately \$111,000 per year. While the detailed documentation of the Study will show an over-collection in some divisions and / or certain fees (on a per unit basis), and an undercharge for others, overall, the City is providing an annual subsidy to fee payers for all services included in the analysis. The table on the following page presents a summary of results by Department / Division for the City of Capitola:

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**Table 2: Departmental / Divisional Annual Cost Recovery Results**

Department / Division	Revenue at Current Fee	Total Cost	Surplus / (Deficit)	Current Cost Recovery Percentage
Building	\$328,729	\$309,993	\$18,736	106%
Planning	\$58,891	\$104,460	\$(45,570)	56%
Public Works	\$8,399	\$20,636	\$(12,237)	41%
Police	\$80,163	\$152,421	\$(72,258)	53%
<b>TOTAL</b>	<b>\$476,182</b>	<b>\$587,510</b>	<b>\$(111,329)</b>	<b>81%</b>

The display of the cost recovery figures shown in this report are meant to provide a basis for policy development discussions among Council members and City staff, and do not represent a recommendation for where or how the Council should take action. The setting of the “rate” or “price” for services, whether at 100 percent full cost recovery or lower, is a policy decision to be made only by the Council, often with input from City staff and the community.

#### **4. CONSIDERATIONS FOR COST RECOVERY POLICY AND UPDATES**

The Matrix Consulting Group recommends that the City use the information contained in this report to discuss, adopt, and implement a formal Cost Recovery Policy for the City, and also to implement a mechanism for the annual update of fees for service.

##### **(1) Adopt a Formal Cost Recovery Policy**

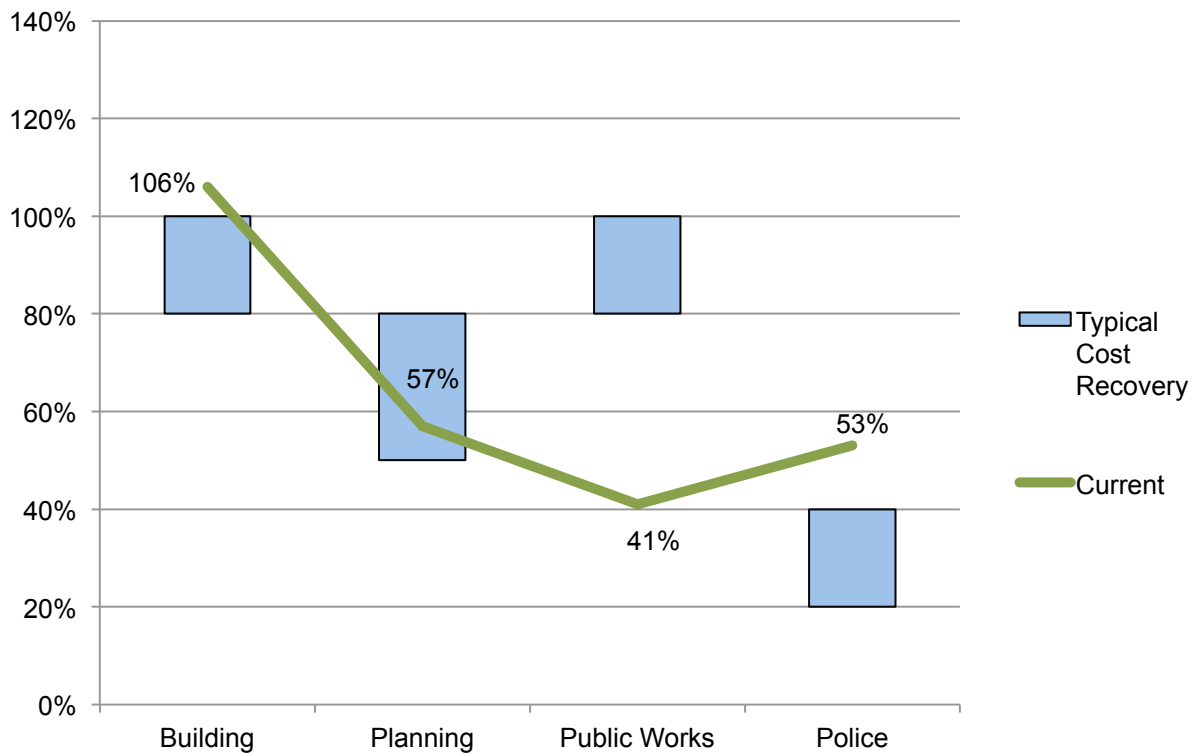
The Matrix Consulting Group strongly recommends that the Council adopt a formalized, individual cost recovery policy for each department included in this Study. Whenever a cost recovery policy is established at less than 100% of the full cost of providing services, a known gap in funding is recognized and may then potentially be recovered through other revenue sources. The table on the following page presents typical cost recovery policies set among other jurisdictions:

Table 3: Cost Components Overview

Department	Typical Cost Recovery Policy
Building	80 – 100%
Planning	50 – 80%
Public Works	80 – 100%
Police	20 – 40%

Information presented in the table above is based on the Matrix Consulting Group’s experience in analyzing local government’s operations across the United States and in California, and reflects the *typical* cost recovery policy observed by local adopting authorities. The following graph depicts how Capitola compares to industry cost recovery standards

Current Cost Recovery vs. Typical Cost Recovery



Attachment: Capitola Fee Study Report (1126 : City Fee Schedule 2015/16)



As the graph on the previous page shows that Building and Police are above the typical cost recovery range, while Planning is within the typical recovery range of 50-80%, Public Works is significantly below its typical cost recovery range of 80-100%.

In recent years, more local jurisdictions have adopted formal cost recovery policies at the department / division level. The Matrix Consulting Group considers a formalized cost recovery policy for various fees for service an industry Best Management Practice.

**(2) Adopt an Annual Fee Update / Increase Mechanism**

The Matrix Consulting Group recommends the City perform a complete update of its User Fee Study on a periodic basis. In general, 3 to 5 years for fee and rate studies is considered a best management practice. The purpose of a comprehensive update is to completely revisit the analytical structure, service level estimates and assumptions applied in the previous study, and to account for any major shifts in cost components or organizational structures.

In between comprehensive updates, the City could utilize published industry economic factors such as CPI or other regional factors to update the cost calculations established in the Study on an annual basis. Alternatively, the City could also consider the use of its own anticipated labor cost increases such as step increases, benefit enhancements, or cost of living raises. Utilizing an annual increase mechanism would ensure that the City receives appropriate fee and revenue increase that reflect growth in costs.

## 2. LEGAL FRAMEWORK AND POLICY CONSIDERATIONS

A “user fee” is a charge for services provided by a governmental agency to a public citizen or group. In California, several constitutional laws such as Propositions 13, 4, and 218, State Government Codes 66014 and 66016, and more recently Prop 26 and the Attorney General’s Opinion 92-506 set the parameters under which the user fees typically administered by local government are established and administered. Specifically, California State Law, Government Code 66014(a), stipulates that user fees charged by local agencies “...may not exceed the estimated reasonable cost of providing the service for which the fee is charged”.

### 1. GENERAL PRINCIPLES AND PHILOSOPHIES REGARDING USER FEES

Local governments are providers of many types of general services to their communities. While all services provided by local government are beneficial to constituents, some services can be classified as globally beneficial to all citizens, while others provide more of a direct benefit to a specific group or individual. The following table provides examples of services provided by local government within a continuum of the degree of community benefit received:

**Table 4: Services in Relation to Benefit Received**

Services that Provide General “Global” Community Benefit	Services that Provide Both “Global” Benefit and also a Specific Group or Individual Benefit	Services that Provide a Primary Benefit to an Individual or Group, with less “Global” Community Benefit
<ul style="list-style-type: none"> <li>• Police</li> <li>• Park Maintenance</li> </ul>	<ul style="list-style-type: none"> <li>• Recreation / Community Services</li> <li>• Fire Suppression / Prevention</li> </ul>	<ul style="list-style-type: none"> <li>• Building Permits</li> <li>• Planning and Zoning Approval</li> <li>• Site Plan Review</li> <li>• Engineering Development Review</li> <li>• Facility Rentals</li> </ul>

Funding for local government is obtained from a myriad of revenue sources such as taxes, fines, grants, special charges, user fees, etc. In recent years, alternative tax revenues, which typically offset subsidies for services provided to the community, have become increasingly limited. These limitations have caused increased attention on user fee activities as a revenue source that can offset costs otherwise subsidized (usually) by the general fund. In table 4 on the previous page, services in the “global benefit” section tend to be funded primarily through voter approved tax revenues. In the middle of the table, one typically finds a mixture of taxes, user fee, and other funding sources. Finally, in the “individual / group benefit” section of the table, lie the services provided by local government that are typically funded almost entirely by user fee revenue.

The following are two central concepts regarding the establishment of user fees:

- **Fees should be assessed according to the degree of individual or private benefit gained from services.** For example, the processing and approval of a land use or building permit will generally result in monetary gain to the applicant, whereas Police services and Fire Suppression are examples of services that are essential to the safety of the community at large.
- **A profit making objective should not be included in the assessment of user fees.** In fact, California laws require that the charges for service be in direct proportion to the costs associated with providing those services. Once a charge for service is assessed at a level higher than the actual cost of providing a service, the term “user fee” no longer applies. The charge then becomes a tax subject to voter approval.

Therefore, it is commonly accepted that user fees are established at a level that will recover up to, and not more than, the cost of providing a particular service.

## **2. GENERAL POLICY CONSIDERATIONS REGARDING USER FEES**

Undoubtedly, there are programs, circumstances, and services that justify a subsidy from a tax based or alternative revenue source. However, it is essential that jurisdictions prioritize the use of revenue sources for the provision of services based on

the continuum of benefit received.

Within the services that are typically funded by user fees, the Matrix Consulting Group recognizes several reasons why City staff or the Council may not advocate the full cost recovery of services. The following factors are key policy considerations in setting fees at less than 100 percent of cost recovery:

- **Limitations posed by an external agency.** The State or an outside agency will occasionally set a maximum, minimum, or limit the jurisdiction's ability to charge a fee at all. Examples include Concealed Weapons permits commonly issued by Police Departments, as well as charging for time spent copying and retrieving public documents in the City Clerk's office.
- **Encouragement of desired behaviors.** Keeping fees for certain services below full cost recovery may provide better compliance from the community. For example, if the cost of a permit for changing a water heater in a residential home is higher than the cost of the water heater itself, many citizens will avoid pulling the permit.
- **Affect on demand for a particular service.** Sometimes raising the "price" charged for services might reduce the number of participants in a program. This is largely the case in Recreation programs such as camps or enrichment classes, where participants often compare the City's fees to surrounding jurisdictions or other options for leisure activities.
- **Benefit received by user of the service and the community at large is mutual.** Many services that directly benefit a group or individual equally benefit the community as a whole. Examples include Planning Design Review, historical dedications and certain types of special events.

The Matrix Consulting Group recognizes the need for policies that intentionally subsidize certain activities. The primary goals of a User Fee Study are to provide a fair and equitable basis for determining the costs of providing services, and assure that the City is in compliance with State law.

Once the full cost of providing services is known, the next step is to determine the "rate" or "price" for services at a level which is up to, and not more than the full cost amount. The Council is responsible for this decision, which often becomes a question of

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balancing service levels and funding sources. The placement of a service or activity within the continuum of benefit received may require extensive discussion and at times fall into a “grey area”. However, with the resulting cost of services information from a User Fee Study, the Council can be assured that the adopted fee for service is reasonable, fair, and legal.

### 3. USER FEE STUDY METHODOLOGY

The Matrix Consulting Group utilizes a cost allocation methodology, commonly known and accepted as the “bottom-up” approach to establishing User Fees. The term means that several cost components are calculated for each fee or service. These components then build upon each other to comprise the total cost for providing the service. The components of a full cost calculation are typically as follows:

**Table 5: Full Cost Calculation Components**

Cost Component	Description
<b>Direct</b>	Salaries, benefits and allowable departmental expenditures.
<b>Departmental Overhead</b>	Division or Departmental administration / management and clerical support.
<b>Cross-Departmental Support</b>	Costs associated with review or assistance in providing specific services. For example, costs established via study of the Planning Division for review of Building applications and permits are included as an applicable cost toward the Building fees for service.
<b>Citywide Overhead</b>	City costs associated with central service costs such as payroll, human resources, budgeting, City management, etc. Established for this Study through a separate Rate analysis performed by the Matrix Consulting Group.

The general steps utilized by the project team to determine allocations of cost components to a particular fee or service are:

- Develop time estimates for each service included in the study;
- Calculate the direct cost attributed to each time estimate;
- Utilize the comprehensive allocation of staff time to establish an allocation basis for the other cost components; and,
- Distribute the appropriate amount of the other cost components to each fee or service based on the staff time allocation basis, or other reasonable basis.

The result of these allocations provides detailed documentation for the

reasonable estimate of the actual cost of providing each service. The following are critical points about the use of time estimates and the validity of cost allocation models.

**1. TIME ESTIMATES ARE A MEASURE OF SERVICE LEVELS REQUIRED TO PERFORM A PARTICULAR SERVICE**

One of the key study assumptions utilized in the “bottom up” approach is the use of time estimates for the provision of each fee related service. Utilization of time estimates is a reasonable and defensible approach, especially since experienced staff members who understand service levels and processes unique to the City of Capitola, developed these estimates.

The project team worked closely with each Department’s staff in developing time estimates with the following criteria:

- Estimates are representative of average times for providing service. Extremely difficult or abnormally simple projects are excluded from the analysis.
- Estimates provided by staff are reviewed and approved by the department, and often involve multiple iterations before a Study is finalized.
- Estimates are reviewed by the project team for “reasonableness” against their experience with other agencies.
- Estimates were not based on time in motion studies, as they are not practical for the scope of services and time frame for this project.

The Matrix Consulting Group agrees that while the use of time estimates is not perfect, it is the best alternative available for setting a standard level of service for which to base a jurisdiction’s fees for service, and it meets the requirements of California law.

The alternative to time estimating is actual time tracking, often referred to billing on a “time and materials” basis. Except for in the case of anomalous or sometimes very large and complex projects, the Matrix Consulting Group believes this approach not to be cost effective or reasonable for the following reasons:

- Accuracy in time tracking is compromised by the additional administrative burden required to track, bill, and collect for services in this manner.
- Additional costs are associated with administrative staff's billing, refunding, and monitoring deposit accounts.
- Customers often prefer to know the fees for services in advance of applying for permits or participating in programs.
- Applicants may request assignment of less expensive personnel to their project.
- Departments can better predict revenue streams and staff needs using standardized time estimates and anticipated permit volumes.

Situations arise where the size and complexity of a given project warrants time tracking and billing on a "time and materials" basis. The Matrix Consulting Group has recommended charging a deposit and charging Actual Costs for such fees as appropriate and itemized in each department.

## **2. CROSS CHECKS ENSURE THE VALIDITY OF OUR ANALYTICAL MODEL**

In addition to the collection of time estimate data for each fee or service included in the User Fee Study, annual volume of activity data assumptions are also a critical component. By collecting data on the estimated volume of activity for each fee or service, a number of analyses are performed which not only provide useful information to departments regarding allocation of staff resources, but also provide valuable cross checks that ensure the validity of each cost allocation model. This includes assurance that 100% of staff resources are accounted for and allocated to a fee for service, or "other non fee" related category. Since there are no objectives to make a profit in establishing user fees, it is very important to ensure that services are not estimated at a level that exceeds budgeted resource capacity. By accounting for not more than 100% of staff resources, no more than 100% of costs will be allocated through the Study.



## 4. RESULTS

The motivation behind a cost of services (User Fee) analysis is for the City Council and City staff to maintain services at a level that is both accepted and effective for the community, and also to maintain control over the policy and management of these services.

Discussion of each department / division's results in this chapter is intended as a summary of extensive and voluminous cost allocation documentation produced during the Study. The full analytical results were provided to City staff under separate cover from this summary report. In addition, appendices A through D to this report also include more detailed cost calculation results for each department / division from two perspectives:

- **First, on a “Per Unit” Basis:** comparing the full cost of providing each unit of service to the current fee for each unit of service (where applicable).
- **Second, on an annualized basis:** the project team utilized volume of activity estimates to project annual subsidies and revenue impacts associated with the implementation of each fee for service at full cost recovery levels.

It should be noted that the results presented in this report are not a precise measurement. In general a cost of service analysis takes a “snapshot in time”, where a fiscal year of adopted budgeted cost information is compared to the same fiscal year of revenue, and workload data available.

The use of time estimates allow only for a reasonable projection of subsidies and revenue. Consequently, the Council and City staff should rely conservatively upon these estimates to gauge the impact of implementation going forward.

## **1. BUILDING**

The Building division of the Community Development Department is committed to safeguarding life, health, property and public welfare through the administration and enforcement of the uniform building codes and adopted City ordinances and policies.

Specifically, the Building division provides the following services:

- Plan review and permit issuance of all proposed construction to assure compliance with all state and local building codes.
- Explaining codes, ordinances, requirements and regulations that apply to individual building projects.
- Assisting the public with their concerns about public safety within their homes or places of business.
- Performs code enforcement services consistent with relevant Local, State, and National standards.
- Providing building inspection services for all privately funded development.

The fees included for examination in this study relate to plan review and inspection of buildings and structures within the City of Capitola. State fees and fines, impact fees, and surcharges were not included as part of this study as they are either set by an outside agency, represent a pass through, or are not subject to cost recovery regulations.

The results of this study show that the Building division is currently recovering approximately 106% of its fee related costs. The over-recovery of 6% is within the 10% margin of error, and only represents a surplus of approximately \$19,000. This surplus is most likely a result of projects that begin in one fiscal year, and are completed / paid for in another. The following subsections present the results of the Building fee analysis including flat and valuation based fees.

### (1.1) Flat Fee Analysis

While, the Building Division fee schedule does not list any flat fees on its schedules, there are some fees identified in the City's Municipal Code, which should be incorporated into the Fee Ordinance. These include the following: the Solar P.V. System fees and the Temporary Trailer / Mobile Home Occupancy permits.

Additionally, the division processes fee exempt permit applications for private rooftop solar systems, solar hot water heaters, greywater systems, and electric vehicle charging stations. Fees for these permit types have been waived in the past with the goal of incentivizing energy and water efficiency improvements. The following table details the total per unit cost associated with Building Division flat fees:

**Table 6: Total Per Unit Cost of Current Fees**

<b>Fees</b>	<b>Current Fee</b>	<b>Per Unit Cost</b>
Solar P.V. System	-	\$213
Solar P.V. System (Commercial Sale / Distribution)		Valuation
Solar Hot Water Heater	-	\$175
Temporary Trailer / Mobile Home Occupancy Permit	\$5	\$117
Electric Vehicle Charging Permits	\$0	\$233
Research Fee – minimum ½ hour	Actual Cost	Actual Cost

The Building division identified the need to create three new fees in relation to solar P.V. systems and solar hot water heaters. The above table shows the full cost associated with processing those permits based on staff inputs. While non-commercial systems and hot water heaters could be assessed a flat fee, it was determined that commercial sale or distribution systems should be assessed based on the valuation of the project as with all other new construction.

Currently the Building division collects \$5 for processing temporary trailer / mobile home occupancy permits; however, based on staff inputs the full cost of providing the service is \$117. While the current Building fee schedule shows three

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levels of Electric Vehicle Charging permits: Level I (120 volts); Level II (208 – 240 volts); and Level III (480 volts), City Council has waived all fees for Electric Vehicle (EV) charging permits. However, through the fee study process the total cost of processing EV permits was calculated. It is important to note that staff is not proposing to reinstate fees for this service.

### (1.2) Valuation Based Fees

The City of Capitola currently uses a sliding scale fee table established in the Uniform Administrative Code by the International Conference of Building Officials in 1997 to establish building permit and plan check fees. The following table details the City's current valuation-based sliding fee structure for building permit and plan check fees:

**Table 7: Current Permit Fees**

Project Valuation		Fees
\$1.00 to \$500		\$23.50
\$501 to \$2,000	First \$501	\$23.50
	Each Additional \$100 or fraction thereof	\$3.05
\$2,001 to \$25,000	First \$2,001	\$69.25
	Each Additional \$1,000 or fraction thereof	\$14.00
\$25,001 to \$50,000	First \$25,001	\$391.25
	Each Additional \$1,000 or fraction thereof	\$10.10
\$50,001 to \$100,000	First \$50,001	\$643.75
	Each Additional \$1,000 or fraction thereof	\$7.00
\$100,001 to \$500,000	First \$100,001	\$993.75
	Each Additional \$1,000 or fraction thereof	\$5.60
\$500,001 to \$1,000,000	First \$500,001	\$3,233.75
	Each Additional \$1,000 or fraction thereof	\$4.75
\$1,000,001 and up	First \$1,000,001	\$5,608.75
	Each Additional \$1,000 or fraction thereof	\$3.15

The City of Capitola calculates all commercial and residential new construction or alteration related building permits based on the valuation table shown above. Plan

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check fees are currently calculated as 65% of the Building Permit Fees. Additionally, should a building permit be regulated by two or more of the model codes (plumbing, mechanical, and electrical), then the permit would be 1.5 times the amount shown in the table on the previous page.

Since the Building division's fees are based upon the valuation table above, which was developed in 1997, the project team recommended updating the table to reflect the City's current costs and service levels and provide a more defensible method for calculating fees. The following table details the current fee (Permit + Plan Check), total cost, and surplus / deficit associated with each valuation range.

**Table 8: Total Cost Analysis of Permit & Plan Check Fees**

Project Valuation		Current Fee	Total Cost per Unit	Surplus / (Deficit)
<b>\$1.00 to \$500</b>		\$38.78	\$58.37	\$(19.60)
<b>\$501 to \$2,000</b>	First \$501	\$38.78	\$58.37	\$(19.60)
	Each Additional \$100 or fraction thereof	\$5.03	\$3.89	\$1.14
<b>\$2,001 to \$25,000</b>	First \$2,001	\$114.26	\$116.74	\$(2.48)
	Each Additional \$1,000 or fraction thereof	\$23.10	\$55.83	\$(32.73)
<b>\$25,001 to \$50,000</b>	First \$25,001	\$645.56	\$1,400.90	\$(755.33)
	Each Additional \$1,000 or fraction thereof	\$16.67	\$37.36	\$(20.69)
<b>\$50,001 to \$100,000</b>	First \$50,001	\$1,062.19	\$2,334.83	\$(1,272.64)
	Each Additional \$1,000 or fraction thereof	\$11.55	\$23.35	\$(11.80)
<b>\$100,001 to \$500,000</b>	First \$100,001	\$1,639.69	\$3,502.24	\$(1,862.56)
	Each Additional \$1,000 or fraction thereof	\$9.24	\$5.84	\$3.40
<b>\$500,001 to \$1,000,000</b>	First \$500,001	\$5,335.69	\$5,837.07	\$(501.38)
	Each Additional \$1,000 or fraction thereof	\$7.84	\$7.00	\$0.83
<b>\$1,000,001 to \$2,500,000</b>	First \$1,000,001	\$9,254.44	\$9,339.31	\$(84.88)
	Each Additional \$1,000 or fraction thereof	\$5.20	\$4.28	\$0.92

As shown in table 8 above, the City is under-recovering for permits in all ranges. The majority of the permits issued by the City in the last fiscal year were in the \$2,000 to \$25,000 valuation range, which the City currently subsidizes. However, the surplus in the multipliers in the various ranges could be contributing to the division's 6% over-

recovery and off-setting the subsidies in the lower valuation ranges.

During discussions with staff it was noted that due to the large variability of projects valued higher than \$2.5 million it was difficult to assess accurate plan check and inspection time estimates. If the City were to cap their valuation schedule at \$2.5 million and charge time and materials for all projects, which exceed this amount, it would help ensure greater and more defensible cost recovery.

## **2. PLANNING**

The Planning division of the Community Development Department is responsible for providing efficient and accurate services, which accommodate growth, advances sustainable development principles, enhances the City's unique community character, and promotes safe and livable communities. Examples of the types of services provided by the Division are:

- **Current Planning:** Review of land development proposals including design review, rezones, and conditional use permits.
- **Advanced Planning:** Maintaining and updating the City's General Plan, zoning ordinance, Local Coastal Plan.
- **Environmental Planning:** Implementing CEQA and other City environmental regulations.
- **Zoning Code Compliance:** Ensuring compliance with the City's zoning ordinances and permit conditions.
- **Housing and Community Planning and Development:** Monitoring and administering CDBG, HOME, and other inclusionary housing programs.

The fees examined within this study directly relate to development review and current planning services provided by Planning division staff. Fees associated with Green Buildings and Affordable Housing were not included as part of this study as these are municipal code based fees.

Additionally, the project team discussed with Division staff alterations to the current fee schedule, which could involve removing fees that are no longer relevant, adding new fees for services currently being provided but not charged for, and renaming and restructuring fees to more accurately reflect the services being provided.

The results of this study show that the Planning division is currently recovering approximately 56% of its fee related costs. This recovery percentage is typical of most Planning departments, and represents an annual subsidy of approximately \$46,000. The following subsections present the results of the Planning fee analysis including changes made to the current fee structure, flat and deposit based fees.

### **(2.1) Deposit / Cost Based Fees**

The Planning division currently recovers time and material costs for approximately half of the division's current fees as they are listed as either "Deposit" or "Cost" based. A majority of the permits in this category have their fee listed as a deposit, which can range from \$1,500 to \$10,000. The following table details fees / permits that list their current fee as a minimum deposit.

**Table 9: List of Deposit Based Fees / Permits**

<b>Fees / Permits</b>	<b>Minimum Deposit</b>
<b>Administration / Documents</b>	
Conceptual Review Deposit	\$1,500
<b>Architectural &amp; Site Review Committee (Design Permits)</b>	
Residential - New or > = 50% Addition/ Remodel	\$3,500
Residential – New or <50% Addition/Remodel	\$3,000
Commercial New, Addition or Exterior Remodel	\$5,500
Signs (CPC approval) per permit application	\$500
Master Sign Program	\$3,000
Fence Permit (CPC approval)	\$750
<b>Use Permits</b>	
Transient Rental Occupancy Use Permit	\$1,500
CUP for Significant Alteration of Historic Feature	\$2,000
Conditional Use Permit (ZA/Staff Approval)	\$2,000
Conditional Use Permit (CPC Approval)	\$3,000
Master Conditional Use Permit - CPC Approval	\$3,500

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<b>Fees / Permits</b>	<b>Minimum Deposit</b>
<b>Variations</b>	
Single Family Residence	\$2,000
Flood Ordinance Variance	\$2,000
All Other (each)	\$2,500
<b>Coastal Permits</b>	
All	\$1,500
<b>Environmental Review</b>	
Initial Study (ND / EIR Determination)	\$2,000
Negative Declaration (and Mitigated ND)	\$2,000
EIR Processing	\$10,000
<b>General Plan Amendment</b>	
General Plan Amendment	\$5,000
<b>Local Coastal Plan Amendment</b>	
Local Coastal Plan Amendment	\$5,000
<b>Zoning Ordinance Amendment</b>	
Zoning Ordinance Amendment (map and / or text)	\$5,000
<b>Planned Developments</b>	
PD Preliminary Development Plan Approval	\$3,500
PD Rezoning Fee	\$5,000
<b>Subdivisions</b>	
Certificate of Compliance	\$1,500
Boundary Line Adjustment/Merger/Reversion	\$1,500
Parcel Map (4 parcels or less)	\$2,000
Tentative Map (5 parcels or more)	\$5,000
Subdivision Modification	\$3,500
Final Map	\$3,000
<b>Historic Structures</b>	
Applicant Request for Historic Feature Removal	\$3,000
Conditional Use Permit for Significant Alteration of Historic Feature	\$2,000
<b>Tree Removal Fees</b>	
Tree Removal – any tree subject to ordinance – CPC hearing	\$1,000
Tree Removal – 3 or more trees on a property	\$257
<b>Other Planning Fees</b>	
Annexation	\$3,000
Development Agreement	\$5,000
Specific Plan	\$5,000

Most of the deposit-based fees outlined in the table above were not included in this study as the City charges for the actual time and materials used to process these permits. However, it is recommended that the City review the current deposit amounts identified to ensure that minimum deposits shown are both reasonable for the associated project, and cover at least 90% of the estimated cost associated with completing the project. All charges to deposit-based fees should use fully burdened



hourly rates.

The following table details fees / permits that list their current fee as “Cost”.

**Table 10: List of Cost Based Fees / Permits**

Fees / Permits
<b>Administration / Documents</b>
Extra Meetings Fee (each ZA / CPC > 2; CC > 1)
Records Search/Special Report - Major
<b>Architectural &amp; Site Review Committee (Design Permits)</b>
Technical Study Review
Third Party Peer Review
<b>Code Compliance</b>
All Code Compliance Fees & Costs (double application fees + cost, fines, and consultant costs)
<b>Use Permits</b>
Mobile Home Park Change of Use or Closure
Condo Conversion
<b>Environmental Review</b>
Mitigation Monitoring Program
NEPA Compliance
<b>Other Planning Fees</b>
Other Permit Types which require Planning Commission and / or City Council Hearing
Research Fee – ½ hour minimum charge
Structural Review of Engineering Plans
Advanced Plan Review

The fees / permits outlined in the table above were not included in this study as the City charges for actual costs plus a 17% administrative fee on third party consultants, as applicable. It is the project team’s recommendation that the City assess the administrative fee percentage (17%) and also identify minimum deposits for these fees / permits and re-label them in its fee schedule.

**(2.3) Flat Fees**

The remaining fees / permits assessed by the Planning division are assessed on flat fees. The 56% cost recovery percentage associated with Planning is related to flat based fees. While the majority of flat fees are being subsidized by anywhere between \$33 and \$3,096, there are also fees which are over-recovering, from anywhere between \$32 and \$170. A per unit analysis of current costs and total costs associated with flat

Attachment: Capitola Fee Study Report (1126 : City Fee Schedule 2015/16)

fees can be seen in Attachment A of this report.

The annual impact of the subsidy of flat fees was approximately \$46,000 last year. The annual impact of these subsidies can be see on a per unit basis in Attachment B of this report. The City should lower fees that show an over-recovery, and where appropriate and feasible, the City should look into raising fees to close the cost recovery gap.

### **3. PUBLIC WORKS – STREETS**

The Streets division of the Public Works Department is responsible for improving, maintaining, and enhancing public facilities and infrastructure by providing design oversight and coordination of the City's infrastructure and capital improvement projects, as well as managing the use of the public right-of-way. The division utilizes both in-house and contract staff for plan review and inspections services.

The Streets division has five major fee categories which were included in this study: Encroachment Permits; Private Improvement Permits / Encroachment Agreements; Memorial Programs, Boat on Beach, and Other Permits. Along with current fees, the project team worked with division staff to develop Stormwater Development fees in order to help prepare them for the State mandated storm water programs which have recently been amended, and will require additional reporting, monitoring, and program management.

The results of this study show that the Streets division is currently recovering approximately 41% of its fee related costs. However this large under-recovery only represents \$12,000 in revenue, and is largely related to one particular fee. The following subsections present the results of the Public Works – Street's division fee analysis

including flat, deposit, and new fees.

### **(3.1) Deposit Based Fees**

The Public Works division currently recovers time and material costs for two of the division's current fees as they are listed as "Deposit" based. Additionally, Planning Division moved one of its flat-fees into Public Works. Public Works has made the decision to switch this fee to a deposit-based fee. The following table details fees / permits that list their current fee as a minimum deposit.

**Table 11: List of Deposit-Based Fees / Permits**

<b>Fees / Permits</b>	<b>Minimum Deposit</b>
<b>Boat on Beach</b>	
Short Term Permit (Per Day)	\$10
<b>Other</b>	
Final Map Subdivisions	\$3,000
Street Abandonment	\$1,333

The deposit-based fees outlined in the table above were not included in this study as the City charges for the actual time and materials used to process these permits. However, it is recommended that the City review the current deposit amounts, especially for Street Abandonment, which previously was a flat fee to ensure that minimum deposits shown are both reasonable for the associated project, and cover at least 90% of the estimated cost associated with completing the project.

### **(3.2) Encroachment Permits – Construction Items**

The Public Works Division currently calculates a subsection of the Encroachment permit fees based on a sliding scale range of valuations of construction items. The table on the following page presents the current structure of these fees.

**Table 12: Encroachment Permits – Construction Items**

Construction Items Valuation	Base Fee	Percentage
\$0 - \$1,500	\$85	
\$1,500 - \$50,000	\$86	3% of value
\$50,000+	\$2,500	5% of value

As the table above shows, for the first valuation range there is a flat fee, and that for the two other ranges beyond that there is a flat fee plus an additional charge of either 3% of the construction value or 5% of the construction value. The project team assessed the full cost of providing the service associated with the first valuation range, which will be presented in the analysis relating to all other flat fees within Public Works.

The project team did not assess the two remaining valuation ranges involving the percentages and it is recommended that these percentages be evaluated to ensure that they accurately represent the cost associated with providing the service associated with those types of construction projects in relation to encroachment permits.

### (3.3) Stormwater Development Fee

During discussions with Public Works staff a new set of fees related to Stormwater Development Permits was identified. Currently, the Public Works has no structure in place to charge these fees, and there is expectation that in the future this will become a source of concern for the City. The following table presents the proposed structure for the Stormwater Development fees.

**Table 13: Stormwater Development Fees**

Ranges	Fee Type
Stormwater Plan Review Fee	Flat
Large Project Plan Review Deposit	
Tier 2	Admin Fee
Tier 3	Admin Fee

As the table above shows other than the first plan review fee, all other fees in this category are proposed to be deposit-based fees with an admin fee component. The

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project team assessed the full cost of the Plan Review flat fee as part of the study, and will be presented with the other flat fees. However, the project team did not calculate the minimum deposits for Tiers 2 and 3, but it did calculate the administrative fee for those tiers and is also presented in the flat fees section of the report. It is the project team's recommendation that similar to all other deposit-based fees, Public Works should ensure that minimum deposits set cover at least 90% of the estimated cost associated with completing each of the individual tiers.

### (3.4) Flat Fees

The remaining fees / permits assessed by the Public Works division are assessed on flat fees. The 47% cost recovery percentage associated with Public Works is related to flat based fees. While the majority of flat fees are being subsidized by anywhere between \$45 and \$1,205, there are also fees which are over-recovering, from anywhere between \$113 and \$224. A per unit analysis of current costs and total costs associated with flat fees is shown in the table below:

**Table 14: Total Cost Analysis – Per Unit**

<b>Fees / Permits</b>	<b>Current Fee</b>	<b>Total Cost</b>	<b>Surplus / (Deficit)</b>
<b>Encroachment Permits</b>			
Non-Construction Items	\$59	\$125	\$(66)
Village Sidewalk Encroachment Permit	\$35	\$126	\$(91)
Construction Items - \$0 - \$1,500	\$85	\$248	\$(163)
<b>Utility Fees*</b>			
Residential Streets	-	\$440	
Connector Streets	-	\$532	
Arterials (Level 1)	-	\$846	
Arterials (Level 2)	-	\$1,380	
Blanket Permits (Repair & Maintenance of Existing Facilities)	\$890	\$2,100	\$(1,210)
<b>Private Improvement Permits / Encroachment Agreement</b>			
Applications for Minor Permits (Revocable)	\$60	\$253	\$(193)
Applications for Major Permits (Revocable)	\$356	\$564	\$(208)
<b>Memorial Programs</b>			
Memorial Bench	\$1,212	\$1,046	\$166
Memorial Plaque (wharf)	\$580	\$798	\$(218)
Memorial Plaque (Grand Ave)	\$580	\$768	\$(188)
Memorial Plaque (tree) + cost of tree	\$360	\$1,058	\$(698)
Memorial Picnic Table	\$1,526	\$1,492	\$34

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<b>Fees / Permits</b>	<b>Current Fee</b>	<b>Total Cost</b>	<b>Surplus / (Deficit)</b>
<b>Boat on Beach</b>			
Seasonal Permit (per month)	\$125	\$407	\$(282)
<b>Stormwater Development Fee*</b>			
Stormwater Plan Review Fee		\$104	
Large project plan review deposit			
Tier 2		\$438	
Tier 3		\$624	

\*These fees are either restructured or new fees and as such do not show a surplus or deficit.

As the table above and on the previous page indicates, Public Works is subsidizing the majority of its fees. This table also includes the previously discussed flat fees associated with the construction items based encroachment permits and the Stormwater Development Fee. It is important to note that there is no current fee and surplus / (deficit) associated with the Utility Fees, as they have been restructured and the current fees are not translatable to the proposed structure. Additionally, there is no surplus / deficit for the Stormwater Plan Review fee, because not only is it a new fee, but it is also a service that is not currently being provided by the City. The purpose of including the fee in this total cost analysis was to provide Public Works Division staff a basis for developing any fees associated with these new permits.

The project team collected annual recoverable volume data for each of the flat-fee based permits to contextualize the total cost analysis per unit on an annual level. The annual impact of the flat fees was an under-recovery of approximately \$9,000 last year. The table on the following page translates the per unit cost analysis to an annual basis to provide further detail regarding the annual over-recovery associated with the Division.

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**Table 15: Total Cost Analysis – Annual**

<b>Fees / Permits</b>	<b>Annual Volume</b>	<b>Current Revenue</b>	<b>Projected Revenue</b>	<b>Surplus / (Deficit)</b>
<b>Encroachment Permits</b>				
Non-Construction Items	7	\$413	\$873	\$(460)
Construction Items - \$0 - \$1,500	4	\$340	\$991	\$(651)
Blanket Permits (Repair & Maintenance of Existing Facilities)	7	\$6,230	\$14,698	\$(8,468)
<b>Private Improvement Permits / Encroachment Agreement</b>				
Applications for Minor Permits (Revocable)	1	\$60	\$253	\$(193)
Applications for Major Permits (Revocable)	1	\$356	\$564	\$(208)
<b>Boat on Beach</b>				
Seasonal Permit (per month)	8	\$1,000	\$3,258	\$(2,258)
<b>TOTAL</b>		<b>\$8,399</b>	<b>\$20,692</b>	<b>\$(12,237)</b>

As the table on the above shows, the primary source of under-recovery for Public Works Division is based upon the blanket permits. The City should look into raising fees to meet the cost recovery goals set for the Public Works Division.

#### **4. POLICE**

The Police Department is responsible for providing various permits and fee-related services including: Special Event permits; Report Copies, Local Fire Arm Dealer permits, Second Dealers licenses, Parking permits, Concealed Weapons permits, and handling Firearm Surrenders. Several services included in this study are capped by state fee limits, such as: Local Fire Arm Dealers, Second Dealers, Concealed Weapons, and Firearm Surrender fees. Where data was available, cost estimates were developed and shown as a tool to help assess the true cost of providing a service beyond what is legally allowed for recovery. In addition, staff also requested that two fee categories, Special Event Permits and Copies of Reports, be broken out into multiple fees / permits in order to accurately reflect the specific services being provided.

Currently the Police department is recovering roughly 53% of its fee-related costs, which is above average for similar jurisdictions. Attachment C of this report details the current fee being charged by the City, the total cost, and the resulting surplus

or deficit on a per unit basis. Attachment D of this report shows these same results but on an annual level. Where applicable, and not set by State law, the City should work to reduce fees which show an over-recovery, and increase fees to attain cost recovery where feasible.

## 5. MISCELLANEOUS FEES

In addition to the fees attributed to the various City Departments, the current Capitola Fee Schedule has a series of fees labeled as miscellaneous fees. The majority of the fees in this section are based on actual cost (Capitola Municipal Code), set by the State (e.g. Copies), are pass through fees (Returned Check fee), and not fees for service (e.g. Business licenses). Therefore, these fees were not assessed as part of this study. Additionally, certain fees such as entertainment permits were moved to the Police fee schedule. The only current miscellaneous fee that was assessed as part of this study was the Bingo Permit.

However, in discussion with City staff, two new miscellaneous fees were identified: Filming Permits and Horse Drawn Carriage Permit. Both of these permits are part of the municipal code, but there is currently no fee in place for these permits. The project team utilized hourly rates calculated in a separate report to calculate the full cost of providing the miscellaneous fees included as part of this study. A per unit analysis of current costs and total costs associated is shown in the following table.

**Table 16: Total Cost Analysis – Per Unit**

Fee / Permit	Current Fee	Total Cost	Surplus / (Deficit)
Filming Permit	\$50	Actual Cost	N / A
Bingo Permit	\$60	\$68	\$(8)
Horse Drawn Carriage Permit	\$0	\$310	\$(310)



As the table on the previous page shows, currently the majority of filming permits are being charged \$50 and any additional business license fees. However, due to the variance in filming permits, it is the project team's recommendation that the City charge filming permits the cost of the business license plus the actual cost associated with evaluating and issuing the permit. The City is currently under-recovering for its Bingo permit by \$8. However, the City has no current fee in place for Horse Drawn Carriage permits and it costs the City approximately \$310 to provide those services. City staff did note that a horse drawn carriage permit has not been issued since 2012; therefore, it is the project team's recommendation that if this permit was to be issued in the future the City should consider setting the fee at the full cost of providing the service.

## **6. HISTORICAL MUSEUM FEES**

The Capitola Historical Museum serves to preserve and promote the history of Capitola through maintenance of historical documents and photos. The Museum accepts donations of historical artifacts and photographs and uses these items to run various historical exhibitions throughout the year to educate citizens regarding the rich history of the City and the local community. Additionally, the museum publishes a quarterly newsletter and provides walking tours and lectures for local organizations and the public. The Museum serves as the primary source of research for all historical knowledge regarding the City.

The museum provides several different fees for service. The table on the following page shows the current fees charged by the Museum:

**Table 17: Current Historical Museum Fees**

<b>Fee / Permit</b>	<b>Current Fee</b>
Research Fee – (30 minutes min.)	Cost
Print of an electronically available Photograph in Collection	\$7
Digital Copies of Collection Items	\$17
Scan High Resolution Tiff File of any collection item	\$17

As the table above shows, the Museum charges full cost for the Research fee, and has nominal fees for fees associated with copying and producing prints of items that are part of the Museum's current collection. However, during discussion with the Museum curator, he noted that due to the variety of services that the Museum offers that are not on the current fee schedule, he usually asks for a donation towards the museum rather than charge a fee for service.

Based upon this discussion, the project team recommended that instead of adding several new fee categories, the City should establish an hourly rate for the Museum Curator and recover full cost for all services provided by the Museum. The following table shows the current fully burdened hourly rate calculated in a separate hourly rates report for the Museum Curator.

**Table 18: Museum Curator Hourly Rate**

<b>Position</b>	<b>Fully Burdened Hourly Rate</b>
Museum Curator	\$111.93

As the table above shows, the fully burdened hourly rate for the Museum Curator is \$111.93. The Museum curator should use this hourly rate as the basis for calculating all fees charged by the Museum.

## 5. CONCLUSION

The City of Capitola engaged the Matrix Consulting Group to determine the total cost of services provided to its citizens and businesses for fee related services. To calculate the total cost of each Department / Division's services, the Matrix Consulting Group employed both a widely accepted and defensible methodology, as well as the experience and input of City staff to complete the necessary data collection and discussion to complete the analysis. City leaders can now use this information to make informed decisions and set fees to meet the fiscal and policy goal objectives of the City.

Overall, this Cost of Services Study concluded that the City under-recovers its costs by approximately \$111,000 per year for its *fee-related* services. While the detailed documentation of the Study will show an over-collection in some departments / divisions and / or certain fees (on a per unit basis), and an undercharge for others, overall, the City is providing an annual subsidy to fee payers for all services included in the analysis.

The project team recommends that City staff and Council review and update its current fee structure to reflect all services, including those listed in the Municipal code. Additionally, the City should lower fees that show an over-recovery in order to comply with state laws. For fees that show an under-recovery, the City should review all circumstances and policy factors and raise fees where feasible. For fees that the City chooses to subsidize, policies should be established to outline target recovery percentages.

**ATTACHMENT A: PLANNING – TOTAL COST ANALYSIS – FLAT FEES**

**Total Cost Analysis - Flat Fees**

Fee Name	Current Fee / Deposit (\$)	Total Cost Per Unit (\$)	Surplus / (Deficit) per Unit (\$)
<b>Administration / Documents</b>			
Public Notice (w / out newspaper published notice)	173	141	32
Public Notice (w / newspaper published notice) - includes cost of ad	376	316	60
Request for Continuance by Applicant (2nd and each after)	147	430	(283)
Development Application Intake Fee	510	340	170
<b>Architectural &amp; Site Review Committee (Design Permits)</b>			
Temporary Signs & Banner Permits	36	69	(33)
Signs (Staff Approval) per permit application	121	248	(127)
Fence Permit (Staff Approval)	41	179	(138)
<b>Use Permits</b>			
Home Occupation Use Permit	266	409	(143)
Tenant Use Permit (MCUP) - Staff Approval	73	110	(37)
Commercial Sidewalk / Parking Lot Sale Permit	72	290	(218)
<b>Coastal Permits</b>			
Coastal Permit Exclusion	84	238	(154)
<b>Environmental Review</b>			
CEQA Exemption Determination	106	200	(94)
<b>Other Planning Fees</b>			
Appeals-by other than city official	142	3,096	(2,954)
Appeals of coastal permits	-	3,096	(3,096)
<b>Bldg Plan Check / Final Inspection Fee</b>			
Planning Plan Check & Final Inspection	-	380	(380)
Repeat Planning Final Inspections	120	330	(210)
<b>Tree Removal</b>			
Tree Removal - any tree subject to ordinance - staff approval	120	762	(642)
Tree Removal - any tree subject to ordinance - CPC hearing	1,000	1,573	(573)
Tree / Landscape Installation / Maintenance Agreement	120	330	(210)

Attachment: Capitola Fee Study Report (1126 : City Fee Schedule 2015/16)

# ATTACHMENT B: PLANNING – ANNUAL COST RECOVERY FLAT FEES

**Cost Recovery - Flat Fees**

Fee Name	Annual Recoverable Volume	Revenue at Current Fee - Annual (\$)	Total Cost - Annual (\$)	Surplus / (Deficit) - Annual (\$)
<b>Administration / Documents</b>				
Public Notice (w / out newspaper published notice)	42	7,266	5,933	1,333
Public Notice (w / newspaper published notice) - includes cost of ad	8	3,008	2,530	478
Request for Continuance by Applicant (2nd and each after)	1	147	430	(283)
Development Application Intake Fee	35	17,850	11,890	5,960
<b>Architectural &amp; Site Review Committee (Design Permits)</b>				
Temporary Signs & Banner Permits	6	216	414	(198)
Signs (Staff Approval) per permit application	15	1,815	3,727	(1,912)
Fence Permit (Staff Approval)	19	779	3,408	(2,629)
<b>Use Permits</b>				
Home Occupation Use Permit	3	798	1,226	(428)
Tenant Use Permit (MCUP) - Staff Approval	2	146	221	(75)
Commercial Sidewalk / Parking Lot Sale Permit	4	288	1,159	(871)
<b>Environmental Review</b>				
CEQA Exemption Determination	35	3,710	6,985	(3,275)
<b>Subdivisions</b>				
Certificate of Compliance*	2	1,467	1,467	-
Boundary Line Adjustment / Merger / Reversion*	1	1,064	1,064	-
<b>Other Planning Fees</b>				
Appeals-by other than city official	1	142	3,096	(2,954)
<b>Bldg Plan Check / Final Inspection Fee</b>				
Repeat Planning Final Inspections	1	120	330	(210)
<b>Tree Removal</b>				
Tree Removal - any tree subject to ordinance - staff approval	56	6,720	42,700	(35,980)
Tree Removal - any tree subject to ordinance - CPC hearing	1	1,000	1,573	(573)
Tree Removal - 3 or more trees on a property	8	2,056	6,940	(4,884)
Tree / Landscape Installation / Maintenance Agreement	2	240	660	(420)
<b>TOTAL ALL FEES</b>		<b>59,118</b>	<b>104,460</b>	<b>(45,343)</b>

Attachment: Capitola Fee Study Report (1126 : City Fee Schedule 2015/16)

**ATTACHMENT C: POLICE – COST RECOVERY – PER UNIT**



## Cost Recovery Report Table - Per Unit Basis

FEE NO.	Fee Name	Current Fee / Deposit (\$)	Total Cost Per Unit (\$)	Surplus / (Deficit) per Unit (\$)
	<b>Special Event Permit</b>			
1	Minor	56	276	(220)
2	General	56	840	(784)
3	Amplified Sound Permit (Municipal Code 9.12.040)	28	96	(68)
4	DUI Cost Recovery Fee (Res. 3533)	-	-	-
	<b>Copies of reports: Crime Reports, Special Reports, etc. (Regardless of # of pages)</b>			
5	Report - No Redactions	24	20	4
6	Report - Redactions	24	75	(51)
7	Copies of: Citations, Code Sections, Ordinances, etc.	6	-	6
8	Bicycle Licenses (New)	10	20	(10)
9	Bicycle Licenses (Renewal)	7	20	(13)
10	Citation Sign-Offs	14	20	(6)
11	Photographs	18	20	(2)
12	VIN Verifications	14	-	14
13	Video or Cassette Tapes	50	35	15
	<b>Local Fire Arm Dealers (Set by State)</b>			
14	New Application	325	293	32
15	Renewal	100	129	(29)
	<b>Second Dealers License (Set by State)</b>			
16	Application	300	258	42
17	Renewal	300	129	171
18	Taxi Fee per application	56	252	(196)
19	Civil Subpoena (per case) (Set by State)	150	-	150
	<b>Parking Permits (separate action by Council)</b>			
20	Neighborhoods per year (Resolution No. 3733)	25	58	(33)
21	Village Preferential Permit (Resolution No. 3733)	50	58	(8)
22	Village Employer / Employee Permit (Resolution No. 3733)	50	58	(8)
23	Morning Village Parking Permit (Resolution No. 3715)	50	58	(8)

Attachment: Capitola Fee Study Report (1126 : City Fee Schedule 2015/16)

**Cost Recovery Report Table - Per Unit Basis**

FEE NO.	Fee Name	Current Fee / Deposit (\$)	Total Cost Per Unit (\$)	Surplus / (Deficit) per Unit (\$)
<b>Concealed Weapons Permit (Set by State) - Application</b>				
24	Standard	340	-	340
25	Judicial	357	-	357
26	Employment	323	-	323
<b>Concealed Weapons Permit (Set by State) - Renewal</b>				
27	Standard	42	-	42
28	Judicial	59	-	59
29	Employment	25	-	25
<b>Firearm Surrender Fees (Set by State Law)</b>				
30	1-5 guns	-	-	-
31	6+ guns	-	-	-
32	Vehicle Storage per day	24	-	24
33	Administrative Fee to Release Impounded / Stored Vehicle	119	222	(103)
34	Surf School Permit Fee (Resolution No. 3695)	52	146	(94)
35	Single Event Entertainment Permit	35	48	(13)
36	Minor Entertainment Permit	146	288	(142)
37	Regular Entertainment Permit	548	981	(433)
38	Temporary, Publicly Attended Activities, Application Fee	31	-	31
39	Bandstand Rental Fee	210	19	191
40	Mobile Home Moving Permits	50	71	(21)

Attachment: Capitola Fee Study Report (1126 : City Fee Schedule 2015/16)

# ATTACHMENT D: POLICE – COST RECOVERY – ANNUAL

## Cost Recovery Report Table - Annual

FEE NO.	Fee Name	Annual Recoverable Volume	Revenue at Current Fee - Annual (\$)	Total Cost - Annual (\$)	Surplus / (Deficit) - Annual (\$)
<b>Special Event Permit</b>					
1	Minor	10	560	2,762	(2,202)
2	General	10	560	8,399	(7,839)
3	Amplified Sound Permit (Municipal Code 9.12.040)	6	168	576	(408)
4	DUI Cost Recovery Fee (Res. 3533)	1	-	-	-
<b>Copies of reports: Crime Reports, Special Reports, etc. (Regardless of # of pages)</b>					
5	Report - No Redactions	140	3,360	2,826	534
6	Report - Redactions	47	1,128	3,516	(2,388)
7	Copies of: Citations, Code Sections, Ordinances, etc.	-	-	-	-
8	Bicycle Licenses (New)	4	40	81	(41)
9	Bicycle Licenses (Renewal)	2	14	40	(26)
10	Citation Sign-Offs	9	126	182	(56)
11	Photographs	1	18	20	(2)
12	VIN Verifications	-	-	-	-
13	Video or Cassette Tapes	1	50	35	15
<b>Local Fire Arm Dealers (Set by State)</b>					
14	New Application	1	325	293	32
15	Renewal	2	200	258	(58)
<b>Second Dealers License (Set by State)</b>					
16	Application	2	600	515	85
17	Renewal	5	1,500	644	856
18	Taxi Fee per application	33	1,848	8,325	(6,477)
19	Civil Subpoena (per case) (Set by State)	13	1,950	-	1,950
<b>Parking Permits (separate action by Council)</b>					
20	Neighborhoods per year (Resolution No. 3733)	1,166	29,150	67,162	(38,012)
21	Village Preferential Permit (Resolution No. 3733)	289	14,450	16,647	(2,197)
22	Village Employer / Employee Permit (Resolution No. 3733)	78	3,900	4,493	(593)
23	Morning Village Parking Permit (Resolution No. 3715)	31	1,550	1,786	(236)
<b>Concealed Weapons Permit (Set by State) - Application</b>					
24	Standard	-	-	-	-
25	Judicial	-	-	-	-
26	Employment	-	-	-	-

Attachment: Capitola Fee Study Report (1126 : City Fee Schedule 2015/16)

## Cost Recovery Report Table - Annual

FEE NO.	Fee Name	Annual Recoverable Volume	Revenue at Current Fee - Annual (\$)	Total Cost - Annual (\$)	Surplus / (Deficit) - Annual (\$)
	<b>Concealed Weapons Permit (Set by State) - Renewal</b>				
27	Standard	-	-	-	-
28	Judicial	-	-	-	-
29	Employment	-	-	-	-
	<b>Firearm Surrender Fees (Set by State Law)</b>				
30	1-5 guns	-	-	-	-
31	6+ guns	-	-	-	-
32	Vehicle Storage per day	-	-	-	-
33	Administrative Fee to Release Impounded / Stored Vehicle	112	13,328	24,845	(11,517)
34	Surf School Permit Fee (Resolution No. 3695)	4	208	584	(376)
35	Single Event Entertainment Permit	16	560	767	(207)
36	Minor Entertainment Permit	8	1,168	2,302	(1,134)
37	Regular Entertainment Permit	4	2,192	3,923	(1,731)
38	Temporary, Publicly Attended Activities, Application Fee	-	-	-	-
39	Bandstand Rental Fee	1	210	19	191
40	Mobile Home Moving Permits	20	1,000	1,412	(412)
	<b>TOTAL</b>		<b>80,163</b>	<b>152,421</b>	<b>(72,258)</b>



**NOTICE OF PUBLIC HEARING  
BEFORE THE CAPITOLA CITY COUNCIL  
AMENDING THE FEE SCHEDULE FOR FISCAL YEAR 2015/2016**

**NOTICE IS HEREBY GIVEN** that a Public Hearing will be held before the City Council of the City of Capitola on Tuesday, November 24, 2015, at 7:00 P.M. in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California, to consider a Resolution approving the City's Fee Schedule for Fiscal Year 2015/2016 to reflect adjustments to State imposed fees and administrative corrections.

Interested persons are invited to attend and be heard at the Public Hearing. Testimony may be presented in person or submitted in written form prior to the hearing and made a part of the hearing record.

If you require special assistance in order to attend the meeting, including needs addressed by the Americans with Disabilities Act, please notify the City at least 3 days prior to the meeting by calling (831) 475-7300.

Copies of the proposed fee schedule and further information on this subject may be obtained from the Office of the City Clerk, 420 Capitola Avenue, Capitola, CA 95010.

CITY OF CAPITOLA

DATE: November 6, 2015

Susan Sneddon, CMC  
City Clerk



# CITY COUNCIL AGENDA REPORT

**MEETING OF NOVEMBER 24, 2015**

FROM: Public Works Department

SUBJECT: Consider Approving the Peery Park Vegetation Restoration Project

**RECOMMENDED ACTION:** Approve a project plan for the removal of non-native vegetation from Peery Park as recommended by the Commission on the Environment.

**BACKGROUND:** The Commission on the Environment (Commission) has adopted a work plan for Soquel Creek that focuses on the removal of invasive plants in Peery Park. Commissioner Peter Wilk worked with George McMenam, the City's riparian restoration consultant, to develop a phased work plan with initial tasks that could be implemented at little or no cost utilizing volunteer forces. Mr. McMenam presented this plan to the full Commission on November 18, 2015, at which time the Commission unanimously recommended proceeding with Tasks 1-5 immediately. The Commission will develop an implementation plan for future tasks. The project scope of work is included as Attachment 1 and plan as Attachment 2.

**DISCUSSION:** Peery Park, adjacent to Soquel Creek, is essentially a pathway through a riparian area with the bridge over to the Rispin Property. A good portion of the park is overgrown with non-native English Ivy and Cotoneaster plants. The project plans break the property into discrete areas and identifies the trees. Task 1 would cut the ivy at the base of the trees and desirable shrubs, letting the ivy then die in the trees. Task 2-5 would remove non-native plants from areas A, A1, B, C, D and E, all of which are easily accessible for volunteers. By removing the non-native species from the area, the native plants will be able to reestablish themselves in these areas. Mr. McMenam and Commissioner Wilk will oversee the work to ensure it is completed correctly without damaging the riparian area. Completion of Tasks 6-9 will take additional resources such as erosion control plans and safety training and it is anticipated that costs estimates and plans will be prepared to complete this work.

The Commission will be taking the lead on recruiting volunteers for this effort on behalf of the City.

**FISCAL IMPACT:** The cost of Mr. McMenam's time on this project and minimal materials is anticipated not to exceed \$2000. The Public Works Contract Services Budget includes \$11,000 for riparian restoration work to cover this expense.

**ATTACHMENTS:**

1. Invasive Plant Removal Enhancement Scope of Work for Peery Park
2. Peery Park Plant Removal Plan

Report Prepared By: Steve Jesberg  
Public Works Director

Peery Park Vegetation Restoration  
November 24, 2015



---

Jamie Goldstein, City Manager

11/19/2015



**DRAFT****Invasive Plant Removal Enhancement Plan for Peery Park, Capitola, California**

By George McMEnamin

**Discussion**

Tasks are listed below in an order of completion based on riparian restoration priorities and my understanding of resources available. It is my understanding that the goals of this plan are mainly to enhance Peery Park, by removing key invasive plant species and thereby increasing native plant coverage. The City of Capitola may have priorities, goals or resource availability that differs from my understanding. As that may be the situation, some of the areas can be completed in a different order than suggested, with limited impact on the desired results. However, if the order of tasks is changed, the level of cost efficiency and effectiveness towards the perceived goals, are likely to be reduced.

**Preparation**

The project and work areas need to be defined. The property lines of the project, Peery Park, should be identified prior to the beginning of the project. The specific areas of treatment for an event should be marked. Some private property may be subject to treatment and all private approvals should be provided prior to inclusion.

Prior to the beginning of the project, all involved parties should undergo a training session related to protected species such as Steelhead, Red legged frogs, Western Pond turtle and protected bird species. Additionally, a discussion of purposes and goals of the project should be presented.

Prior to beginning work, brief training should be provided for methods of control English ivy and to identify key native plant species.

Potential safety issues should be identified and eliminated or reduced to a reasonable, practical extent. These issues may include, but are not limited to:

- Trash – glass, needles, other sharp objects, etc.
- Tools – Some of the tools which may be used can be hazardous.
- Hazardous plants - Poison oak, Himalayan blackberry, Stinging nettles, poisonous plants. Treatment or control of these plants will vary with the time of year, location of the plant and habitat value of the plant.
- Hazardous tree limbs – should be identified and removed, if practical. If they cannot be removed, safety practices should be established for those areas.
- Slope – Some slopes within work areas are steep and may require some method of access modification.
- Water hazards – Safety practices should be established to prevent water risks due to flooding, flow rates or personal issues.

**The Map**

The map divides Peery Park into 8 areas (A, A1, B, C, D, E, F, G) which could be treated to management with limited resource requirements. Additionally, there is an area of flooding (along Soquel Creek) and an area which is marked “Out of Bounds” where safety, erosion potential and vegetative removal issues will require specialized training, equipment, or resource expenditures

## Plant Species

The focus of removal and control are limited to English ivy (*Hedera helix*) and Cotoneaster species, at this time.

### Prioritized tasks and areas

**Task 1**            All areas, including the east Redtree property bank

Cut the English ivy in all trees and desirable shrubs.

Cut down and paint the stumps of the Cotoneaster plants within the Park.

**Task 2**            Area A and A1

Pull English ivy ( approximately 2200 sq. ft. and 2 additional man hours)

**Task 3**            Area B and E

Pull English ivy (approximately 800 sq. ft.)

**Task 4**            Area C

Pull English ivy (approximately 1500 sq. ft.)

**Task 5**            Area D

Pull English ivy (approximately 1500 sq. ft.)

**Task 6**            Area F (excluding sections with desirable native plant species or Cape ivy)

Pull English ivy

**Task 7**            Area G (excluding sections with desirable native plant species or Cape ivy)

Pull English ivy

**Note: Tasks listed below will require additional training and oversight**

**Task 8**            Area F and G ( sections with desirable native species)

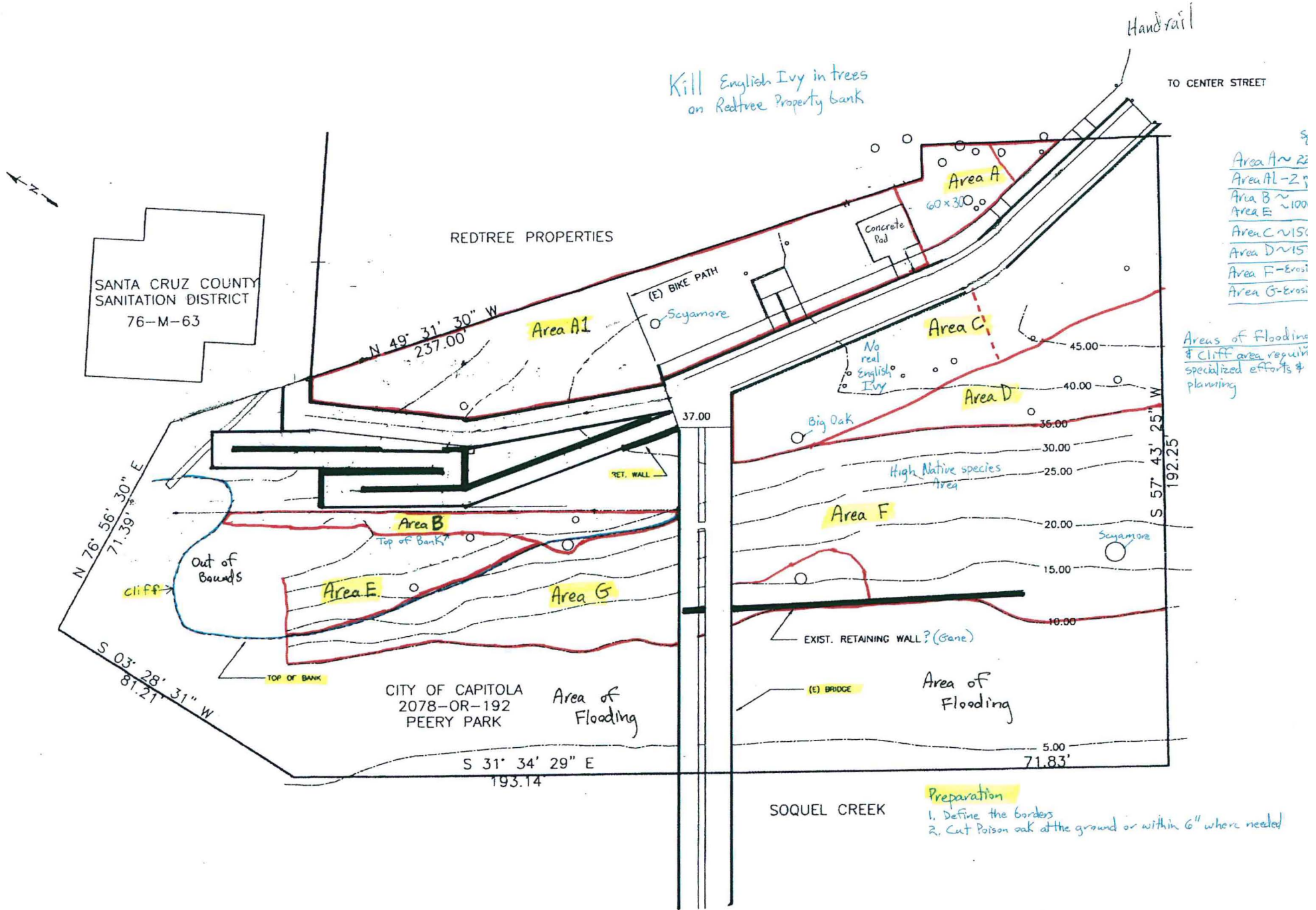
Pull English ivy

**Task 9**            Area F and G with Cape ivy

Remove Cape ivy            **(This task should not be done by volunteers without significant training)**

**The Area of Flooding** will require significant increases in costs due to the flooding, erosion control costs and oversight. Additional management practices are required. These resources must be in place prior to initiating work in these areas.

**Out of bounds (cliff area)** This area requires specialized skills, costs and protections. These resources must be in place prior to initiating work in these areas.



Attachment: Peery Park Plant Removal Plan (1263 : Peery Park Vegetation Restoration)



## CITY COUNCIL AGENDA REPORT

**MEETING OF NOVEMBER 24, 2015**

FROM: Community Development

SUBJECT: Consider Adoption of the Housing Element Update

**RECOMMENDED ACTION:** Approve the Addendum to the General Plan Update Environmental Impact Report and adopt the proposed Housing Element Update.

**BACKGROUND:** The Housing Element is one of seven state-mandated general plan elements. The Housing Element establishes how the City will address housing needs for all economic segments of the community, with a focus on low- to moderate-income households and special needs populations. The City's current 2007-2014 Housing Element was adopted by the City Council on February 11, 2010, and subsequently certified by the California Department of Housing and Community Development (HCD). The deadline to adopt the 2015-2023 Housing Element update is December 31, 2015.

The City Council considered the Housing Element update on July 23, 2015 and authorized staff to submit the document to HCD for review. HCD completed their review on October 6, 2015 and found the draft Housing Element update to be in compliance with State Housing Element law (Attachment 3). The Planning Commission subsequently reviewed the Housing Element at their November 5 hearing and unanimously recommended adoption.

The draft Housing Element update can be reviewed at: [http://www.cityofcapitola.org/sites/default/files/fileattachments/community\\_development/page/2402/capitola\\_housing\\_element\\_2015-2023\\_draft\\_102015.pdf](http://www.cityofcapitola.org/sites/default/files/fileattachments/community_development/page/2402/capitola_housing_element_2015-2023_draft_102015.pdf)

**DISCUSSION:** The draft 2015-2023 Housing Element is substantially the same as the current Housing Element. The City of Capitola's Regional Housing Needs Allocation (RHNA) for the 2015-2023 housing cycle is 143 units, which is identical to the 2007-2014 allocation. Consequently, the City has adequate capacity to fulfill its RHNA obligation without the need to identify new housing opportunity sites.

The City substantially completed its 2007-2014 housing programs to the satisfaction of HCD and no new programs are proposed for the upcoming housing cycle. The draft Housing Element would remove references to the City's defunct rent control program and make minor changes to the condo conversion policy to allow future ordinance amendments without the need to also process a General Plan amendment.

Other minor changes to the Housing Element update include:

- Updated demographic information;
- Updated housing information regarding completed and pending projects;
- Updated Housing Constraints analysis to reflect new ordinances adopted by the City,

Housing Element Update  
November 24, 2015

- several of which were adopted to comply with State mandates;
- Evaluation of the 2007-2014 Housing Element implementation;
  - Identification of completed housing programs, new programs, and programs proposed for removal.

Affordable Housing Programs Summary Report

Given the limited changes to the proposed Housing Element update, staff felt this would be a good opportunity to provide the City Council and members of the public with an update of the City's affordable housing programs. A summary report is included as Attachment 4.

Next Steps

Once adopted by the City Council, the Housing Element will be transmitted to HCD for a final 90-day certification.

FISCAL IMPACT: None.

ATTACHMENTS:

1. Addendum to the General Plan Update EIR for the Housing Element Update (PDF)
2. HCD Capitola Housing Element Compliance Letter (PDF)
3. Affordable Housing Programs Summary Report (PDF)

Report Prepared By: Rich Grunow  
Community Development Director



Jamie Goldstein, City Manager

11/19/2015

**DRAFT  
RESOLUTION NO. \_\_\_\_**

**RESOLUTION OF THE CAPITOLA CITY COUNCIL  
APPROVING AN ADDENDUM TO THE GENERAL PLAN UPDATE ENVIRONMENTAL  
IMPACT REPORT AND AMENDING THE CITY'S GENERAL PLAN  
BY RESCINDING THE 2007-2014 HOUSING ELEMENT AND ADOPTING THE 2015-2023  
HOUSING ELEMENT AND AUTHORIZING THE COMMUNITY DEVELOPMENT DIRECTOR  
TO SUBMIT IT TO THE STATE DEPARTMENT  
OF HOUSING AND COMMUNITY DEVELOPMENT FOR CERTIFICATION**

**WHEREAS**, the City of Capitola recognizes its responsibility to plan for the housing needs of the community; and

**WHEREAS**, the Housing Element of the General Plan sets forth City policies that will direct City action toward the provision of housing in the community; and

**WHEREAS**, Section 65580 of the Government Code of the State of California sets forth the requirements for the preparation and adoption of the Housing Element of the General Plan; and

**WHEREAS**, an Addendum to the General Plan Update Environmental Impact Report was prepared for the 2015-2023 Housing Element in accordance with State law and CEQA Guidelines; and

**WHEREAS**, consistent with CEQA and City Guidelines, it was determined that there is no substantial evidence that the 2015-2023 Housing Element will have a significant effect on the environment; and

**WHEREAS**, the City Council held a public hearing on July 23, 2015 and accepted a Draft 2015-2023 Housing Element and directed staff to submit it to Housing and Community Development (hereafter "HCD") for review; and

**WHEREAS**, the Draft 2015-2023 Housing Element was submitted to and reviewed by HCD and subsequently revised to respond to comments submitted by HCD; and

**WHEREAS**, the Planning Commission held a public hearing to review and consider the Draft 2015-2023 Housing Element on November 5, 2015, and recommended the City Council approve the Addendum to the General Plan Update Environmental Impact Report and adopt the Draft Housing Element; and

**WHEREAS**, the City Council held a public hearing to review and consider the Draft 2015-2023 Housing Element on November 24, 2015, approve the Addendum to the General Plan Update Environmental Impact Report, and adopt the 2015-2023 Housing Element; and

**WHEREAS**, the City Council now finds:

1. The proposed General Plan amendment is deemed to be in the public interest. Availability of housing is a vital issue of local and statewide importance. The Housing Element makes adequate provisions for the existing and projected housing needs for all economic segments of the community. The housing element also is in the public interest since it addresses regional housing needs.
2. The proposed General Plan amendment is consistent and compatible with the rest of the existing General Plan and any implementation programs that may be affected. The 2015-2023 Housing Element replaces the 2007-2014 Housing Element in the General Plan. Most of the policies, programs, and objectives are similar in both elements. The 2015-2023 Housing Element is consistent with the Land Use Element since no land use amendments will be necessary. The Housing Element is also consistent with the

Housing Element Update  
November 24, 2015

Circulation Element with no significant circulation impacts being identified in the Addendum to the General Plan Update Environmental Impact Report.

3. The potential impacts of the proposed amendment have been assessed and have been determined not to be detrimental to the public health, safety, or welfare. It is intended to promote the housing needs of the community, including safe housing conditions and vital neighborhoods.
4. The Housing Element was prepared in accordance with California Government Code Sections 65580-65589.8 and reviewed by the State Department of Housing and Community Development as required by State law. An Addendum to the General Plan Update Environmental Impact Report was completed consistent with CEQA Guideline requirements. The Planning Commission has considered the Addendum to the General Plan Update Environmental Impact Report and finds, based on the entire record before it, that there is no substantial evidence that the project will have a significant effect on the environment, and that the Addendum reflects the City's independent judgment and analysis.

**WHEREAS**, City Council has considered the Addendum to the General Plan Update Environmental Impact Report, together with the supporting documentation provided, and based on the basis of the whole record before the Council, finds there is no substantial evidence that the amendment will have a significant effect on the environment and that the Addendum reflects the City's independent judgment and analysis.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the City Council of the City of Capitola as follows:

- (a) The Addendum to the General Plan Update Environmental Impact Report for the 2015-2023 Housing Element is hereby approved;
- (b) The City's General Plan is hereby amended to rescind the 2007-2014 Housing Element and adopt the 2015-2023 Housing Element; and
- (c) The Community Development Director is hereby authorized and directed to submit the 2015-2023 Housing Element to the State Department of Housing and Community Development for final certification.

**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 24<sup>th</sup> day of November, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Dennis Norton, Mayor

ATTEST: \_\_\_\_\_  
Susan Sneddon, City Clerk



**ADDENDUM TO PROGRAM ENVIRONMENTAL IMPACT REPORT  
CITY OF CAPITOLA GENERAL PLAN UPDATE (SCH #2013072002)  
For the  
CITY OF CAPITOLA HOUSING ELEMENT UPDATE**

**INTRODUCTION**

This addendum has been prepared to document compliance with the California Environmental Quality Act (CEQA) for the City of Capitola's proposed Housing Element update. Pursuant to state law, the City is required to prepare an update to the Housing Element of the General Plan every eight years. The Housing Element describes the City's policies and programs for maintaining, improving, and expanding the supply of housing for all income levels consistent with regional housing needs, and for removing constraints to housing for persons with special needs.

This addendum provides an analysis of whether the adoption of the Housing Element update would result in any new or more substantial adverse environmental effects which were not previously analyzed in the 2014 General Plan Update Program EIR pursuant to CEQA Guidelines Sections 15162, 15164, and 15168.

**PROJECT DESCRIPTION**

The Housing Element is one of seven state-mandated general plan elements. The Housing Element establishes how the City will address housing needs for all economic segments of the community, with a focus on low- to moderate-income households and special needs populations. The City's current 2007-2014 Housing Element was adopted by the City Council on February 11, 2010, and subsequently certified by the California Department of Housing and Community Development (HCD). The deadline to adopt the 2015-2023 Housing Element update is December 31, 2015.

Housing Elements do not propose or require development of any residential use, rather, it establishes local goals, policies, and actions the City will implement and/or facilitate to address identified housing issues. In accordance with state law, Housing Element must be updated every eight years to establish current housing and land use strategies reflective of changing needs, resources, and conditions.

As part of the Housing Element update process, the City has reviewed the goals and policies contained in the current Housing Element and analyzed the need for any changes. Other components of the Housing Element update include an assessment of existing and future housing needs, constraints on housing development and affordable housing programs.

Housing Elements must also demonstrate how a jurisdiction can provide for its fair share of a region's housing need as determined through the Regional Housing Needs Assessment (RHNA) process. HCD



## ADDENDUM TO THE CITY OF CAPITOLA GENERAL PLAN UPDATE EIR – HOUSING ELEMENT UPDATE

identifies the total housing need for each region of the state. In the Monterey Bay region, the Association of Monterey Bay Area Governments (AMBAG) distributes this regional need to local governments. Once a local government has received its RHNA, it must revise its Housing Element to demonstrate how it plans to accommodate its portion of the region's housing need.

AMBAG approved the RHNA for the 2015-2023 housing cycle on June 11 2014. Capitola's 2015-2023 RHNA is 143 units, which is the same as the previous housing cycle.

During the 2007-2014 Housing Element update, the City adopted an affordable housing overlay zone and identified "opportunity sites" to accommodate the 143-unit RHNA obligation. With the exception of eight very low income units developed at the Bay Avenue Senior Apartments, all of the previously identified opportunity sites remain available for future affordable housing development. Moreover, opportunity sites identified in the 2007-2014 Housing Element could provide a total of 75 units for very-low and low income households which exceeds the 56 unit RHNA requirement by 19 units. Consequently, the City has adequate capacity to meet its RHNA obligation and does not need to rezone properties or identify any new opportunity sites for the current Housing Element cycle.

Because the City has existing capacity to accommodate its share of the region's housing need, changes to the Housing Element will primarily be updated demographic and housing information along with minor policy and program revisions. The following summarizes the changes proposed in the 2015-2023 Housing Element update:

- Updated demographic information;
- Updated housing information regarding completed and pending projects;
- Updated Housing Constraints analysis to reflect new ordinances adopted by the City, several of which were adopted to comply with State mandates;
- Evaluation of the 2007-2014 Housing Element implementation;
- Identification of completed housing programs, new programs, and programs proposed for removal.

The most notable proposed change is removal of two Housing Element programs related to the City's former Rent Stabilization Ordinance and restrictions on condominium conversions. The City repealed its Rent Stabilization Ordinance in 2011; accordingly, staff proposes to remove all Housing Element programs and policies which call for continued enforcement of the City's defunct rent control program.

In addition, private property owners have requested that the City amend its Housing Element and Municipal Code to relax restrictions on condominium conversions. The City's Condominium Conversion Ordinance resides in §16.68 of the Municipal Code and the current Housing Element includes Program 2.4 which calls for the City to maintain and enforce the Ordinance to preserve its supply of rental housing.

There are no current plans to amend the Condominium Conversion Ordinance; however, the proposed Housing Element update would amend program 2.4 related to condominium conversions. As proposed, the Housing Element would retain a policy and program to continue to enforce a condominium conversion policy which limits conversions, but removes verbatim ordinance language so that future ordinance amendments could be processed without the need for a general plan amendment. The proposed program amendment is shown below in ~~strikeout~~/underline format:

## ADDENDUM TO THE CITY OF CAPITOLA GENERAL PLAN UPDATE EIR – HOUSING ELEMENT UPDATE

**Program 2.4 Condominium Conversion Ordinance:** The City has a Condominium Conversion Ordinance in place that regulates the conversion of existing multifamily rental housing and nonresidential structures to residential condominium or community apartment projects. The ordinance regulates the conversion of an existing structure containing five or more units. ~~Under the ordinance no units built prior to January 1, 1970 or built after the 1979 adoption of the ordinance may be converted. Conversions that are allowed under the Ordinance must insure that a minimum of 15% of the units will be available to low income households and that an additional 20% will be available to low or moderate-income households. Conversions that are allowed~~ Under the City's Affordable "Inclusionary" Housing Ordinance must mitigate for the loss of rental housing through the dedication of on-site affordable units and/or payment of in lieu fees into the City's Housing Trust Fund. ~~condominium conversions are also required to pay in lieu fees into the City's Housing Trust Fund.~~

**CEQA ADDENDUM PROCEDURES**

This document has been prepared in accordance with CEQA Guidelines sections 15164 and 15168 to explain the rationale for determining that the proposed Capitola Housing Element update would not create any new or substantially more severe significant effects on the environment that were not analyzed in the General Plan Update EIR.

In determining whether an Addendum is the appropriate document to analyze modifications to the General Plan EIR, State CEQA Guidelines Section 15164 states:

- (a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.
- (b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.
- (c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.
- (d) The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.
- (e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's required findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

Since the General Plan EIR has been certified, the environmental impacts of subsequent activities proposed under the General Plan must be examined in light of the impact analysis in the certified EIR to determine if additional CEQA documentation must be prepared. One of the standards that applies is whether, under Public Resources Code Section 21166 and State CEQA Guidelines Sections 15162 and 15163, there are new significant effects or other grounds that require preparation of a subsequent EIR

## ADDENDUM TO THE CITY OF CAPITOLA GENERAL PLAN UPDATE EIR – HOUSING ELEMENT UPDATE

or supplemental EIR in support of further agency action on the project. Under these guidelines, a subsequent or supplemental EIR shall be prepared if any of the following criteria are met:

- (a) When an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:
- 1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
  - 2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
  - 3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
    - A. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
    - B. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
    - C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
    - D. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

As demonstrated in the environmental analysis contained herein, none of the conditions that had been analyzed in the General Plan EIR would change with adoption of the proposed Housing Element update. Furthermore, no new information of substantial importance meeting the criteria listed in State CEQA Guidelines Section 15162 has been identified.

#### **PRIOR ENVIRONMENTAL DOCUMENT**

The Capitola City Council adopted the General Plan Update and certified the associated EIR on June 26, 2014. The certified EIR found that adoption of the GPU would have significant, unavoidable effects to air quality, hydrology and water quality, traffic, utilities and service systems, and greenhouse gas

ADDENDUM TO THE CITY OF CAPITOLA GENERAL PLAN UPDATE EIR – HOUSING ELEMENT UPDATE

emissions. In accordance with CEQA section 15091, the Capitola City Council adopted findings of overriding considerations to certify the EIR.

## ENVIRONMENTAL REVIEW UPDATE CHECKLIST

### I. AESTHETICS

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to aesthetic resources including: scenic vistas; scenic resources including, but not limited to, trees, rock outcroppings, or historic buildings.; existing visual character or quality of the site and its surroundings; or day or nighttime views in the area?

Response: The proposed Housing Element update would not result in new or increased severity of significant visual and light/glare impacts beyond what was addressed in the General Plan EIR. The amendments to the Housing Element are consistent with the development assumptions under the adopted General Plan. Housing would be developed in the same locations and within prescribed densities as contemplated in the General Plan EIR. All future development projects would be subject to applicable City requirements pertaining to visual resources, as well as to further CEQA analyses of project specific impacts.

### II. AGRICULTURAL AND FORESTRY RESOURCES

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to agricultural resources including: conflict with zoning for or result in rezoning of forest land; result in the loss of forest land or conversion of forest land to non-forest use; convert Important Farmland and/or conflict with existing zoning for agricultural use or Williamson Act contract?

Response: There are no forest lands, farmlands of state or local importance, or agriculturally zoned properties in the City of Capitola. Consequently, the GP EIR concluded that there would be no significant impacts to agriculture or forestry resources. The proposed Housing Element update would not result in any new impacts not previously considered by the GP EIR.

### III. AIR QUALITY

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to air quality including: conflicts with or obstruction of implementation of the Regional Air Quality Strategy (RAQS) or applicable portions of the State Implementation Plan (SIP); violation of any air quality standard or substantial contribution to an existing or projected air quality violation; a cumulatively

## ADDENDUM TO THE CITY OF CAPITOLA GENERAL PLAN UPDATE EIR – HOUSING ELEMENT UPDATE

considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard; exposure of sensitive receptors to substantial pollutant concentrations; or creation of objectionable odors affecting a substantial number of people?

Response: The General Plan EIR found that implementation of the Plan could result in significant, unavoidable impacts to air quality through an increase in mobile and stationary source emissions and cumulative contributions to regional air quality standards. The proposed Housing Element update would not increase any residential densities nor does it include new housing programs which could facilitate development of new housing which could in-turn result in direct or indirect air quality impacts. Therefore, there are no project changes or any new information of substantial importance which indicate that the proposed Housing Element update would exacerbate air quality impacts beyond the analysis and conclusions in the General Plan EIR.

#### IV. BIOLOGICAL RESOURCES

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to biological resources including: adverse effects on any sensitive natural community (including riparian habitat) or species identified as a candidate, sensitive, or special status species in a local or regional plan, policy, or regulation, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service; adverse effects to federally protected wetlands as defined by Section 404 of the Clean Water Act; interference with the movement of any native resident or migratory fish or wildlife species or with wildlife corridors, or impeding the use of native wildlife nursery sites; and/or conflicts with the provisions of any adopted Habitat Conservation Plan, Natural Communities Conservation Plan, or other approved local, regional or state habitat conservation plan, policies or ordinances?

Response: The General Plan EIR found that implementation of the Plan would not result in any significant impacts to biological resources. The proposed Housing Element update does not include any policies or actions which would involve new or altered physical changes to the environment which have the potential to adversely affect biological resources. There have been no changes in the project or is there any new information of substantial importance to indicate that the proposed Housing Element update would result in new or more severe impacts to biological resources.

#### V. CULTURAL RESOURCES

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to cultural resources including: causing a change in the significance of a historical or archaeological resource as

## ADDENDUM TO THE CITY OF CAPITOLA GENERAL PLAN UPDATE EIR – HOUSING ELEMENT UPDATE

defined in State CEQA Guidelines Section 15064.5; destroying a unique paleontological resource or site or unique geologic feature; and/or disturbing any human remains, including those interred outside of formal cemeteries?

Response: The General Plan EIR found that implementation of the Plan could result in significant impacts to cultural resources, but that mitigation measures could be applied to reduce the impact to a less than significant level. The proposed Housing Element update does not include any residential density increases or new housing programs which could result in additional housing development above what was evaluated in the General Plan EIR. Therefore, there have been no changes to the project or new information of substantial importance which indicate that the proposed Housing Element update could result in new or more severe impacts to cultural resources.

## VI. GEOLOGY AND SOILS

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from geology and soils including: exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, seismic-related ground failure, including liquefaction, strong seismic ground shaking, or landslides; result in substantial soil erosion or the loss of topsoil; produce unstable geological conditions that will result in adverse impacts resulting from landslides, lateral spreading, subsidence, liquefaction or collapse; being located on expansive soil creating substantial risks to life or property; and/or having soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

Response: The General Plan EIR found that implementation of the Plan would have no potential to result in significant impacts to/from geology and soils. There have been no changes to the project or new information of substantial importance which indicate that the proposed Housing Element update could result in new or more severe impacts to/from geology and soils.

## VII. GREENHOUSE GASES

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that show the project may generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or would conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases?

Response: The General Plan EIR found that implementation of the Plan would result in significant, unavoidable impacts to greenhouse gases and climate change. The proposed

## ADDENDUM TO THE CITY OF CAPITOLA GENERAL PLAN UPDATE EIR – HOUSING ELEMENT UPDATE

Housing Element update includes the same residential densities and housing programs as what was evaluated by the General Plan EIR, therefore, there have not been any changes to the project or new information of substantial importance which indicate that the proposed Housing Element update could result in new or more severe impacts to greenhouse gas emissions.

### VIII. HAZARDS AND HAZARDOUS MATERIALS

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from hazards and hazardous materials including: creation of a significant hazard to the public or the environment through the routine transport, storage, use, or disposal of hazardous materials or wastes; creation of a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; production of hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; location on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 creating a hazard to the public or the environment; location within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport; within the vicinity of a private airstrip resulting in a safety hazard for people residing or working in the project area; impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; and/or exposure of people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

Response: The General Plan EIR found that implementation of the Plan would not result in any significant impacts to/from hazards and hazardous materials. There have been no changes to the project, or new information of substantial importance which indicate that the proposed Housing Element update would result in a new or more severe impact to hazards and hazardous materials.

### X. HYDROLOGY AND WATER QUALITY

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to hydrology and water quality including: violation of any waste discharge requirements; an increase in any listed pollutant to an impaired water body listed under section 303(d) of the Clean Water Act ; cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses; substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in



## ADDENDUM TO THE CITY OF CAPITOLA GENERAL PLAN UPDATE EIR – HOUSING ELEMENT UPDATE

aquifer volume or a lowering of the local groundwater table level; substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial erosion, siltation or flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems; provide substantial additional sources of polluted runoff; place housing or other structures which would impede or redirect flood flows within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, including City Floodplain Maps; expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; and/or inundation by seiche, tsunami, or mudflow?

Response: The General Plan EIR found that the implementation of the Plan could result in significant unavoidable impacts to groundwater supply, but found no significant impacts to water quality, drainage, erosion, or flooding. The proposed Housing Element update would not increase residential densities and there are no new housing programs which would facilitate new water-dependent development. Therefore, there have been no changes to the project or any new information of substantial importance which indicate that the proposed Housing Element update would result in new or more severe impacts to hydrology or water quality.

## XI. LAND USE AND PLANNING

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to land use and planning including: physically dividing an established community; and/or conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?

Response: The General Plan EIR found that implementation of the Plan would not result in any significant impacts to land use and planning. There have been no changes in the project or information of substantial importance which indicate that the proposed Housing Element update would result in any new or more severe impacts to land use and planning.

## XII. MINERAL RESOURCES

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to mineral resources including: the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; and/or loss of locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

## ADDENDUM TO THE CITY OF CAPITOLA GENERAL PLAN UPDATE EIR – HOUSING ELEMENT UPDATE

Response: There are no mineral resource deposits in the City of Capitola which could be reasonably extracted given existing non-compatible land uses. Accordingly, the General Plan EIR found that implementation of the Plan would not result in any impacts to mineral resources. There have been no changes to the project or new information of substantial importance which indicate that the proposed Housing Element update would result in new or more severe impacts to mineral resources.

**XIII. NOISE**

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from noise including: exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels; a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project; for projects located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, or for projects within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

Response: The General Plan EIR found that implementation of the Plan could result in significant impacts from noise resulting from construction of future projects authorized by the Plan. Consequently, the General Plan EIR included mitigation measures to reduce impacts from noise to a less than significant level. However, there have been no changes in the project or new information of substantial importance which indicate that the proposed Housing Element update would result in new or more severe impacts to/from noise.

**XIV. POPULATION AND HOUSING**

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects to population and housing including displacing substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere?

Response: The General Plan EIR found that implementation of the Plan would not result in any significant impacts to population and housing. There have been no changes to the project or information of substantial importance which indicate that the proposed Housing

## ADDENDUM TO THE CITY OF CAPITOLA GENERAL PLAN UPDATE EIR – HOUSING ELEMENT UPDATE

Element update would result in any new or more severe impacts to population and housing.

**XV. PUBLIC SERVICES**

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services: fire protection, police protection, schools, parks, or other public facilities?

Response: The General Plan EIR found that implementation of the Plan would not result in any significant impacts to public services. There have been no changes to the project or information of substantial importance which indicate that the proposed Housing Element update would result in any new or more severe impacts to public services.

**XVI. RECREATION**

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or that include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Response: The General Plan EIR found that implementation of the Plan would not result in any significant impacts to recreation. There have been no changes to the project or information of substantial importance which indicate that the proposed Housing Element update would result in any new or more severe impacts to recreation.

**XVII. TRANSPORTATION/TRAFFIC**

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause effects to transportation/traffic including: conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation

## ADDENDUM TO THE CITY OF CAPITOLA GENERAL PLAN UPDATE EIR – HOUSING ELEMENT UPDATE

including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit; conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways; cause a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks; substantial increase in hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); inadequate emergency access; and/or a conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

Response: The General Plan EIR found that implementation of the Plan could result in significant, unavoidable impacts to transportation. The proposed Housing Element update does not include any increased residential densities or new housing programs which would facilitate new development, which could result in additional traffic. Therefore, there have been no changes to the project or information of substantial importance which indicate that the proposed Housing Element update would result in any new or more severe impacts to transportation.

### XVIII. UTILITIES AND SERVICE SYSTEMS

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause effects to utilities and service systems including: exceedance of wastewater treatment requirements of the applicable Regional Water Quality Control Board; require or result in the construction of new water or wastewater treatment facilities, new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; require new or expanded entitlements to water supplies or new water resources to serve the project; result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments; be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs; and/or noncompliance with federal, state, and local statutes and regulations related to solid waste?

Response: The General Plan EIR found that implementation of the Plan could result in significant unavoidable impacts to utilities and service systems due to the potential for groundwater overdraft. The proposed Housing Element update would not increase residential densities and there are no new housing programs which would facilitate new water-dependent development. There have been no changes to the project or information of substantial importance which indicate that the proposed Housing Element update would result in any new or more severe impacts to utilities and service systems.

**XIX. MANDATORY FINDINGS OF SIGNIFICANCE:**

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in any mandatory finding of significance listed below?

Does the project degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

Response: There have been no changes to the project or any new information of substantial importance which indicate that the proposed Housing Element update would result in any new or more severe impacts to the quality of the environment, including adverse impacts to habitat for sensitive species, cumulative environmental impacts, or adverse direct or cumulative effects on human beings.

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

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October 6, 2015

Mr. Richard Grunow, Director  
Community Development Department  
City of Capitola  
420 Capitola Ave,  
Capitola, California 95010

Dear Mr. Grunow:

**RE: Review of the City of Capitola's 5<sup>th</sup> Cycle (2015-2023) Draft Housing Element**

Thank you for submitting Capitola's draft housing element update which was received for review on August 8, 2015, along with revisions received on October 5, 2015. Pursuant to Government Code (GC) Section 65585(b), the Department is reporting the results of its review. Our review was facilitated by a conversation on September 29, 2015 with you and Ms. Arlene Granadosin, City consultant.

The draft element with revisions meets the statutory requirements of State housing element law. This finding was based on, among other reasons, Capitola's demonstration of adequate sites, particularly for lower-income households. The element will comply with State housing element law (GC, Article 10.6) when the draft element and revisions are adopted and submitted to the Department, in accordance with GC Section 65585(g).

The Department conducted a streamlined review of the draft housing element based on the City meeting all eligibility criteria detailed in the Department's Housing Element Update Guidance.

To remain on an eight year planning cycle, pursuant to Senate Bill 375 (Chapter 728, Statutes of 2008) the City must adopt its housing element within 120 calendar days from the statutory due date of December 31, 2015 for AMBAG localities. If adopted after this date, GC Section 65588(e)(4) requires the housing element be revised every four years until adopting at least two consecutive revisions by the statutory deadline. For more information on housing element adoption requirements, please visit the Department's website at: [http://www.hcd.ca.gov/hpd/hrc/plan/he/he\\_review\\_adoptionsteps110812.pdf](http://www.hcd.ca.gov/hpd/hrc/plan/he/he_review_adoptionsteps110812.pdf).

Attachment: HCD Capitola Housing Element Compliance Letter (1222 : Housing Element Update)

HCD Review of Capitola's Housing Element  
Page 2

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate.

The Department appreciates the hard work and dedication Ms. Arlene Granadosin and you provided in preparation of the housing element and looks forward to receiving Capitola's adopted housing element. If you have any questions or need additional technical assistance, please contact James Johnson, of our staff, at (916) 263-7426.

Sincerely,



Paul McDougall  
Housing Policy Manager



**CITY OF CAPITOLA  
COMMUNITY DEVELOPMENT DEPARTMENT**

**AFFORDABLE HOUSING PROGRAM  
SUMMARY REPORT**

November, 2015

The City of Capitola offers a number of affordable housing programs to help lower income households obtain or maintain safe and decent housing. The purpose of these housing activities is to assist in the production, improvement, availability, and preservation of affordable housing for very low-, low- and moderate-income households. The housing programs implement the Housing Element of the City of Capitola's General Plan.

Although the City lost its primary funding source when redevelopment agencies were terminated in 2011, the City has maintained several important affordable housing programs using a variety of non-general fund sources.

This report has been prepared to provide the Planning Commission, City Council, and members of the public a summary of the City of Capitola's Affordable Housing Programs.

**CURRENT AFFORDABLE HOUSING PROGRAMS**

**Inclusionary Housing Program**

The Inclusionary (Affordable) Housing Ordinance was adopted by the City Council in November 2004. The program requires housing projects to contribute to the creation of affordable housing. Projects with seven or more for-sale housing units are required to reserve and restrict fifteen percent of the housing units for sale to moderate, low or very-low income households. The Inclusionary Housing Program also requires resale restrictions be placed on these units to protect their long-term affordability for future buyers. Projects with fewer than seven units are required to pay in-lieu fees to the City of Capitola's Affordable Housing Trust fund.

There are currently 11 inclusionary housing units in the City of Capitola:

**Inclusionary Housing Project Summary**

<b>PROJECT NAME</b>	<b>TOTAL UNITS</b>	<b>INCLUSIONARY UNITS</b>
Heritage Lane	12	2
Capitola Beach Villas	55	8
Pearson Court	10	1
<b>TOTAL</b>	<b>77</b>	<b>11</b>



### **Security Deposit Program**

The Security Deposit Program provides forgivable loans to low- and very low-income households to cover the costs associated with moving into a new rental unit. The program is administered by the Housing Authority of Santa Cruz County. The program had historically been financed through the Redevelopment Agency Low and Moderate Income Housing Fund. The program was discontinued following the dissolution of Redevelopment Agencies in 2011. The program was reinstated in 2014 with a \$10,000 allocation from Housing Successor funds. A total of two Capitola households have been assisted since the program was reinstated. Funds remain available from the initial allocation.

### **Emergency Housing Assistance Program**

This program is operated through a contract with the Community Action Board to provide Emergency Housing Assistance to income eligible applicants in the form of grants to prevent eviction or foreclosure. This program was also discontinued following the loss of Redevelopment housing funds and was reinstated in 2014 with a \$30,000 allocation from Housing Successor funds. A total of nine Capitola households have been assisted since July 1, 2014. Funds remain available from a \$30,000 2015-2016 budget allocation.

### **Housing Rehabilitation Program**

The Housing Rehabilitation Program provides funding to low income owner-occupied households to complete basic health and safety improvements. The program was historically funded with funds from a Home Investments Partnership Program (HOME) federal grant (from 2000 to 2004), and then by Redevelopment Agency Housing Funds. It was discontinued in 2011 when Redevelopment law was repealed. The program was reinstated in July, 2015 through a \$500,000 Community Block Development Grant (CDBG). The program is administered by the Housing Authority. No rehabilitation projects have been completed to date; however, City and Housing Authority staff are actively working through a waiting list to qualify applicants and staff expects a number of projects will be initiated prior to the end of the calendar year.

### **Homebuyer Assistance Program**

The Homebuyer Assistance Program was also a casualty of Redevelopment termination. The program was reinstated in 2015 through the \$500,000 CDBG grant. The program provides loans to low income households to purchase a home in Capitola. Eligible properties may include single-family residences, condominium units, or mobile homes. This program is also administered by the Housing Authority. Staff is currently working through a waiting list to qualify applicants for program participation.

### **Mobile Home Park Rental Assistance Program**

The City offers rent subsidies to residents of the Surf and Sand and Castle Mobile Home Parks. Through a settlement agreement reached in 2011, the City committed a \$100,000 annual allocation from former Redevelopment Agency Housing funds to the Housing Authority to provide rent subsidies at Surf and Sand. The subsidy will end in 2021, at which time the park owner is obligated to provide long-term affordability assurances.

The City also provided a \$1,000,000 loan to Millennium Housing in 2011 to acquire the Castle Mobile Home Park plus an additional \$100,000/year for 10 years of rental assistance and

infrastructure improvements. The loan was funded through Redevelopment Housing funds and Housing Trust funds. The annual rent subsidy/infrastructure allocation will end in 2021.

### **Mortgage Credit Certificate Program**

The Mortgage Credit Certificate (MCC) is a federally funded program which provides financial assistance to first time homebuyers for the purchase of single-family homes. The MCC provides qualified first time homebuyers with a federal income tax credit, which reduces an individual's tax payments by an amount equal to the credit. The Housing Authority administers the MCC program. The program has provided tax credit assistance to 57 Capitola households since its inception in 1990.

## **AFFORDABLE HOUSING FUNDING SOURCES**

### **Housing Trust Fund**

The Housing Trust Fund was created in 2004 in conjunction with the Inclusionary (Affordable) Housing Program. In-lieu fees collected under the program are deposited into the Housing Trust Fund. The Housing Trust Fund provides a local, flexible source of funding which may be used to create or rehabilitate affordable housing, fund affordable housing programs, and to cover program administration costs. The fund has an approximate current balance of \$67,000. In recent years the Fund's balance has been decreasing, as the Fund has been used to pay a portion of the debt service for the Pacific Cove relocation loan. This was anticipated when that debt was issued, and staff anticipates transferring the entire debt service payment to the General Fund in 2017-2018.

### **Housing Successor Fund**

The Housing Successor Fund was created following the dissolution of Redevelopment Agencies in 2011. Housing Successor Funds are accumulated through loan repayments are received from the former Redevelopment Agency Low and Moderate Income Housing Fund. Housing Successor monies have been used to fund the City's Emergency Housing Assistance Program, Security Deposit Program, and to offset affordable housing administration costs. The fund has an approximate current balance of \$109,000.

### **Community Development Block Grant (CDBG)**

CDBG is a federal grant program which provides communities with resources to address a wide range of community development needs. Capitola participates in the competitive Small Cities Grant Program administered by the California Department of Housing and Community Development (HCD). CDBG affordable housing funds may only be used to assist households who earn less than 80% of area median income. The City received a \$500,000 grant in 2014 and received authorization from HCD to begin spending funds in July, 2015. The grant is being used to fund the City's Homebuyer Assistance and Housing Rehabilitation Programs.

### **CDBG Program Income**

The City periodically receives CDBG Program Income from loan payments that were originally funded with CDBG grants. According to CDBG guidelines, if the total amount of Program Income received by the fund does not exceed \$35,000 in any given fiscal year, then the funds received can be transferred out of the CDBG Program. Up to 18% of CDBG Program Income can be used for administrative costs. The City does not currently have any CDBG Program Income; however, the fund will be replenished as loan payments are received.

**Home Investments Partnership Program (HOME)**

HOME is a federal grant program which provides funding for a wide range of affordable housing activities. HOME is the largest Federal block grant to state and local governments designed exclusively to create affordable housing for low-income households. The City received a \$2M HOME grant in 2009 and an additional \$1.2M in 2011 to help fund the Bay Avenue Senior Apartments project. The City does not currently have an active HOME grant.

**Home Investments Partnership Program (HOME) Program Income**

HOME Program Income is accrued as loan payments are received which were originally funded through HOME grant monies. HOME Program Income funds may be used to develop or rehabilitate affordable housing, fund affordable housing programs, and offset administration costs. HOME funds may only be used to assist households who earn less than 80% of area median income. The fund has an approximate current balance of \$160,000.

**Affordable Housing Fund Summary**

FUND SOURCE	FUND BALANCE
Housing Trust Fund	\$67,242
Housing Successor	\$109,202
CDBG	\$500,000*
HOME Program Income	\$161,943
CDBG Program Income	\$0
HOME Grant	\$0
<b>TOTAL</b>	<b>\$838,387</b>

\*Represents entire grant amount – does not include recent program administration expenditures

**AFFORDABLE HOUSING LOAN PORTFOLIO**

From 1996 to 2011, the City made 140 affordable housing loans for housing rehabilitation and homebuyer assistance, using HOME and CDBG grants and RDA funds. Payoffs are required to be tracked and re-used according to funding regulations. As of September 2015, the City has 57 outstanding affordable housing loans, worth approximately \$853,000. This housing portfolio requires annual owner-occupancy monitoring, loan balance notices, loan payoff calculations, and financial tracking.

**AFFORDABLE HOUSING SITES**

**Mobile Home Parks**

Mobile home parks provide a valuable source of affordable housing. Capitola is home to eight mobile home parks which accommodate 681 homes. Seven of the City’s parks have been subdivided, converted to non-profit ownership, or resident cooperatives. The Cabrillo Mobile Home Park is the City’s last remaining privately owned park, and though Surf and Sand is subdivided, the original owner has not sold any of the lots. Cabrillo residents entered into a park-wide agreement with the property owners in 2011 to provide long-term leases to all of its residents.

**Mobile Home Park Summary**

PARK	ADDRESS	UNITS	INCOME RESTRICTED	AGE RESTRICTED	AFFORDABLE UNITS	OWNERSHIP
Brookvale	300 Plum	111	No	No	0	Subdivided
Cabrillo	930 Rosedale	68	No	No	0	Private
Castle	1099 38 <sup>th</sup>	108	Partial	No	85	Non-Profit
Loma Vista	4425 Clares	90	Yes	Yes, 55+	90	Cooperative
Surf & Sand	750 47 <sup>th</sup>	75	No	No	0	Subdivided
Tradewinds	4160 Jade	114	No	Yes, 55+	0	Subdivided
Turner Lane	920 Capitola	79	Partial	No	7	Subdivided
Wharf Road	2155 Wharf	36	Yes	No	36	Cooperative
<b>TOTAL</b>		<b>681</b>			<b>218</b>	

**Bay Avenue Senior Apartments**

The Bay Avenue Senior apartments is the largest affordable housing project in Capitola, offering 109 affordable units, including 39 units for very low income chronically ill seniors and five units for extremely low income seniors with mental illness who are at risk of homelessness.

**Shorelife Church Neighborhood Manor**

The Shorelife Community Church operates a 20-unit rental property on Monterey Avenue which offers below-market rents to its residents.

**Grace Street Apartments**

The Housing Authority of Santa Cruz County operates a 12-unit apartment project on Grace Street which provides housing to low and very low-income households.

**Habitat for Humanity Project at 38<sup>th</sup> and Brommer**

Habitat for Humanity, in cooperation with the former Capitola Redevelopment Agency constructed an affordable 6-unit home ownership project in 1999.

**Dakota Apartments Accessible Housing**

The Dakota Apartments is located on Clares/Capitola Road and provides 25 accessible rental units for very low-income households for persons affected by mobility impairment/traumatic brain injury.

**Inclusionary Housing Units**

As previously described, the City currently has eleven inclusionary housing units, eight at Capitola Beach Villas, two at Heritage Lane, and one at Pearson Court.

**Affordable Housing Site Summary**

PROJECT/PROGRAM	LOCATION	AFFORDABLE UNITS
Mobile Home Parks	Citywide	218
Bay Avenue Sr. Apts	Bay Avenue	109
Dakota Apartments	Clares/Capitola Road	25
Shorelife Manor	Monterey Avenue	20
Grace St. Apartments	Grace Street	12
Inclusionary Housing Units	Citywide	11
Habitat for Humanity	38 <sup>th</sup> and Brommer	6
<b>TOTAL</b>		<b>401</b>