

City of Capitola Agenda

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



~REVISED~

CAPITOLA CITY COUNCIL REGULAR MEETING

THURSDAY, MARCH 28, 2013

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

CLOSED SESSION – 6:00 PM
CITY MANAGER’S OFFICE

An announcement regarding the items to be discussed in Closed Session will be made in the City Hall Council Chambers prior to the Closed Session. Members of the public may, at this time, address the City Council on closed session items only.

CONFERENCE WITH LABOR NEGOTIATOR (Govt. Code §54957.6)

Negotiator: Jamie Goldstein, City Manager
Employee Organizations: Capitola Police Officers Association and
Capitola Police Captains.

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

1. City of Capitola et al. v. Lexington Insurance Company [United States District Court, Northern District of California, Case No. 5:12-CV-03428-LHK].
2. Schroedel et al. v. the City of Capitola [Santa Cruz Superior Court, Case No. CV 175684].

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

Property: McGregor Drive, APN 036-341-02 (City of Capitola, Owner)
City Negotiator: Public Works Director
Negotiating Parties: City and Soquel Creek Water District
Under Negotiation: Real Property Lease/Sale

CAPITOLA CITY COUNCIL – Thursday, March 28, 2013

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

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

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

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

2. PRESENTATIONS

A. Certificate of appreciation to Greg Tedesco who served on the Commission on the Environment.

3. REPORT ON CLOSED SESSION

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. COUNCIL/STAFF ANNOUNCEMENTS

7. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS

A. Consideration of an appointment to the Advisory Council on the Area on Aging.

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. Consideration of approving the City Council/Successor Agency Special Joint Meeting Minutes of February 21, 2013.

RECOMMENDED ACTION:

Approve Minutes.

B. Approval of City Check Register Reports dated February 22, 2013; March 1, 2013; March 8, 2013; and March 15, 2013.

RECOMMENDED ACTION:

Approve the City Check Register Reports.

CAPITOLA CITY COUNCIL – Thursday, March 28, 2013

- C. Consideration of an Employment Agreement for the Community Development Director, and authorize the City Manager to execute the agreement.
RECOMMENDED ACTION:
Approve Agreement.
- D. Consideration of approving the purchase of one marked command police vehicle in the amount not to exceed \$38,000; and request to surplus two unmarked police vehicles.
RECOMMENDED ACTION:
Approve the vehicle purchase, and authorize staff to surplus two unmarked police vehicles.
- E. Receive the Single Audit Report on Federal Awards for the year ended June 30, 2012, and the Independent Accountant's Report on the Agreed-Upon Procedures applied to the Appropriation Limit Worksheets.
RECOMMENDED ACTION:
Receive reports.

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.

Note: Items 9.A. and 9.B. will be considered simultaneously.

- A. 426 CAPITOLA AVENUE #13-019 APN: 035-141-33
Appeal of the Planning Commission Certification of a Negative Declaration and approval of a Coastal Development Permit, Architectural and Site Review and a Conditional Use Permit for a temporary parking lot in the MHE (Mobile Home Exclusive) Zoning District. This project requires a Coastal Permit which is not appealable to the California Coastal Commission.
Environmental Determination: Negative Declaration
Property Owner: City of Capitola, filed: 1/30/13
RECOMMENDED ACTION:
Deny the appeal.
- B. Receive report regarding the Lower Pacific Cove Parking Lot Project; approve project scope and estimate; adopt a Resolution to submit an application for project funding to IBank; authorize staff to refinance existing debt with Santa Cruz County Bank, and authorize advertising for bids.
RECOMMENDED ACTION:
Receive report; approve project scope and estimate; adopt Resolution; authorize the refinancing and advertising for bids.
- C. Consideration of a Coastal Plan and Ordinance Amendment to the Capitola Municipal Code Chapter 17.39 amending Sections 17.39.020, 17.39.030, 17.39.040, 17.39.050, 17.39.060 and 17.39.080 of the Capitola Municipal Code and adding Section 17.39.110 to the Capitola Municipal Code pertaining to Planned Development District Regulations. The Planning Commission considered this amendment at the March 7, 2013 meeting and unanimously recommended approval.
RECOMMENDED ACTION:
Introduce Ordinance.

10. COUNCIL/STAFF COMMUNICATIONS

CAPITOLA CITY COUNCIL – Thursday, March 28, 2013

11. CITY COUNCIL/TREASURER COMMENTS/COMMITTEE REPORTS

City Council Members/City Treasurer may comment on matters of a general nature or identify issues for staff response or future council consideration. Council Members/Committee Representatives may present oral updates from standing committees at this time.

12. ADDITIONAL MATERIALS

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

- A. 9.B.
DETAILS:
Communications from the Public.

13. ADJOURNMENT

Adjourn to the next Regular Meeting of the City Council on Thursday, April 11, 2013 at 7:00 PM, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

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

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

Agenda and Agenda Packet Materials: The City Council Agenda and the complete agenda packet are available on the Internet at the City’s website: www.ci.capitola.ca.us. Agendas are also available at the Capitola Post Office located at 826 Bay Avenue, Capitola.

Agenda Document Review: The complete agenda packet is available at City Hall and at the Capitola Branch Library, 2005 Wharf Road, Capitola, on the Monday prior to the Thursday meeting. Need more information? Contact the City Clerk’s office at 831-475-7300.

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

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

Televised Meetings: City Council meetings are cablecast “Live” on Charter Communications Cable TV Channel 8 and are recorded to be replayed at 12:00 Noon on the Saturday following the meetings on Community Television of Santa Cruz County (Charter Channel 71 and Comcast Channel 25). Meetings are streamed “Live” on the City’s website at www.ci.capitola.ca.us by clicking on the Home Page link “**View Capitola Meeting Live On-Line.**” Archived meetings can be viewed from the website at anytime.



CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 28, 2013

FROM: OFFICE OF THE CITY CLERK

SUBJECT: APPROVAL OF THE CITY COUNCIL/SUCCESSOR AGENCY SPECIAL JOINT
MEETING MINUTES OF FEBRUARY 21, 2013

RECOMMENDED ACTION: Approve the subject minutes as submitted.

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

ATTACHMENTS:

1. February 21, 2013 City Council/Successor Agency Special Joint Budget Meeting Minutes.

Report Prepared By: Susan Sneddon, CMC
City Clerk

Reviewed and Forwarded
By City Manager: 

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CITY OF CAPITOLA
CITY COUNCIL

February 21, 2013
Capitola, California

**CAPITOLA CITY COUNCIL/SUCCESSOR AGENCY
TO THE FORMER REDEVELOPMENT AGENCY
SPECIAL JOINT BUDGET STUDY SESSION - 6:00 PM**

1. ROLL CALL

PRESENT: Council Members Michael Termini, Dennis Norton, Sam Storey, Ed Bottorff
and Mayor Stephanie Harlan

ABSENT: None

2. GENERAL GOVERNMENT/PUBLIC HEARINGS

- A. Receive Mid-Year 2012/2013 Fiscal Year Budget Financial Report. [330-10/330-05]

City Council received the report.

- B. Review of prior year's Budget Principles and determination of the Budget Principles for the 2013/2014 Fiscal Year. [330-05]

City Manager Goldstein reviewed the City Council's Fiscal Policy and Public Service Principles. Public Service Principles included: (1) maintain a transparent efficient government; (2) recognize the high priority the community puts on public safety; and (3) continue to fund or review funding sources. He then provided several public service accomplishments.

In addition, City Manager Goldstein reviewed the following Public Improvement Principles: (1) continue to maintain the City infrastructure; (2) ensure programs are in place to judiciously respond to development projects; and (3) improve the City's natural recreation resources and support sustainable programs. He then provided several public improvement accomplishments.

Goldstein stated in the preparation of the draft budget, staff integrates the principles into specific goals for the fiscal year. He recommended consolidating the Public Improvement Possibilities Principles with the Public Improvement Principles. The City Council recommended the following changes to the Fiscal Year 2013/2014 goals:

- Complete the General Plan Update;
- Modify the McGregor goal to open site options for non-income projects;
- Increase street/facility maintenance;
- Bring Village sidewalk cleaning options to the Council this Spring;
- Maintaining the existing goals with clarifying language.

Item #: 8.A. Attach 1.pdf

**FEBRUARY 21, 2013 CAPITOLA CITY COUNCIL/SUCCESSOR AGENCY
SPECIAL JOINT BUDGET STUDY SESSION**

Additional recommendations include:

- Integrate complete-street requirements into the General Plan Update;
- Pursue a skate park and dog park;
- Reduction in City's printing costs;
- Develop project plan for the McGregor property;
- Continue to explore ways to improve police services;
- Continue funding key components of public service for residents and visitors;
- Continue implementation of Pavement Management Plan;
- Complete Clares Traffic Calming Project;
- Send a newsletter more frequently to inform the residents about City activities;
- Develop long-term plan for Pacific Cove Mobile Home Park site;
- Complete CEQA/permits for new uses at Rispin Property;
- Develop alternative community garden site;
- Continue to increase solid waste diversion rates throughout City;
- Enhance environmental programs through education and outreach;
- Continue implementation of storm water and other environmental programs;
- Complete Library Program Needs Assessment process, and begin library design process;
- Develop options for skate and dog park locations;
- Continue to closely monitor ADA compliance in all new construction, and ensure ADA access to all public projects;
- Pursue park improvement grants to complete Rispin Park.

13. ADJOURNMENT

Mayor Harlan adjourned the meeting at 7:30 p.m. to the next Regular Meeting of the City Council on Thursday, February 28, 2013, at 7:00 PM, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

ATTEST:

Stephanie Harlan, Mayor

Susan Sneddon, City Clerk, CMC



CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 28, 2013

FROM: FINANCE DEPARTMENT
SUBJECT: CITY CHECK REGISTER REPORT

RECOMMENDED ACTION: Approve the attached Check Register Reports for Feb 22, Mar 1, Mar 8, and Mar 15, 2013

DISCUSSION: Check Registers are attached for:

Date	Starting Check #	Ending Check #	Total Checks/EFT	Amount
2/22/13	72205	72253	49	\$162,834.76
3/1/13	72254	72289	36	\$111,919.25
3/8/13	72290	72344	56	\$124,839.89
3/15/13	72345	72398	54	\$56,128.41

The check register of Feb 15, 2013 ended with check #72204

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

Check	Issued to:	Dept.	Purpose	Amount
72210	Bowman & Williams	PW	Pac Cove Survey	\$19,023.75
72231	PG&E	PW	Monthly Electric-Feb2013	\$14,564.92
72238	SCC Bank	FIN	Pac Cove Bond Loan Pymt	\$96,502.88
72258	Atchison, Barisone, et al	CM	Jan 2013 Legal Services	\$16,438.35
72266	Design, Comm, & Environ.	PW	Gen Plan Update	\$14,862.77
72269	Gumbiner & Eskridge	CM	Jan 2013 Prof Services	\$36,801.97
EFT	CalPERS Health Ins	CM	Employee Health Ins	\$52,289.93
72328	SCC Dept of Public Works	CM	Household Haz Waste Prog	\$17,191.00
72349	Atchison, Barisone, et al	CM	Feb 2013 Legal Services	\$12,476.06

ATTACHMENTS:

1. Check Register for Feb 22, 2013
2. Check Register for Mar 1, 2013
3. Check Register for Mar 8, 2013
4. Check Register for Mar 15, 2013

Report Prepared By: Linda Benko
AP Clerk

Reviewed and Forwarded
by City Manager: 


Checks dated 2/22/13 numbered 72205 to 72253 for a total of \$162,834.76 have been reviewed and authorized for distribution by the City Manager and City Treasurer.

As of 2/22/13 the unaudited cash balance is \$2,321,510

CASH POSITION - CITY OF CAPITOLA 2/22/13

	<u>Net Balance</u>
General Fund	872,888
Contingency Reserve Fund	671,646
Worker's Comp. Ins. Fund	31,225
Self Insurance Liability Fund	177,629
Stores Fund	(1,492)
Information Technology Fund	73,656
Equipment Replacement	142,200
Compensated Absences Fund	21,954
Public Employee Retirement - PERS	-
Open Space Fund	256
Capital Improvement Projects	331,549
TOTAL GENERAL FUND & COUNCIL DESIGNATED FUNDS	<u><u>2,321,510</u></u>

The Emergency Reserve Fund balance is \$289,295.54 and is not included above.



 Tori Hannah, Finance Director

2/22/2013

 Date

 KyMBERLY V. DeWitt, City Treasurer

 Date

City Checks Issues 2/22/2013

Check Number	Invoice Number	Status	Invoice date	Description	Payee Name	Transaction Amount
72205	02/22/2013	Open	Date		BAY BAR & GRILL	\$30.00
	Licensee Type		2/15/2013	Licensee Number	Transaction Type	
	Business			1670	Refund Overpayment	
72206	02/22/2013	Open	Date		GOLDEN AGE	\$23.00
	Licensee Type		2/15/2013	Licensee Number	Transaction Type	
	Business			726	Refund Overpayment	
72207	02/22/2013	Open			AT&T	\$7.75
	Invoice		Date	Description	Amount	
	674-Feb13		02/01/2013	Long Distance Service, Feb 2013	\$3.81	
	624-Feb13		02/01/2013	Long Distance Service, Feb 2013	\$3.94	
72208	02/22/2013	Open			BAYSIDE OIL INC.	\$75.00
	Invoice		Date	Description	Amount	
	932504		01/16/2013	Used oil & antifreeze disposal	\$75.00	
72209	02/22/2013	Open			BOBBY'S PIT STOP INC.	\$122.25
	Invoice		Date	Description	Amount	
	0332235		02/11/2013	smog 2004 F-250	\$40.75	
	0332118		02/01/2013	smog 2003 Crown Vic	\$40.75	
	0332134		02/04/2013	smog 2000 f0150	\$40.75	
72210	02/22/2013	Open			BOWMAN & WILLIAMS, INC.	\$19,023.75
	Invoice		Date	Description	Amount	
	7442		02/08/2013	Pac Cove Survey	\$19,023.75	
				Fund 1200, CIP		
72211	02/22/2013	Open			CALE AMERICA INC.	\$770.00
	Invoice		Date	Description	Amount	
	128522		01/30/2013	Jan 2013 active meters	\$770.00	
72212	02/22/2013	Open			CAPITOLA PEACE OFFICERS ASSOC.	\$954.50
	Invoice		Date	Description	Amount	
	POA2-22-13		02/20/2013	POA Dues, Employee Funded	\$954.50	
72213	02/22/2013	Open			CASEY PRINTING	\$4,463.90
	Invoice		Date	Description	Amount	
	22669011		01/31/2013	Recreation Brochures	\$4,463.90	
72214	02/22/2013	Open			CLEAN BUILDING MAINTENANCE	\$3,981.96
	Invoice		Date	Description	Amount	
	10757		01/31/2013	Jan 2013 Cleaning Service	\$3,981.96	
				Fund 1000, Gen Fund=\$3764.46		
				Fund 1311, Wharf=\$217.50		
72215	02/22/2013	Open			CLEAN SOURCE	\$1,722.46
	Invoice		Date	Description	Amount	
	13220272		01/29/2013	Cleaning supplies	\$1,722.46	
72216	02/22/2013	Open			CRYSTAL SPRINGS WATER CO.	\$126.50
	Invoice		Date	Description	Amount	
	Jan2013		01/31/2013	Jan 2013 Drinking Water	\$126.50	

City Checks Issues 2/22/2013

Invoice #	Date	Status	Description	Amount
72217	02/22/2013	Open	D & G SANITATION	\$77.76
Invoice 201344	01/31/2013		PCMHF Fence	\$77.76
72218	02/22/2013	Open	FIRST ALARM	\$202.80
Invoice 609605	02/15/2013		Qrtly Burg Alarm Monitoring, Jade St	\$202.80
72219	02/22/2013	Open	FLYERS ENERGY, LLC	\$2,242.48
Invoice 13-818478	02/08/2013		453 Gal Ethanol	\$1,872.28
13-818479	02/08/2013		87 Gal Diesel	\$370.20
72220	02/22/2013	Open	GRAHAM-GARCIA, BARBARA	\$250.00
Invoice 150	01/31/2013		Ergonomic Assessment, Pearson	\$250.00
72221	02/22/2013	Open	ICMA RETIREMENT TRUST 457	\$4,898.22
Invoice ICMA2-22-13	02/20/2013		Retirement Plan Contr, Employee Funded	\$4,898.22
72222	02/22/2013	Open	JAQUA OF CALIFORNIA	\$369.75
Invoice 1457	02/15/2013		memorial bench	\$369.75
72223	02/22/2013	Open	LLOYD'S TIRE SERVICE INC.	\$339.06
Invoice 241862	02/13/2013		Rotate Tires, PD	\$60.00
241940	02/14/2013		New Tires, PD Chev Impala	\$279.06
72224	02/22/2013	Open	McMENAMIN, GEORGE	\$821.50
Invoice Inv11	02/20/2013		Riparian Restoration	\$821.50
72225	02/22/2013	Open	MID-COUNTY AUTO SUPPLY	\$383.83
Invoice 331711	02/14/2013		auto parts, Chevy Impala	\$43.75
331723	02/14/2013		auto parts, Chevy Impala	\$40.00
331632	02/13/2013		auto parts, Fleet	\$9.31
331301	02/11/2013		auto parts, 2004 F-250	\$9.99
331277	02/11/2013		auto parts, Fleet	\$17.30
331261	02/11/2013		auto parts	\$140.60
331349	02/11/2013		auto parts, PD071	\$11.04
330955	02/07/2013		auto parts, Fleet	\$32.84
330874	02/06/2013		auto parts, Fleet	\$43.19
330869	02/06/2013		auto parts	\$35.81
72226	02/22/2013	Open	MISSION PRINTERS	\$230.54
Invoice 45334	01/29/2013		Window Envelopes Fund 2210, Stores	\$230.54

City Checks Issues 2/22/2013

Invoice #	Date	Status	Description	Amount
72227	02/22/2013	Open	MONTEREY BAY UNIFIED AIR POLLUTION DIS	\$398.00
Invoice	Date		Description	Amount
20130215	02/05/2013		Fuel tank @ Corp Yard	\$398.00
72228	02/22/2013	Open	MUNISERVICES, LLC	\$2,397.32
Invoice	Date		Description	Amount
29778	01/30/2013		Q3 2012 Sales Tax Reporting	\$1,162.64
29331	11/30/2012		SUTA Services for qtr ending Jun 30, 2012	\$1,224.24
29330	11/30/2012		SUTA services for qtr ending Jun 30, 2012	\$10.44
72229	02/22/2013	Open	NORTH BAY FORD	\$439.70
Invoice	Date		Description	Amount
233228	02/08/2013		auto parts, PD071	\$36.44
233224	02/11/2013		auto parts, PD Vehicles	\$81.24
233186	02/07/2013		auto parts, PD071	\$95.54
233142	02/04/2013		auto parts, PD031	\$139.49
233103	02/01/2013		auto parts, PD031	\$86.99
72230	02/22/2013	Open	ORCHARD SUPPLY HARDWARE	\$20.57
Invoice	Date		Description	Amount
6013-3522149	02/04/2013		Misc.	\$20.57
72231	02/22/2013	Open	PACIFIC GAS & ELECTRIC	\$14,564.92
Invoice	Date		Description	Amount
2013-00000525	02/13/2013		Monthly Elec	\$14,564.92
			Fund 1000, Gen Fund=\$6096.82	
			Fund 1300, SLESF=\$125.99	
			Fund 1310, Gas Tax=\$6754.88	
			Fund 1311, Wharf=\$1587.23	
72232	02/22/2013	Open	PACIFIC GAS & ELECTRIC	\$70.97
Invoice	Date		Description	Amount
2013-00000526	02/13/2013		Pac Cove MHP Elec and Gas	\$70.97
72233	02/22/2013	Open	PACIFIC VETERINARY SPECIALISTS	\$30.90
Invoice	Date		Description	Amount
253763	02/08/2013		Animal Control Exp, PD	\$30.90
72234	02/22/2013	Open	PALACE ART & OFFICE SUPPLIES	\$68.66
Invoice	Date		Description	Amount
997865	02/07/2013		Office Supplies, City Hall	\$68.66
			Fund 2210, Stores	
72235	02/22/2013	Open	PERFORMANCE PAINTING CO.	\$840.00
Invoice	Date		Description	Amount
035000	02/15/2013		Paint museum interior	\$840.00
72236	02/22/2013	Open	PITNEY BOWES INC.	\$145.13
Invoice	Date		Description	Amount
583444	02/19/2013		Postage meter rental	\$145.13
72237	02/22/2013	Open	PRINTING SYSTEMS, INC.	\$155.83
Invoice	Date		Description	Amount
79364	02/11/2013		Business License Envelopes	\$155.83

City Checks Issues 2/22/2013

Invoice #	Date	Status	Description	Amount
72238	02/22/2013	Open	SANTA CRUZ COUNTY BANK	\$96,502.88
Invoice	Date		Description	Amount
20130115	02/19/2013		Acct 90038-04-00, Loan Pymt	\$96,502.88
			Fund 1420, Pac Cove Bond	
72239	02/22/2013	Open	SCC DEPT OF PUBLIC WORKS	\$531.81
Invoice	Date		Description	Amount
03-01017412	01/23/2013		Bulk tires	\$147.00
03-01017475	01/23/2013		Recycle tires	\$251.46
03-01017501	01/23/2013		Paint & oil	\$133.35
72240	02/22/2013	Open	SCC G.S.D. WAREHOUSE	\$1,638.00
Invoice	Date		Description	Amount
20130214	02/14/2013		tires	\$1,638.00
72241	02/22/2013	Open	SCC HEALTH SERVICES	\$286.00
Invoice	Date		Description	Amount
20130211	02/11/2013		Blood Alcohol Tests, Oct -Dec 2012	\$286.00
72242	02/22/2013	Open	SCC INFORMATION SERVICES	\$521.99
Invoice	Date		Description	Amount
Feb 2013	02/05/2013		Feb2013 scan charges-PD	\$521.99
72243	02/22/2013	Open	SANTA CRUZ SENTINEL	\$593.31
Invoice	Date		Description	Amount
2040516-Jan2013	02/08/2013		Jan Advertising Exp	\$593.31
72244	02/22/2013	Open	SERVICESYS, LLC	\$175.00
Invoice	Date		Description	Amount
2454	02/10/2013		Network Redesign Consultation	\$175.00
			Fund 2211, IT	
72245	02/22/2013	Open	SUMMIT UNIFORM CORP	\$27.16
Invoice	Date		Description	Amount
988	01/23/2013		PD Supplies, Evans	\$27.16
72246	02/22/2013	Open	UNITED WAY OF SCC	\$60.00
Invoice	Date		Description	Amount
UW-Feb13	02/20/2013		United Way Contributions, Feb 2013	\$60.00
72247	02/22/2013	Open	UPEC LIUNA LOCAL 792	\$992.25
Invoice	Date		Description	Amount
UPEC2-22-13	02/20/2013		Union Dues, Employee Funded	\$992.25
72248	02/22/2013	Open	US BANCORP EQUIPMENT FINANCE	\$339.56
Invoice	Date		Description	Amount
221818057	02/02/2013		Copier Lease, IR2525, Contract 500-03064	\$80.30
221818255	02/04/2013		Copier Lease, C452, Contract 500-033234	\$259.26
72249	02/22/2013	Open	US Bank Institutional Trust-Western Reg	\$318.67
Invoice	Date		Description	Amount
PARS-2-22-13	02/20/2013		Retirement Plan Contr, Employee Funded	\$318.67

City Checks Issues 2/22/2013

Item #	Date	Status	Description	Amount
72250	02/22/2013	Open	VFW Supply	\$290.85
	Invoice			
	20130214		Six flags	\$290.85
72251	02/22/2013	Open	WATSONVILLE POLICE DEPT	\$125.00
	Invoice			
	Nov 2012		Nov 2012 Pistol range	\$125.00
72252	02/22/2013	Open	WILSON, LORRIE	\$147.27
	Invoice			
	8589803		Batteries for the parking meters	\$147.27
72253	02/22/2013	Open	Martin, Tom	\$36.00
	Invoice			
	13133463		Refund cite 13133463	\$36.00

Check Totals: Count 49 TOTAL \$162,834.76

Checks dated 3/1/13 numbered 72254 to 72289 for a total of \$111,919.25 have been reviewed and authorized for distribution by the City Manager and City Treasurer.

As of 3/1/13 the unaudited cash balance is \$2,037,302

CASH POSITION - CITY OF CAPITOLA 3/1/13

	<u>Net Balance</u>
General Fund	598,251
Contingency Reserve Fund	671,646
Worker's Comp. Ins. Fund	31,225
Self Insurance Liability Fund	177,362
Stores Fund	(1,687)
Information Technology Fund	71,273
Equipment Replacement	142,200
Compensated Absences Fund	21,954
Public Employee Retirement - PERS	-
Open Space Fund	256
Capital Improvement Projects	324,821
TOTAL GENERAL FUND & COUNCIL DESIGNATED FUNDS	<u>2,037,302</u>

The Emergency Reserve Fund balance is \$289,295.54 and is not included above.



 Jamie Goldstein, City Manager

 3/1/2013
 Date

 Kymerly V. DeWitt, City Treasurer

 Date

City Checks Issued 3/1/2013

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
72254	02/27/2013 Invoice 13721	Open	Date 02/20/2013	Description Trash Cans	KEYSTONE RIDGE DESIGNS, INC.	\$3,260.00 \$3,260.00
72255	03/01/2013 Licensee Type Business	Open	Date 02/20/2013	Description Business License Refund	SKYLIGHT PLACE INC	\$275.00 \$275.00
72256	03/01/2013 Invoice 90522421 90522428	Open	Date 02/01/2013 02/09/2013	Description Mar 1 to May 31 2013 Police departemen Mar 1 to May 31 2013 38th Ave.	ADT SECURITY SERVICES, INC.	\$256.41 \$139.54 \$116.87
72257	03/01/2013 Invoice 30719	Open	Date 01/29/2013	Description Remittance Envelopes, Museum	ALPHA GRAPHICS	\$422.24 \$422.24
72258	03/01/2013 Invoice Jan2013	Open	Date 01/31/2013	Description Jan2013 Legal Services	ATCHISON, BARISONE & CONDOTTI	\$16,438.35 \$16,438.35
72259	03/01/2013 Invoice 39582	Open	Date 02/22/2013	Description February 2013-Wharf Meter Reading Fund 1311, Wharf Fund	AUTOMATED TEST ASSOCIATES	\$25.00 \$25.00
72260	03/01/2013 Invoice Jan-Feb13	Open	Date 02/08/2013	Description Credit Card Charges, Jan-Feb2013 Fund 1000, Gen Fund=\$4609.12 Fund 1310, Gas Tax Fund=\$160.23 Fund 2210, Stores=\$26.98 Fund 2211, IT=\$2245.76	BANK OF AMERICA	\$7,042.09 \$7,042.09
72261	03/01/2013 Invoice 2142	Open	Date 01/27/2013	Description Museum Website Improvements	BANKS, LIN	\$275.00 \$275.00
72262	03/01/2013 Invoice 7494	Open	Date 02/15/2013	Description Pac Cove Survey Fund 1200, CIP	BOWMAN & WILLIAMS, INC.	\$6,727.50 \$6,727.50
72263	03/01/2013 Invoice 1065 1092 1148 1112	Open	Date 02/04/2013 02/07/2013 02/19/2013 02/11/2013	Description Jacket-Zamora, PD Uniforms, Weagle-PD Uniform Exp, Blankenship Uniform Exp, Rannals	CALIFORNIA COAST UNIFORM CO	\$988.50 \$417.03 \$532.41 \$26.04 \$13.02
72264	03/01/2013 Invoice 20130211	Open	Date 02/11/2013	Description Monthly Internet Access Fee Fund 2211, IT	Charter Communications	\$137.33 \$137.33

City Checks Issued 3/1/2013

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
72265	03/01/2013	Open			COMMUNITY TELEVISION OF SCC	\$4,731.97
	Invoice		Date	Description		Amount
	1828		12/31/2012	Quarterly PEG fees		\$4,731.97
				Fund 1320, Publid Educ & Gov't		
72266	03/01/2013	Open			DESIGN, COMMUNITY & ENVIRONMENT	\$14,862.77
	Invoice		Date	Description		Amount
	50347		12/31/2012	Professional Services Dec2012		\$14,862.77
				Fund 1313, General Plan Update		
72267	03/01/2013	Open			DOGHERRA'S INC.	\$204.00
	Invoice		Date	Description		Amount
	310366		02/06/2013	Tow Toyota Camry 4TZA016 evidence to		\$204.00
72268	03/01/2013	Open			FEDERAL EXPRESS	\$190.99
	Invoice		Date	Description		Amount
	2-177-57568		02/19/2013	Shipping Exp		\$190.99
72269	03/01/2013	Open			GUMBINER & ESKRIDGE LLP	\$36,801.97
	Invoice		Date	Description		Amount
	11309		02/13/2013	Jan2013 Prof Services		\$36,801.97
72270	03/01/2013	Open			KING'S CLEANERS	\$664.00
	Invoice		Date	Description		Amount
	20130211		02/11/2013	Uniform cleaning-PD		\$664.00
72271	03/01/2013	Open			KING'S PAINT AND PAPER, INC.	\$333.22
	Invoice		Date	Description		Amount
	A174252		02/11/2013	Red curb paint-Fund 1310, Gas Tax		\$116.07
	A174448		02/14/2013	Paint - baseball		\$77.38
	A174460		02/14/2013	Paint		\$139.77
72272	03/01/2013	Open			LA COUNTY AUDITOR CONTROLLER	\$1,602.00
	Invoice		Date	Description		Amount
	13ME0197		02/05/2013	Evidence kits Analysis		\$1,602.00
72273	03/01/2013	Open			MURPHY, LISA	\$421.65
	Invoice		Date	Description		Amount
	20130219		02/22/2013	Reimb Expenses		\$45.19
	20130227		02/27/2013	Reimb Expenses		\$376.46
72274	03/01/2013	Open			ORCHARD SUPPLY HARDWARE	\$379.67
	Invoice		Date	Description		Amount
	6013-2092488		02/07/2013	Painting supplies		\$18.21
	6009-1023178		02/07/2013	Nuts/bolts bleachers		\$11.14
	6014-7829531		02/08/2013	Misc. parks		\$17.34
	6011-4794728		02/11/2013	Primer bleachers		\$20.33
	6013-7352843		02/11/2013	Paint		\$9.31
	6007-3528760		02/13/2013	Sanding belts		\$13.01
	6012-4790526		02/13/2013	Misc.		\$26.02
	6011-1025362		02/14/2013	Jade St. benches		\$35.97
	6014-9870751		02/14/2013	Misc.		\$27.30
	6007-3529133		02/15/2013	Weldable Steel, Key Stock		\$25.96
	6012-9871088		02/19/2013	Paint		\$7.60

City Checks Issued 3/1/2013

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
72274	03/01/2013	Open		ORCHARD SUPPLY HARDWARE (cont.)		
	6013-3523777		02/19/2013	Rakes		\$36.87
	6013-2293723		02/19/2013	General Supplies		\$29.19
	6013-7823086		02/14/2013	Misc Supplies		\$9.74
	6013-7823082		02/14/2013	Wharf Gen Supplies-Fund 1311, Wharf		\$37.95
	6011-4797086		02/20/2013	Bolts		\$8.44
	6011-4797100		02/20/2013	Dust Bags, Rosedale Grinding		\$43.36
	6009-7355160		02/20/2013	Batteries		\$14.06
	8814		02/19/2013	Credit return, Misc Supplies		(\$12.13)
72275	03/01/2013	Open			PALACE ART & OFFICE SUPPLIES	\$732.60
	Invoice		Date	Description		Amount
	18900		02/14/2013	Chair & Keyboard Arm, PD		\$565.29
	201102		02/20/2013	Paper, City Hall-Fund 2210, Stores		\$167.31
72276	03/01/2013	Open			PODS ENTERPRISES INC.	\$245.50
	Invoice		Date	Description		Amount
	050-322818		02/19/2013	Relocated POD to Pac Cove parking lot		\$83.84
	050-322096		02/13/2013	March 2013 monthly rental		\$161.66
72277	03/01/2013	Open			RAY ALLEN MANUFACTURING LLC	\$491.98
	Invoice		Date	Description		Amount
	288972		02/19/2013	Harness		\$171.99
	289038		02/21/2013	Dogtra advance E- collar		\$319.99
72278	03/01/2013	Open			RIGEL PRODUCTS AND SERVICE	\$295.48
	Invoice		Date	Description		Amount
	2835		02/18/2013	Equipment Repair		\$295.48
72279	03/01/2013	Open			ROYAL WHOLESALE ELECTRIC	\$77.36
	Invoice		Date	Description		Amount
	7719-567941		01/29/2013	Maint Supplies, Jade St softball field		\$77.36
72280	03/01/2013	Open			SCC CONFERENCE & VISITORS COUNC	\$4,350.00
	Invoice		Date	Description		Amount
	10331		02/20/2013	Spring 2013 Marketing Campaign-BIA Po		\$4,350.00
				Fund 1321, BIA		
72281	03/01/2013	Open			SC OCCUPATIONAL MEDICAL CENTER	\$765.00
	Invoice		Date	Description		Amount
	I-7496		01/31/2013	Physical, New Employee		\$765.00
72282	03/01/2013	Open			SHIELDS CONSULTING GROUP INC.	\$2,500.00
	Invoice		Date	Description		Amount
	1214-1		01/22/2013	State Mandated Costs Reimb Claims		\$2,500.00
72283	03/01/2013	Open			SOUTH BAY REGIONAL TRAINING	\$100.00
	Invoice		Date	Description		Amount
	Radar Evans		02/15/2013	Radar training for Evans		\$100.00

City Checks Issued 3/1/2013

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
72284	03/01/2013 Invoice 974855313-134	Open	Date 02/01/2013	Description City Cell Phone Service	SPRINT	\$3,644.21
72285	03/01/2013 Invoice 05-13M9-735	Open	Date 02/25/2013	Description Claim 05-13M9-735 Settlement Fund 2213, Self-Ins Liability	STATE FARM CLAIMS	\$267.00
72286	03/01/2013 Invoice Discover 3608609	Open	Date 02/27/2013 02/27/2013	Description Reimb Subscription Reimb Museum Display Expense	SWIFT, CAROLYN	\$310.96
72287	03/01/2013 Invoice 6221854	Open	Date 02/22/2013	Description Mar2013 Life & Disability Ins.	THE HARTFORD -PRIORITY ACCOUNTS	\$1,686.92
72288	03/01/2013 Invoice PARS1-11-13	Open	Date 01/11/2013	Description Retirement Plan Contr, Employee Fundec	US Bank Institutional Trust-Western Regior	\$130.71
72289	03/01/2013 Invoice 20130215 20130204	Open	Date 02/15/2013 02/22/2013	Description Reimb Travel Exp, PD Reimb Exp to pick up new K9	WEAGLE, DAN	\$281.87
Check Totals:				Count	36	TOTAL \$111,919.25

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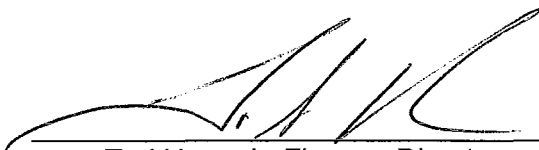
Checks dated 3/8/13 numbered 72290 to 72344 plus an EFT for a total of \$124,839.89 have been reviewed and authorized for distribution by the City Manager and City Treasurer.

As of 3/8/13 the unaudited cash balance is \$1,708,236

CASH POSITION - CITY OF CAPITOLA 3/8/13

	<u>Net Balance</u>
General Fund	286,844
Contingency Reserve Fund	671,646
Worker's Comp. Ins. Fund	31,225
Self Insurance Liability Fund	171,331
Stores Fund	(2,218)
Information Technology Fund	70,118
Equipment Replacement	142,200
Compensated Absences Fund	13,356
Public Employee Retirement - PERS	-
Open Space Fund	256
Capital Improvement Projects	323,477
TOTAL GENERAL FUND & COUNCIL DESIGNATED FUNDS	<u><u>1,708,236</u></u>

The Emergency Reserve Fund balance is \$289,295.54 and is not included above.



 Tori Hannah, Finance Director

3/8/2013

 Date

 Kymerly V. DeWitt, City Treasurer

 Date

City Checks Issued 3/8/2013

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
EFT	03/08/2013	Open			CalPERS Health Insurance	\$52,289.93
	Invoice		Date	Description		Amount
	Mar2013		02/15/2013	Employee Health Ins, Employee Funded		\$52,289.93
72290	03/08/2013	Open			AFLAC	\$466.76
	Invoice		Date	Description		Amount
	561421		02/22/2013	Feb2013 Suppl Health Ins, Employee Funded		\$466.76
72291	03/08/2013	Open			AIR FILTER/CONTROL	\$517.37
	Invoice		Date	Description		Amount
	336011		02/12/2013	HVAC Supplies		\$517.37
72292	03/08/2013	Open			BIG CREEK LUMBER	\$11.94
	Invoice		Date	Description		Amount
	2990622		02/21/2013	Lumber, Jade St Ballfield Bench repair		\$11.94
72293	03/08/2013	Open			CALE AMERICA INC.	\$95.00
	Invoice		Date	Description		Amount
	128628		02/13/2013	Meter Service		\$95.00
72294	03/08/2013	Open			CALIFORNIA COAST UNIFORM CO.	\$160.28
	Invoice		Date	Description		Amount
	1180		02/01/2013	Uniform Expense, Valdez		\$160.28
72295	03/08/2013	Open			CALIF. LAW ENFORCEMENT ASSOC.	\$514.50
	Invoice		Date	Description		Amount
	Mar2013		02/22/2013	Long Term Disability Ins		\$514.50
72296	03/08/2013	Open			CAPITOLA PEACE OFFICERS ASSOC.	\$985.50
	Invoice		Date	Description		Amount
	POA3-8-13		03/06/2013	POA Dues, Employee Funded		\$985.50
72297	03/08/2013	Open			CHARLEBOIS, FREDERIC	\$112.50
	Invoice		Date	Description		Amount
	2013-00000531		03/01/2013	Winter Inst.Payments Last-2013		\$112.50
72298	03/08/2013	Open			CLARK, DAVE	\$20.15
	Invoice		Date	Description		Amount
	2013-00000530		03/01/2013	Winter Inst.Payments Last-2013		\$20.15
72299	03/08/2013	Open			CONOCO-PHILLIPS FLEET SERVICES	\$39.06
	Invoice		Date	Description		Amount
	31902335		02/01/2013	Fuel		\$39.06
72300	03/08/2013	Open			CRUZIO THE INTERNET STORE INC.	\$39.95
	Invoice		Date	Description		Amount
	28750-62		03/02/2013	General Plan webhosting 3/23/13-4/22/13		\$39.95
				Fund 1313, Gen Plan		
72301	03/08/2013	Open			DESIGN, COMMUNITY & ENVIRONMENT, I	\$6,629.74
	Invoice		Date	Description		Amount
	50410		01/31/2013	Professional Services Jan2013		\$6,629.74
				Fund 1313, Gen Plan		

City Checks Issued 3/8/2013

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
72302	03/08/2013	Open			DIXON AND SON, INC	\$961.46
	Invoice		Date	Description		Amount
	177918		02/27/2013	Tires and Disposal		\$961.46
				Fund 1000, Gen Fund=\$469.50		
				Fund 1310, Gas Tax Fund=\$491.96		
72303	03/08/2013	Open			EMPLOYMENT DEVELOPMENT DEPT	\$6,031.00
	Invoice		Date	Description		Amount
	Q4CY2012		02/19/2013	Unemployment Tax, Q4 CY2012		\$6,031.00
				Fund 2213, Self Ins Liability		
72304	03/08/2013	Open			EXPLORE PUBLISHING INC.	\$1,000.00
	Invoice		Date	Description		Amount
	928064		02/08/2013	2013 Edition of Explore Silicon Valley		\$1,000.00
				Fund 1321, BIA		
72305	03/08/2013	Open			EXTRA SPACE STORAGE OF SC INC	\$303.00
	Invoice		Date	Description		Amount
	Mar2013		02/21/2013	Unit B120, Mar Rent-PD		\$303.00
72306	03/08/2013	Open			FERRARI FLORIST & GIFTS	\$68.40
	Invoice		Date	Description		Amount
	735		02/04/2013	Floral Arrangement, Murphy		\$68.40
72307	03/08/2013	Open			FLYERS ENERGY, LLC	\$2,917.42
	Invoice		Date	Description		Amount
	13-823120		02/21/2013	493 Gal Ethanol		\$2,159.47
	13-823121		02/21/2013	180 Gal Diesel		\$757.95
72308	03/08/2013	Open			ICMA RETIREMENT TRUST 457	\$5,163.28
	Invoice		Date	Description		Amount
	ICMA3-8-13		03/06/2013	Retirement Plan Contribution, Employee Funde		\$5,163.28
72309	03/08/2013	Open			INTERNATIONAL CODE COUNCIL	\$250.00
	Invoice		Date	Description		Amount
	Wheeler2013		03/01/2013	2013 Membership, Wheeler		\$250.00
72310	03/08/2013	Open			JAMES P ALLEN & ASSOC	\$180.00
	Invoice		Date	Description		Amount
	030113		03/01/2013	Consulting Arborist Svcs at Courtyard Commor		\$180.00
72311	03/08/2013	Open			KBA Docusys	\$25.90
	Invoice		Date	Description		Amount
	178230		03/04/2013	Rec Copier Fee		\$25.90
72312	03/08/2013	Open			LABORMAX STAFFING	\$1,418.38
	Invoice		Date	Description		Amount
	26-20111		02/22/2013	Temp Labor, Corp Yd		\$709.19
	26-20023		02/15/2013	Temp Labor, Corp Yd		\$709.19
72313	03/08/2013	Open			LAURENT, LARRY	\$12.37
	Invoice		Date	Description		Amount
	UPS2-27-13		02/27/2013	Reimb shipping expense		\$12.37

City Checks Issued 3/8/2013

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
72314	03/08/2013	Open			LIUNA PENSION FUND	\$633.60
	Invoice		Date	Description		Amount
	Feb2013		02/28/2013	Pension Dues, Feb2013-Employee Funded		\$633.60
72315	03/08/2013	Open			MARCHESE, HELEN	\$427.55
	Invoice		Date	Description		Amount
	20130307		03/06/2013	Petty Cash Replenishment		\$427.55
72316	03/08/2013	Open			McMENAMIN, GEORGE	\$737.50
	Invoice		Date	Description		Amount
	20130305		03/05/2013	Soquel Creek Restoration Project		\$737.50
72317	03/08/2013	Open			MID-COUNTY AUTO SUPPLY	\$77.58
	Invoice		Date	Description		Amount
	331815		02/15/2013	Auto Parts, Radar Trailer		\$77.58
72318	03/08/2013	Open			MISSION LINEN SUPPLY	\$872.90
	Invoice		Date	Description		Amount
	Feb2013		03/01/2013	Feb Uniform and Mat Cleaning, all sites		\$872.90
72319	03/08/2013	Open			MOFFATT & NICHOL	\$1,344.00
	Invoice		Date	Description		Amount
	63872		02/08/2013	Jan 2013 Capitola Flume Engineering Services Fund 1200, CIP		\$1,344.00
72320	03/08/2013	Open			Montano Plumbing, Inc.	\$5,562.97
	Invoice		Date	Description		Amount
	23341		02/26/2013	Final PO Billing, Capitola Wharf Gas Pipe Fund 1311, Wharf Fund		\$5,562.97
72321	03/08/2013	Open			MORRISSEY, YOSHIE	\$24.70
	Invoice		Date	Description		Amount
	2013-00000529		03/01/2013	Winter Inst.Payments Last-2013		\$24.70
72322	03/08/2013	Open			ORCHARD SUPPLY HARDWARE	\$170.10
	Invoice		Date	Description		Amount
	6013-523857		02/21/2013	Esplanade Bathrooms		\$32.53
	6007-2540705		02/25/2013	Maint Supplies		\$31.99
	6011-4798481		02/26/2013	Maint Supplies		\$25.09
	6011-1027562		02/22/2013	Maint Supplies		\$35.79
	6007-3520106		02/22/2013	Maint Supplies		\$44.70
72323	03/08/2013	Open			PALACE ART & OFFICE SUPPLIES	\$629.77
	Invoice		Date	Description		Amount
	200334		02/13/2013	Office Supplies, City Hall		\$42.86
	200772		02/18/2013	Paper-PD		\$93.09
	200932		02/19/2013	Office Supplies, City Hall		\$266.39
	8875925		02/20/2013	Supplies-Rec		\$14.77
	201386		02/21/2013	Paper, City Hall		\$77.27
	201493		02/26/2013	Copyholder		\$58.59
	202159		02/26/2013	Folders, Planning Fund 1000 Gen Fund=\$107.86 Fund 2210, Stores=\$521.91		\$76.80

City Checks Issued 3/8/2013

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
72324	03/08/2013	Open			POM INCORPORATED	\$99.09
	Invoice		Date	Description		Amount
	25332		02/15/2013	Tamperproof vault door configuration		\$99.09
72325	03/08/2013	Open			RADAR SHOP	\$639.50
	Invoice		Date	Description		Amount
	9259		02/14/2013	Calibrate Radar Units, PD		\$639.50
72326	03/08/2013	Open			RED SHIFT INTERNET SERVICES	\$115.11
	Invoice		Date	Description		Amount
	1557208		02/01/2013	DSL Access, PD		\$49.94
	1557207		02/01/2013	DSL Access, City Hall		\$65.17
				Fund 1000, Gen Fund=\$49.94		
				Fund 2211, IT=\$65.17		
72327	03/08/2013	Open			SAFARILAND LLC	\$173.99
	Invoice		Date	Description		Amount
	113-019252		02/15/2013	Evidence plastic bag material		\$173.99
72328	03/08/2013	Open			SCC DEPT OF PUBLIC WORKS	\$17,191.00
	Invoice		Date	Description		Amount
	HazWaste2013		02/06/2013	12/13 Household Hazardous Waste		\$17,191.00
72329	03/08/2013	Open			SANTA CRUZ SPCA	\$3,000.00
	Invoice		Date	Description		Amount
	2013		02/28/2013	PD Donation to SPCA		\$3,000.00
72330	03/08/2013	Open			SIEMENS INDUSTRY INC.	\$1,797.47
	Invoice		Date	Description		Amount
	400094996		02/01/2013	Jan2013 Signal Maintenance		\$698.24
	400095109		02/16/2013	Jan2013 Signal Maint Call-outs		\$1,099.23
				Fund 1310, Gas Tax		
72331	03/08/2013	Open			SOQUEL UNION ELEM SCHOOL DISTR	\$2,196.31
	Invoice		Date	Description		Amount
	13-20		03/06/2013	Jade Street Park Sewer Service Charges		\$2,196.31
72332	03/08/2013	Open			THE BARRICADE COMPANY	\$1,077.09
	Invoice		Date	Description		Amount
	1221391		02/20/2013	Reflective Cones		\$1,077.09
				Fund 1310, Gas Tax		
72333	03/08/2013	Open			TRANSPARENT GLASS COATINGS, INC.	\$632.00
	Invoice		Date	Description		Amount
	4000352		03/01/2013	Window Tint, PD		\$632.00
72334	03/08/2013	Open			UNITED STATES POSTAL SERVICE	\$1,031.83
	Invoice		Date	Description		Amount
	2013-03		03/04/2013	City Newsletter Postage		\$1,031.83
72335	03/08/2013	Open			UPEC LIUNA LOCAL 792	\$972.00
	Invoice		Date	Description		Amount
	UPEC3-8-13		03/06/2013	Union Dues, Employee Funded		\$972.00

City Checks Issued 3/8/2013

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
72336	03/08/2013	Open			US BANCORP EQUIPMENT FINANCE	\$179.22
	Invoice		Date	Description		Amount
	222780256		02/19/2013	Copier Lease, 500-0332356-000, Jade St		\$98.74
	222910135		02/21/2013	Copier Lease, 500-0296803-000, City Hall		\$80.48
				Fund 1000, Gen Fund=\$98.74		
				Fund 2211, IT=\$80.48		
72337	03/08/2013	Open			US Bank Institutional Trust-Western Region	\$327.45
	Invoice		Date	Description		Amount
	PARS3-8-13		03/06/2013	Retirement Plan Contribution for 3/8/13		\$327.45
72338	03/08/2013	Open			WATSONVILLE BLUEPRINT	\$120.45
	Invoice		Date	Description		Amount
	38445		02/28/2013	Plans for Pac Cove Parking Lot		\$120.45
72339	03/08/2013	Open			WHITLOW CONCRETE, INC.	\$2,865.00
	Invoice		Date	Description		Amount
	5612		03/05/2013	Peery Park Pathway Repair		\$2,865.00
72340	03/08/2013	Open			Crown Plaza	\$374.84
	Invoice		Date	Description		Amount
	2013-00000534		02/28/2013	Dally Training		\$374.84
72341	03/08/2013	Open			Hawes, John & Diane	\$500.00
	Invoice		Date	Description		Amount
	12-129		03/05/2013	Tree Removal Deposit Refund #12-129		\$500.00
72342	03/08/2013	Open			JW Marriott Los Angeles	\$369.25
	Invoice		Date	Description		Amount
	2013-00000535		03/06/2013	Moreno Training		\$369.25
72343	03/08/2013	Open			Marriott	\$412.73
	Invoice		Date	Description		Amount
	2013-00000536		03/06/2013	Moreno Training		\$412.73
72344	03/08/2013	Open			Scally, William	\$71.00
	Invoice		Date	Description		Amount
	2001584		02/26/2013	Class refund		\$71.00
Check Totals:				Count	56	Total \$124,839.89

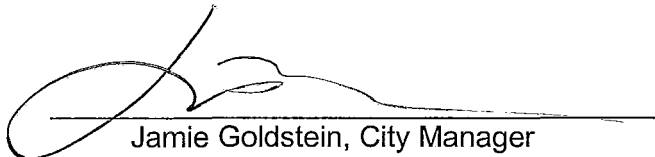
Checks dated 3/15/13 numbered 72345 to 72398 for a total of \$56,128.41 have been reviewed and authorized for distribution by the City Manager and City Treasurer.

As of 3/15/13 the unaudited cash balance is \$1,597,221

CASH POSITION - CITY OF CAPITOLA 3/15/13

	<u>Net Balance</u>
General Fund	182,925
Contingency Reserve Fund	671,646
Worker's Comp. Ins. Fund	31,225
Self Insurance Liability Fund	171,331
Stores Fund	(4,185)
Information Technology Fund	66,070
Equipment Replacement	142,200
Compensated Absences Fund	13,356
Public Employee Retirement - PERS	-
Open Space Fund	256
Capital Improvement Projects	322,397
TOTAL GENERAL FUND & COUNCIL DESIGNATED FUNDS	<u><u>1,597,221</u></u>

The Emergency Reserve Fund balance is \$289,295.54 and is not included above.



 Jamie Goldstein, City Manager

3/15/2013

 Date

 Kymberly V. DeWitt, City Treasurer

 Date

City Checks Issued 3/15/13

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
72345	03/15/2013 Invoice CV-9022713	Open	Date 02/27/2013	Description Update BIA brochure Fund 1321, BIA	57 DESIGN INC.	\$150.00 \$150.00
72346	03/15/2013 Invoice 2009551	Open	Date 03/01/2013	Description Subscription Web Service	AHA CONSULTING INC.	\$1,800.00 \$1,800.00
72347	03/15/2013 Invoice 674-Mar13 624-Mar13	Open	Date 03/01/2013 03/01/2013	Description Long Distance Service, Mar2013 Long Distance Service, Mar2013	AT&T	\$7.75 \$3.81 \$3.94
72348	03/15/2013 Invoice 4109395	Open	Date 02/13/2013	Description Monthly Telephone & Internet Fund 1000, Gen Fund=\$1699.31 Fund 2211, IT=\$262.70	AT&T/CALNET 2	\$1,962.01 \$1,962.01
72349	03/15/2013 Invoice Feb2013	Open	Date 02/28/2013	Description Feb2013 Legal Services	ATCHISON, BARISONE & CONDOTTI	\$12,476.06 \$12,476.06
72350	03/15/2013 Invoice 2155	Open	Date 02/28/2013	Description Feb 2013 Pac Cove Relocation Services Fund 1420, Pac Cove Bond	AUTOTEMP INC.	\$1,740.00 \$1,740.00
72351	03/15/2013 Invoice 1860	Open	Date 02/28/2013	Description Wood, Wharf repair Fund 1311, Wharf Fund	BIG CREEK LUMBER	\$103.00 \$103.00
72352	03/15/2013 Invoice 7514	Open	Date 03/05/2013	Description Pac Cove Lower Parking Lot Fund 1200, CIP	BOWMAN & WILLIAMS, INC.	\$1,080.00 \$1,080.00
72353	03/15/2013 Invoice 1158	Open	Date 02/21/2013	Description Uniform Expense, Dally	CALIFORNIA COAST UNIFORM CO	\$434.39 \$434.39
72354	03/15/2013 Invoice 20130328	Open	Date 03/11/2013	Description Registration, March Meeting, Hannah & W	CALIF SOCIETY OF MUNICIPAL FINANCE OFF.	\$50.00 \$50.00
72355	03/15/2013 Invoice Feb 2013	Open	Date 03/01/2013	Description Animal Control Expense Feb 2013	CHANTICLEER VET HOSPITAL	\$260.90 \$260.90
72356	03/15/2013 Invoice 1332393 Feb Stmt	Open	Date 02/22/2013 02/28/2013	Description Cleaning Supplies Refund, returns	CLEAN SOURCE	\$1,970.24 \$2,023.17 (\$52.93)

City Checks Issued 3/15/13

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
72357	03/15/2013 Invoice 7870011	Open	Date 02/21/2013	Description Insurance cards	COMMUNITY PRINTERS	\$218.94
72358	03/15/2013 Invoice Job 27271	Open	Date 03/13/2013	Description Trace Telephone Line Fund 2211, Info Technology	CRUZ BROTHERS LOCATORS, INC.	\$217.50
72359	03/15/2013 Invoice 17059913	Open	Date 02/23/2013	Description City Hall Copier Lease Agreement Fund 2210, Stores	DE LAGE LANDEN FINANCIAL SVC	\$334.07
72360	03/15/2013 Invoice 20130305	Open	Date 03/05/2013	Description Feb2013 Professional Services Fund 1321, BIA	FERRASCI-HARP, AMY	\$550.00
72361	03/15/2013 Invoice 107644	Open	Date 02/19/2013	Description Jan Professional Services	GOLDFARB & LIPMAN, LLP	\$1,329.90
72362	03/15/2013 Invoice 50231496	Open	Date 02/19/2013	Description Two Car Batteries	INTERSTATE BATTERY SYSTEM OF S	\$227.74
72363	03/15/2013 Invoice 26-20234 26-20370	Open	Date 03/01/2013 03/08/2013	Description Temp Labor, Corp Yd Temp Labor, Corp Yd	LABORMAX STAFFING	\$1,803.20
72364	03/15/2013 Invoice 97995	Open	Date 02/20/2013	Description Local Roads & Streets Needs Assessment	LEAGUE OF CALIFORNIA CITIES	\$200.00
72365	03/15/2013 Invoice 242115	Open	Date 02/20/2013	Description Wheel Alignment	LLOYD'S TIRE SERVICE INC.	\$89.50
72366	03/15/2013 Invoice 11204934	Open	Date 02/28/2013	Description Armored car service	LOOMIS	\$915.58
72367	03/15/2013 Invoice 833494	Open	Date 03/07/2013	Description LAB EXAM	MAR MONTE MEDICAL CLINIC	\$90.00
72368	03/15/2013 Invoice 48383563	Open	Date 02/28/2013	Description Internet Access Fund 2211, Info Techonolgy	MEGAPATH COVAD COMMUNICATION	\$1,293.02

City Checks Issued 3/15/13

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
72369	03/15/2013	Open			MID-COUNTY AUTO SUPPLY	\$1,112.57
	Invoice		Date	Description		Amount
	332154		02/19/2013	Auto Parts, PD091		\$10.31
	332409		02/21/2013	Auto Parts, PW F-350 Flatbed		\$245.13
	332520		02/22/2013	Auto Parts, Fleet		\$54.88
	332556		02/22/2013	Auto Parts, PW F-350 Flatbed		\$145.69
	332792		02/25/2013	Auto Parts, PE F-350 Flatbed		\$5.31
	332910		02/26/2013	Auto Parts, PD091		\$297.48
	332964		02/26/2013	Credit Return parts		(\$5.43)
	332822		02/25/2013	Auto Parts, PW F-350 Flatbed		\$7.05
	332977		02/26/2013	Auto Parts, PD041		\$36.82
	322929		02/26/2013	Auto Parts, PD041		\$260.35
	332340		02/20/2013	Auto Parts, Fleet		\$24.05
	332287		02/20/2013	Auto Parts, Fleet		\$30.93
72370	03/15/2013	Open			MILLER'S TRANSFER & STORAGE CO	\$315.85
	Invoice		Date	Description		Amount
	84226		03/04/2013	Rclds Mgmt, March Storage, Feb Handling		\$315.85
72371	03/15/2013	Open			Montano Plumbing, Inc.	\$828.00
	Invoice		Date	Description		Amount
	23351		03/05/2013	Add'l work, gas pipe removal, wharf projec Fund 1311, Wharf Fund		\$828.00
72372	03/15/2013	Open			MORRISON, EDWARD	\$2,500.00
	Invoice		Date	Description		Amount
	8		02/28/2013	Feb2013 Contract Services		\$2,500.00
72373	03/15/2013	Open			NEOGOV	\$1,950.00
	Invoice		Date	Description		Amount
	07-7800		03/11/2013	Performance Eval Module Fund 2210, Stores		\$1,950.00
72374	03/15/2013	Open			ORCHARD SUPPLY HARDWARE	\$206.52
	Invoice		Date	Description		Amount
	6014-1023320		02/28/2013	Wharf Stair repair & Pruning Shears		\$95.19
	6013-2094828		03/01/2013	Broom		\$41.22
	6005-1026270		03/04/2013	Drill Bits		\$11.92
	6014-4794434		03/06/2013	Street Sign Maint Supplies		\$27.84
	6007-3521860		03/05/2013	Supplies Fund 1000, Fen Fund=\$110.48 Fund 1310, Gas Tax Fund=\$27.84 Fund 1311, Wharf Fund=\$68.20		\$30.35
72375	03/15/2013	Open			PALACE ART & OFFICE SUPPLIES	\$23.00
	Invoice		Date	Description		Amount
	202403		02/27/2013	Clock Fund 2210, Stores		\$23.00
72376	03/15/2013	Open			PENINSULA COMMUNICATIONS	\$143.72
	Invoice		Date	Description		Amount
	JT012029		02/21/2013	Replaced antenna connector		\$143.72
72377	03/15/2013	Open			PHIL ALLEGRI ELECTRIC, INC.	\$85.00
	Invoice		Date	Description		Amount
	17589		02/25/2013	Pac Cove Lights repair		\$85.00

City Checks Issued 3/15/13

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
72378	03/15/2013 Invoice 12013070	Open	Date 02/19/2013	Description Feb 2013 Citation Processing	PHOENIX GROUP INFORMATION SYS	\$1,030.55
72379	03/15/2013 Invoice 45347249	Open	Date 02/20/2013	Description Gases, Corp Yd	PRAXAIR DISTRIBUTION INC.	\$106.82
72380	03/15/2013 Invoice 78619	Open	Date 12/07/2012	Description Forms 1099	PRINTING SYSTEMS, INC.	\$58.91
72381	03/15/2013 Invoice 137619	Open	Date 02/15/2013	Description New Brighton Gym Covng	RAINBOW CARPET ONE	\$519.00
72382	03/15/2013 Invoice 1562075 1562074	Open	Date 03/01/2013 03/01/2013	Description DSL Access, PD DSL Access, City Hall (Fund 2211, IT)	RED SHIFT INTERNET SERVICES	\$115.11
72383	03/15/2013 Invoice 03454134-2	Open	Date 10/16/2012	Description SCC Sanitation District Tax-Library	SCC TAX COLLECTOR	\$658.51
72384	03/15/2013 Invoice 03514135-2	Open	Date 10/16/2012	Description SCC Sanitation District Tax-City Hall	SCC TAX COLLECTOR	\$890.53
72385	03/15/2013 Invoice 03610137-2	Open	Date 10/16/2012	Description SCC Sanitation District Tax-NB Gym	SCC TAX COLLECTOR	\$229.98
72386	03/15/2013 Invoice 03407201-2	Open	Date 10/16/2012	Description SCC Sanitation District Tax-Wharf Fund 1311, Wharf Fund	SCC TAX COLLECTOR	\$2,465.28
72387	03/15/2013 Invoice 03526207-2	Open	Date 10/16/2012	Description SCC Sanitation District Tax-Esplanade	SCC TAX COLLECTOR	\$3,554.35
72388	03/15/2013 Invoice Jan-Feb13	Open	Date 02/21/2013	Description WATER BILLS FOR STREET MEDIANS	SANTA CRUZ MUNICIPAL UTILITIES	\$566.00
72389	03/15/2013 Invoice 2040516-Feb13	Open	Date 02/28/2013	Description Feb Advertising Exp	SANTA CRUZ SENTINEL	\$744.93

City Checks Issued 3/15/13

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount	
72390	03/15/2013 Invoice 974855313-135	Open	Date 03/01/2013	Description Cell Phone Bill, Feb 2013	SPRINT	\$2,767.54	
72391	03/15/2013 Invoice 3510214001	Open	Date 02/19/2013	Description Ink Cartridges Fund 2211, Info Technology	STAPLES	\$59.63	
72392	03/15/2013 Invoice 3917-16068 3917-Mar13	Open	Date 02/01/2013 03/01/2013	Description Feb2013 Website Hosting Mar2013 Website Hosting	THE INTERNET CONNECTION INC.	\$300.00	
72393	03/15/2013 Invoice 93030-Mar2013	Open	Date 03/01/2013	Description Dental & Vision Ins, Mar2013, Employee F	TLC ADMINISTRATORS, INC.	\$2,848.58	
72394	03/15/2013 Invoice 220843577 223789942	Open	Date 01/23/2013 03/04/2013	Description Copier Lease, Canon IR2525 Canon Copier IR2525 Fund 2211, IT	US BANCORP EQUIPMENT FINANCE	\$80.48	
72395	03/15/2013 Invoice 20130221	Open	Date 03/11/2013	Description Reimb Travel Exp, Training, Bldg Dept	WHEELER, MARK	\$666.85	
72396	03/15/2013 Invoice 2013-00000574	Open	Date 03/12/2013	Description Project Application #12-159 Refund	Clements, Ron	\$1,880.00	
72397	03/15/2013 Invoice 2013-00000572	Open	Date 03/12/2013	Description Class refund	Erhardt, Magdalena	\$71.00	
72398	03/15/2013 Invoice 2013-00000573	Open	Date 03/12/2013	Description Class refund	Piggott, Beatrice	\$45.90	
Check Totals:				Count	54	Total	\$56,128.41



CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 28, 2013

FROM: CITY MANAGER'S DEPARTMENT
SUBJECT: COMMUNITY DEVELOPMENT DIRECTOR EMPLOYMENT AGREEMENT WITH RICH GRUNOW

RECOMMENDED ACTION: Authorize the City Manager to execute an Employment Agreement with Rich Grunow for the position of Community Development Director, effective April 22, 2013.

BACKGROUND: The Community Development Director (Director) position has been vacant since October 2011. Since that time the position has been filled with a part-time contract person. The City Council authorized the recruitment for the Director at the meeting of January 10, 2013.

Recruitment was conducted by staff which included advertising in most major public employment journals and on-line postings which resulted in 30 applicants. The field was narrowed to nine well qualified candidates who were interviewed by members of the Council, Planning Commission, staff, community members and department directors from other local jurisdictions.

Upon the conclusion of that process, the City Manager selected Rich Grunow to be the City's next Community Development Director. Rich has practiced land use and environmental planning with California public agencies for the past 14 years. Most recently, Rich served as the Land Use Chief for the County of San Diego Department of Planning and Development Services where he directed a large and complex regulatory planning division. During his 6 years with the County of San Diego, Rich oversaw the processing and completion of hundreds of development projects ranging from routine applications to controversial commercial and industrial projects, and large scale master planned communities. Prior to his employment with the County of San Diego, Rich worked for 7 years with the City of San Diego, where he served as a Senior Planner and a Public Works Project Manager. Earlier in his career, Rich worked for the coastal cities of Solana Beach and Encinitas.

DISCUSSION: As Department Heads are exempt from the City's Personnel Policies, Employment Standards and Conditions are set forth in the proposed contract, including:

1. Salary begins at \$123,600/year.
2. Salary Step Increase: after 1 year, 5% (April 2014) and CPI July 2014 consistent with the miscellaneous employee groups.
3. Sick leave consistent with miscellaneous employee groups: 12 days/year.
4. Vacation accrual consistent with miscellaneous employee groups:
 - a. Rate begins at 17 days/year.
 - b. Soft cap of 360 hours.
5. Optional vacation cash out of 80 hours in a calendar year.
6. 10 days of administrative leave per year and three personal holidays (prorated).
7. Flexible Spending Credit consistent with miscellaneous employee groups.
8. CALPERS cap consistent with Second Tier Miscellaneous Employees.

FISCAL IMPACT: The total one year cost for salary and benefits for this position is \$162,500. Funding is included in the Fiscal Year 2012/2013 adopted budget.

ATTACHMENT:

1. Employment Agreement, Community Development Director

Report Prepared By: Lisa Murphy
Administrative Services Director

Reviewed and Forwarded
By City Manager: 

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**EMPLOYMENT AGREEMENT
COMMUNITY DEVELOPMENT DIRECTOR**

THIS AGREEMENT entered into on the date last below executed, by and between the CITY OF CAPITOLA, a municipal corporation (hereinafter referred to as "CITY") and RICHARD GRUNOW, an individual (hereinafter referred to as "EMPLOYEE").

WHEREAS, the CITY desires to employ the services of EMPLOYEE as Community Development Director for the CITY; and

WHEREAS, EMPLOYEE desires to serve as the Community Development Director for the CITY beginning, April 22 2013; and

WHEREAS, the CITY and EMPLOYEE desire to agree in writing to the terms and conditions of EMPLOYEE's employment as Community Development Director; and

WHEREAS, EMPLOYEE and CITY agree and acknowledge that EMPLOYEE's employment as Community Development Director is their sole and exclusive employment with CITY; and that their employment relationship is governed solely and exclusively by this Agreement.

NOW, THEREFORE, in consideration of the promises and conditions set forth herein, the parties mutually agree as follows:

1. Duties

(a) EMPLOYEE shall perform the duties set forth in Exhibit A and other related legally permissible duties and functions as may be assigned from time to time by the City Manager.

(b) EMPLOYEE shall perform their duties to the best of their ability in accordance with the highest professional and ethical standards of the profession and shall comply with all general rules and regulations established by the CITY and applicable state codes.

(c) EMPLOYEE shall not engage in any activity, which is or may become a conflict of interest, prohibited by contract, or which may create an incompatibility of office as defined under California Law. EMPLOYEE shall comply fully with their reporting and disclosure obligations under regulations promulgated by the Fair Political Practices Commission (FPPC) and CITY.

(d) EMPLOYEE agrees to remain in the exclusive employ of the CITY during the term of this Agreement. EMPLOYEE shall dedicate their full energies and qualifications to their employment as Community Development Director, and shall not engage in any other employment except as may be specifically approved in writing in advance by the City Manager.

2. Term.

The term of the Agreement shall be from the date last below executed until terminated by either party in accordance with the provisions set forth in Paragraph 6 or until terminated by the event of retirement, death or permanent disability of EMPLOYEE.

3. Salary.

(a) CITY agrees that EMPLOYEE's initial pay will be \$10,300 per month, as salary for their services, payable in installments at the same time as other employees of the CITY are paid and subject to customary withholding. Twelve months after the hire date, EMPLOYEE shall be scheduled for a performance review, at which time EMPLOYEE may be granted a 5% salary increase, subject to achieving a "satisfactory," or better rating.

In addition, the City will compile and average the San Francisco - Oakland - San Jose Consumer Price Index (all urban consumers) reported CPI for January 2013 through December 2013. If the resulting figure for averaged CPI is greater than 0%, that figure shall be used as the percentage for salary increase for EMPLOYEE, effective the first full pay period in July, 2014.

(b) Longevity: in recognition of long term employment with the City, the EMPLOYEE shall receive a 5% pay increase following 12 full years of employment.

(c) With the exception of the salary increases outlined above, pay increases for this position are not automatic and are at the discretion of the City Council upon recommendation by the City Manager.

6. Resignation and Termination.

(a) EMPLOYEE may resign at any time and agrees to give CITY at least 30 days' advance written notice of the effective date of their resignation.

(b) The City Manager may at any time terminate EMPLOYEE upon 30 days' advance written notice.

(c) The parties recognize and affirm that: (1) EMPLOYEE is an "at will" EMPLOYEE whose employment may be terminated by the City Manager, with or without cause, and (2) there is no expressed or implied promise made to EMPLOYEE for any form of continued employment. This Agreement is the sole and exclusive basis for an employment relationship between EMPLOYEE and CITY and its terms supersede any and all rules, regulations, guidelines, or other express or implied terms that would otherwise be applicable to employment by the CITY, including but not limited to any CITY personnel rules.

(d) In recognition of EMPLOYEE's professional status and integrity, EMPLOYEE and the City Manager shall make every effort to prepare a joint public statement when termination is confirmed. This employment relationship is based on the mutual respect between the parties and a desire to maintain the highest degree of professionalism. In communicating with third parties about the parties' employment relationship and the circumstances under which it may have been severed, the parties shall (1) protect and advance their mutual respect and professionalism, and (2) refrain from making statements that would negatively impact either party.

COMMUNITY DEVELOPMENT DIRECTOR EMPLOYMENT AGREEMENT

(e) The EMPLOYEE may choose to resign their office instead of being terminated if agreed to by the City Manager. In such an event, the public announcement as provided for in Paragraph 6(d) above will note EMPLOYEE has resigned and Paragraph 7 remains applicable.

7. Severance Pay.

If EMPLOYEE is terminated by the City Manager while still willing and able to perform the duties of Community Development Director, CITY agrees to pay EMPLOYEE a cash payment equal to four (4) months salary and the CITY's cost of four (4) months Flex Plan benefits. Additionally, EMPLOYEE shall receive payment for all vacation leave accrued to the date of separation. Said cash payments may be paid, at the option of the EMPLOYEE, in (1) lump sum upon date of termination; (2) lump sum on January 1 of the calendar year following termination; or (3) other payment schedule mutually agreed upon by EMPLOYEE and City Manager. Such payment will release CITY from any further obligations arising out of the employment.

Provided, however, if EMPLOYEE is terminated because of conviction of any criminal offense involving moral turpitude, or discharged "for cause" following administrative due process proceedings, then CITY shall have no obligation to continue the employment of EMPLOYEE or to pay the severance (except accrued vacation leave) set forth in this paragraph.

8. Administrative Leave Accrual

As an exempt employee, the Community Development Director is entitled to 80 hours per calendar year of administrative leave, except that for the remainder of calendar year 2013 EMPLOYEE will, as of their first day of employment, receive 60 hours of administrative leave. Administrative leave is non-cumulative. It may not be converted to cash.

9. Personal Holidays

All regular positions are entitled to three (3) personal holidays per calendar year. Unused Personal Holidays are not cumulative. Employee will be credited with 2 days of personal holidays upon hire.

10. Vacation

Vacation shall accrue at the rate identified for five years of employment as set forth below. For purposes of vacation accrual only, EMPLOYEE will be deemed to have completed their fourth year of employment with the City upon date of hire, placing EMPLOYEE at the annual accrual rate of 17 vacation days per year. Furthermore, upon employment Employee shall be credited with 80 hours of vacation. However, if EMPLOYEE voluntarily resigns prior to completing two years of service to the City, EMPLOYEE agrees to refund 80 hours of vacation time to the City, or the cash equivalent value.

Vacation Accrual Rate

Vacation accrues on a prorated basis, based upon a 30-day month. The rates of accrual are as follows:

<u>Years of Employment</u>	<u>Vacation Days</u>
1 and 2	12
3 and 4	14
5 through 9	17
10 through 19	22
20 and higher	27

- (a) Upon termination, Employee shall be paid for all accumulated vacation to their separation date, at a rate equal to 100% of their then current hourly pay rate, subject to the 80 hour refund should voluntary termination occur prior to completion of two years of service.
- (b) Vacation Cap. EMPLOYEE shall be paid in cash at a rate equal to 100% of EMPLOYEE's current hourly pay rate for all hours in excess of 360 on the last pay period of April of any year.
- (c) Optional Vacation Cash Out: In any calendar year, an EMPLOYEE may cash out up to 80 hours of accumulated vacation.

11. Sick Leave Accrual

Sick leave shall accrue at the rate of 12 days per calendar year. In addition, EMPLOYEE upon their first day of work shall be credited with 40 hours of sick leave. There is no right to cash out accumulated sick leave at termination of employment or at any other time.

12. Sick Leave-Family Care

Sick leave may be used to care for members of the immediate family in accordance with the FMLA and CFRA, or as approved by the City Manager.

13. Flexible Spending Arrangement Contributions

The City makes a flexible spending arrangement ("Flex Plan") contribution on behalf of each qualified employee for medical, dental & vision coverage. The contribution, for full-time regular employees is:

- \$675 per month for employee only
- \$849 for employee plus one
- \$1,049 for employee plus two or more

Effective the first full pay period in July, 2013, the rates shall be as follows:

- \$700 per month for employee only

COMMUNITY DEVELOPMENT DIRECTOR EMPLOYMENT AGREEMENT

\$899 for employee plus one

\$1,099 for employee plus two or more

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

The City reserves the option of adding additional programs to the cafeteria plan, as they may become available.

14. PERS

CITY participates in the Public Employees Retirement System (PERS) operated by the State of California. EMPLOYEE shall be entitled to the same PERS benefits as are provided in the CITY's contract with PERS for miscellaneous members. Currently the CITY Miscellaneous Group has a 2.5% @ 55 program, one year final compensation, credit for unused sick leave option, military service credit as public service and employees cost sharing cost of additional benefits. The provisions of Resolution 3627, regarding employer-paid member contributions and the reporting thereof, are applicable to EMPLOYEE. The City's contribution rate toward the combined employer and employee cost of PERS retirement is capped at no more than 16.488% of reportable salary. If the actual PERS contribution rate exceeds 16.488% of reportable salary for any fiscal year, the employee will pay the difference on a pre-tax basis. Contributions will be reported in accordance with the current CalPERS contract, ie: the employee portion (8%) plus any amount above the cap is reported to PERS as paid by the employee.

All non-sworn employees hired on or after July 1, 2012 (including the Community Development Director) the City's contribution rate shall be capped at no more than 11.488% of reportable salary once EMPLOYEE accrues five (5) years of total service, shall be entitled to the same terms that apply to current Miscellaneous employees, who are currently subject to a 16.488% cap.

15. Accruals after Date of Separation

An employee's separation date is the last date actually worked, except that an employee who, as of the last day worked, has not used all of his/her yearly allotment of vacation may extend the separation date by the number of days necessary to reach the full yearly allotment. "Yearly allotment" means the amount of vacation that the employee was entitled to accrue in

Item #: 8.C. Attach 1.pdf

COMMUNITY DEVELOPMENT DIRECTOR EMPLOYMENT AGREEMENT

his/her last year of employment. Unless otherwise provided by state law, none of the following accrue after the date of separation: sick leave, vacation, personal holidays, holiday pay, administrative leave, Flex Plan contributions as described in Section 13, or payment of the insurance premiums described in Section 23.

16. HOLIDAYS: EMPLOYEE shall be granted twelve (12) holidays annually. The holidays to be observed are set forth below. To the extent that the City's bargaining unit MOU's should in the future be amended to revise the City's holiday schedule, this Agreement shall be deemed automatically amended to reflect the revised holiday schedule.

Independence Day

Labor Day

Columbus Day

Veterans Day

Thanksgiving Day

Friday Following Thanksgiving

Christmas Day

New Years Day

Martin Luther King Day

Lincolns Birthday

Presidents Day

Memorial Day

Holidays listed above occurring on a Saturday shall be observed on Friday. Holidays listed above occurring on a Sunday shall be observed on Monday.

In addition, when City Hall is closed for one week during the Christmas holidays EMPLOYEE shall be permitted to use vacation, administrative leave or sick leave in order not to lose compensation.

17. Mileage Reimbursement

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

18. Bereavement Leave

Leave of absence with pay because of death in the immediate family of an employee shall be granted for a period not to exceed three days. Entitlement to leave of absence under this section shall be in addition to any other entitlement for sick leave, or any other leave. For

COMMUNITY DEVELOPMENT DIRECTOR EMPLOYMENT AGREEMENT

purposes of this section, "immediate family" means mother, step-mother, father, step-father, husband, wife, son, step-son, daughter, step-daughter, brother, sister, foster parent, foster child, brother-in-law, registered domestic partner, sister-in-law, mother-in-law, father-in-law and grandparents, or as required by law.

19. FMLA and CFRA

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

20. Drug Policy

The City is implementing its "Drug Free Workplace Policy."

21. FLSA

This employment is covered by appropriate sections of the Fair Labor Standards Act of 1935, and is specifically subject to Rule No. 54.118 (salaried executive employees are not paid at a higher rate for what might otherwise be labeled "overtime", correspondingly, their salary is not reduced "for any week in which EMPLOYEE performs any work without regard to the number of days or hours worked." Accordingly, bi-weekly time sheets will not result in adjustments to the compensation for the period, but merely for yearly evaluation of whether the position is, after factoring in administrative leave, over or under staffed. However, time off for sick leave purposes shall be reported and reflected in the accumulated sick leave calculations. Reasonable time off for family bereavement is expected.

22. Legal Defense

Except as provided in Government Code Section 995.2, CITY shall provide a defense including but not limited to legal counsel in: a) any civil action or proceeding described in Government Code Section 995; b) any administrative action or proceeding described in Section 995.6; or any criminal action or proceeding described in Government Code Section 995.8. "Proceeding" as used in this section is applicable to situations where a claim or action is threatened, but not filed, if a reasonable, prudent person would consult or retain counsel in response to the possibility of actual civil, administrative, or criminal action. If CITY pays for a defense, but a court or tribunal issues a final ruling that would, under Section 995.2, preclude City payments for defense, EMPLOYEE shall immediately reimburse CITY, and if EMPLOYEE fails to do so, CITY may offset any such amounts against compensation otherwise due EMPLOYEE under this contract.

23. Insurance.

CITY, at its expense, will provide the same long term life insurance and disability insurance (paid by CITY) as is generally available to all regular non sworn city employees.

24. Amendment.

This Agreement may be amended, modified, or changed by the parties provided that said amendment, modification or change is in writing and approved by both parties.

25. Notice.

All notices required herein shall be sent first class mail to the parties as follows:

To CITY: City of Capitola
 420 Capitola Avenue
 Capitola, CA 95010

To EMPLOYEE: Richard Grunow

Notices shall be deemed effectively served upon deposit in the United States mail.

26. Authority to Work in the United States.

EMPLOYEE represents, under penalty of perjury, that EMPLOYEE is authorized to work in the United States. In accordance with Section 274A (8 USC 1324) of the Immigration Reform and Control Act of 1986 before this Agreement can become effective, EMPLOYEE must provide documentary evidence to CITY consistent with the Act, that EMPLOYEE is legally entitled to work in the United States, and must execute the verification required by that Act.

27. Entire Agreement.

This Agreement contains the entire agreement between the parties hereto. No promise, representation, warranty, or covenant not included in this Agreement has been or is relied on by any party hereto. This Agreement may only be amended by written instrument signed by EMPLOYEE and the CITY.

28. Severability.

If any provision of this Agreement is invalid or unenforceable, it shall be considered deleted herefrom and the remainder of the provision and of this Agreement shall be unaffected and shall continue in full force and effect.

29. Headings and Captions.

The headings and captions appearing in this Agreement are inserted only as a matter of convenience and in no way limit or affect the substantive terms of the Agreement.

COMMUNITY DEVELOPMENT DIRECTOR EMPLOYMENT AGREEMENT

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year written below.

CITY OF CAPITOLA

Date _____

Jamie Goldstein, City Manager

EMPLOYEE

Date _____

Richard Grunow

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CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 28, 2013

FROM: POLICE DEPARTMENT

SUBJECT: APPROVE THE PURCHASE OF ONE MARKED COMMAND POLICE VEHICLE IN THE AMOUNT NOT TO EXCEED \$38,000 AND SURPLUS TWO UNMARKED POLICE VEHICLES

RECOMMENDED ACTION: Approve the following:

1. Approve the purchase of one marked police vehicle in the amount not to exceed \$38,000; which includes awarding the purchase contract to Chase Chevrolet of Stockton and the purchase of \$5,936 in police outfitting vehicle equipment;
2. Authorize the Public Works Department to surplus two unmarked police vehicles: the 2002 Chevy Impala (VIN 2G1WF52E959104183); and the 2002 Chevy Impala VIN 2G1WF55E329108298. Both are scheduled to come off line this fiscal year.

BACKGROUND: In order to assure proper response times, preserve our efficiency levels, insure officer safety, and maintain a professional appearance, the Police Department works with the Public Works Department to replace police vehicles every 4 to 5 years, or as needed. The approved budget includes the purchase of both an unmarked and marked Police Department vehicle. In the Fiscal Year 2013/2014 planned budget, the Police Department included the purchase of a command vehicle for \$50,000. Chase Chevrolet of Stockton is currently offering a 2011 Police Chevy Tahoe Command Vehicle for sale at a discounted rate of \$30,000. Staff would like to defer purchasing the marked police vehicle until Fiscal Year 2013/2014 and purchase the command vehicle in this fiscal year to take advantage of the cost savings.

DISCUSSION: The Department has a 2002 unmarked Chevy Impala (VIN 2G1WF55E329108298) which is eleven years old and has over 90,000 miles. This vehicle was scheduled to be replaced in the Fiscal Year 2012/2013 Budget. This vehicle has been used for undercover operations, mandated training scenarios, travel to and from trainings and meetings, and other organizational activity in and out of the City of Capitola. This vehicle has recurring mechanical problems, which makes it expensive to maintain and unreliable for travel.

Rather than replace the 2002 Chevy Impala in this fiscal year, staff would like to replace the existing marked 2004 Chevy Tahoe command police vehicle (VIN 1GNEC13V84J255772). The Chevy Tahoe is 9 years old and has over 85,000 miles and is scheduled to be replaced next fiscal year. The Department intends on transitioning this vehicle to an unmarked police vehicle for undercover operations and administrative functions.

Chase Chevrolet of Stockton has provided the City with a discounted rate of \$30,000 for a 2011 Police Chevy Tahoe with 3,000 miles. The cost savings from purchasing the Chevy Tahoe as compared to a new vehicle next fiscal year with the same features is estimated at \$14,000. This vehicle will be used to replace the current marked command police Chevy Tahoe. The Department will use the new Chevy Tahoe for the same patrol services as previously indicated for the transitioned 2004 Chevy Tahoe.

Item #: 8.D. Staff Report.pdf

3-28-13 AGENDA REPORT: PURCHASE POLICE VEHICLES

Lehr Automotive of Sacramento has previously provided the City with police vehicle equipment. Lehr Automotive has quoted the police equipment for the new Chevy Tahoe at a total cost of \$5,936. The outgoing radio and computer system will be re-used resulting in additional savings of approximately \$5,000. The equipment will be installed by the City mechanic.

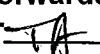
Staff recommends using Chase Chevrolet of Stockton to purchase the marked command police vehicle at the total cost of \$30,000; along with approving the purchase of related police vehicle equipment to outfit the marked police command vehicle, at a total cost of \$35,936.

FISCAL IMPACT: This purchase of the marked command vehicle will result in no impact to the General Fund or the Equipment Acquisition and Replacement Fund. The adopted Fiscal Year 2012/2013 Equipment Acquisition & Replacement Fund includes an appropriation for \$58,000 to fund the purchase of one marked police vehicle and one unmarked police vehicle. Staff intends to purchase the \$20,000 unmarked vehicle that was included in the Fiscal Year 2012/2013 budget. The \$36,000 in funds needed to pay for the marked command vehicle will be made available by deferring the purchase of the marked police vehicle that was originally scheduled to be purchased in Fiscal Year 2012/2013. This purchase is anticipated to result in a two-year net savings of \$14,000.

ATTACHMENTS:

1. Quote from Chase Chevrolet

Report Prepared By: Rudy Escalante
Chief of Police

**Reviewed and Forwarded
By City Manager** 

3-28-13 AGENDA REPORT: PURCHASE POLICE VEHICLES

DEAL 2558
 Dealer Number 970 Contract Number _____ R.O.S. Number _____ Stock Number T14627

Buyer Name and Address (Including County and Zip Code) CITY OF CAPITOLA POLICE DEPART 422 CAPITOLA AVE CAPITOLA CA SANTA CRUZ	Co-Buyer Name and Address (Including County and Zip Code)	Creditor-Seller (Name and Address) CHASE CHEVROLET CO., INC. 6441 HOLMAN RD STOCKTON, CA 95212
---	--	--

You, the Buyer (and Co-Buyer, if any), may buy the vehicle below for cash or on credit. By signing this purchase order, you choose to buy the vehicle on credit under the agreements on the front and back of this purchase order. You agree to pay the Creditor - Seller (sometimes "we" or "us" in this purchase order) the Amount Financed and Finance Charge in U.S. funds according to the payment schedule below. The Truth-in-Lending Disclosures below are part of this purchase order.

New Used	Year	Make and Model	Odometer	Vehicle Identification Number	Primary Use For Which Purchased
USED	2011	CHEVROLET TAHOE	3282	1GNLC2E01BR116483	Personal: family or household unless otherwise indicated below. <input type="checkbox"/> business or commercial

FEDERAL TRUTH-IN-LENDING DISCLOSURES				
ANNUAL PERCENTAGE RATE The cost of your credit as a yearly rate.	FINANCE CHARGE The dollar amount the credit will cost you.	Amount Financed The amount of credit provided to you or on your behalf.	Total of Payments The amount you will have paid after you have made all payments as scheduled.	Total Sale Price The total cost of your purchase on credit, including your down payment of \$0.00
0.00 %	\$ 0.00	\$ 30000.00	\$ 30000.00	\$
YOUR PAYMENT SCHEDULE WILL BE:				
Number of Payments:		Amount of Payments:		When Payments Are Due:
One Payment of	N/A	N/A	N/A	
One Payment of	N/A	N/A	N/A	
1 Payments	30000.00	Monthly, Beginning	04/15/13	
N/A Payments	N/A	Monthly, Beginning	N/A	
One Final Payment			04/15/2013	
Late Charge: If payment is not received in full within 10 days after it is due, you will pay a late charge of 5% of the part of the payment that is late. Prepayment: If you pay off all your debt early, you may be entitled to a refund of part of the Finance Charge. Security Interest: You are giving a security interest in the vehicle being purchased. Additional Information: See this purchase order for more information including information about nonpayment, default, any required repayment in full before the scheduled date, prepayment refunds, and security interest.				

STATEMENT OF INSURANCE		
NOTICE: No person is required as a condition of financing the purchase of a motor vehicle to purchase or negotiate any insurance through a particular insurance company, agent or broker. You are not required to buy any other insurance to obtain credit. Your decision to buy or not buy other insurance will not be a factor in the credit approval process.		
Vehicle Insurance	Term	Premium
\$ N/A Ded. Comp, Fire & Theft	N/A Mos	\$ N/A
\$ N/A Ded. Collision	N/A Mos	\$ N/A
Bodily Injury \$ N/A Limits	N/A Mos	\$ N/A
Property Damage \$ N/A Limits	N/A Mos	\$ N/A
Medical N/A	N/A Mos	\$ N/A
N/A	N/A Mos	\$ N/A
Total Vehicle Insurance Premiums		\$ N/A

UNLESS A CHARGE IS INCLUDED IN THIS AGREEMENT FOR PUBLIC LIABILITY OR PROPERTY DAMAGE INSURANCE, PAYMENT FOR SUCH COVERAGE IS NOT PROVIDED BY THIS AGREEMENT. You may buy the physical damage insurance this purchase order requires (see back) from anyone you choose who is acceptable to us. You are not required to buy any other insurance to obtain credit.

Buyer X
 Co-Buyer X
 Seller X CHASE CHEVROLET CO., INC.

ACCESSORIES	
JC PACK	
TOTAL OF ACCESSORIES	\$ N/A

If any insurance is checked below, policies or certificates from the named insurance companies will describe the terms and conditions.

Application for Optional Credit Insurance
 Credit Life: Buyer Co-Buyer Both
 Credit Disability (Buyer Only)

	Term	Exp	Premium
Credit Life	N/A Mos	N/A	N/A
Credit Disability	N/A Mos	N/A	N/A
Total Credit Insurance Premiums			\$ N/A
Insurance Company Name	N/A		

ITEMIZATION OF THE AMOUNT FINANCED (Seller may keep part of the amounts paid to others.)	
1. Total Cash Price	
A. Cash Price of Motor Vehicle and Accessories	\$ 27649.77 (A)
1. Cash Price Vehicle	\$ 27649.77
2. Cash Price Accessories	\$ N/A
3. Other (Nontaxable)	
Describe	\$ N/A
Describe	\$ N/A
B. Document Processing Charge (not a governmental fee)	\$ N/A (B)
C. Emissions Testing Charge (not a governmental fee)	\$ N/A (C)
D. (Optional) Theft Deterrent Device (to whom paid)	N/A \$ N/A (D)
E. (Optional) Theft Deterrent Device (to whom paid)	N/A \$ N/A (E)
F. (Optional) Theft Deterrent Device (to whom paid)	N/A \$ N/A (F)
G. (Optional) Surface Protection Product (to whom paid)	N/A \$ N/A (G)
H. (Optional) Surface Protection Product (to whom paid)	N/A \$ N/A (H)

Home Office Address N/A
 N/A

Credit life insurance and credit disability insurance are not required to obtain credit. Your decision to buy or not buy credit life and credit disability insurance will not be a factor in the credit approval process. They will not be provided unless you sign and agree to pay the extra cost.

You are applying for the credit insurance marked above. Your signature below means that you agree that: (1) You are not eligible for insurance if you have reached your 65th birthday. (2) You are eligible for disability insurance only if you are working for wages or profit 30 hours a week or more on the

3-28-13 AGENDA REPORT: PURCHASE POLICE VEHICLES

I. Sales Tax (on taxable items in A through H) \$ 2350.23 (1)

J. Electronic Vehicle Registration or Transfer Charge (not a governmental fee) (to whom paid) \$ N/A (J)

K. (Optional) Service Contract (to whom paid) N/A \$ N/A (K)

L. (Optional) Service Contract (to whom paid) N/A \$ N/A (L)

M. (Optional) Service Contract (to whom paid) N/A \$ N/A (M)

N. (Optional) Service Contract (to whom paid) N/A \$ N/A (N)

O. (Optional) Service Contract (to whom paid) N/A \$ N/A (O)

P. Prior Credit or Lease Balance paid by Seller to (see downpayment and trade-in calculation) (e) \$ N/A (P)

Q. (Optional) Gap Contract (to whom paid) N/A \$ N/A (Q)

R. (Optional) Used Vehicle Contract Cancellation Option Agreement \$ N/A (R)

S. Other (to whom paid) For \$ N/A (S)

Total Cash Price (A through S) \$ 30000.00 (1)

2. Amounts Paid to Public Officials

A. Vehicle License Fees \$ N/A (A)

B. Registration/Transfer/Titling Fees \$ N/A (B)

C. California Tire Fees \$ N/A (C)

D. Other \$ N/A (D)

Total Official Fees (A through D) \$ N/A (2)

3. Amount Paid to Insurance Companies (Total premiums from Statement of Insurance column a + b) \$ N/A (3)

4. State Emissions Certification Fee or State Emissions Exemption Fee \$ N/A (4)

5. Subtotal (1 through 4) \$ 30000.00 (5)

6. Total Downpayment

A. Agreed Trade-In Value Yr. N/A Make N/A \$ N/A (A)
Model N/A Odor N/A
VIN N/A N/A

B. Less Prior Credit or Lease Balance (e) \$ N/A (B)

C. Net Trade-in (A less B) (indicate if a negative number) \$ N/A (C)

D. Deferred Downpayment \$ N/A (D)

E. Manufacturer's Rebate \$ N/A (E)

F. Other \$ N/A (F)

G. Cash \$ N/A (G)

Total Downpayment (C through G) \$ 0.00 (6)
(If negative, enter zero on line 6 and enter the amount less than zero as a positive number on line 1P above)

7. Amount Financed (5 less 6) \$ 30000.00 (7)

Effective Date. (3) Only the Primary Buyer is eligible for disability insurance, DISABILITY INSURANCE MAY NOT COVER CONDITIONS FOR WHICH YOU HAVE SEEN A DOCTOR OR CHIROPRACTOR IN THE LAST 6 MONTHS (Refer to "Total Disabilities Not Covered" in your policy for details). You want to buy the credit insurance.

03/16/13 X
Date Buyer Signature Age

Date X Co-Buyer Signature Age

OPTIONAL GAP CONTRACT A gap contract (debt cancellation contract) is not required to obtain credit and will not be provided unless you sign below and agree to pay the extra charge. If you choose to buy a gap contract, the charge is shown in item 1Q of the Itemization of Amount Financed. See your gap contract for details on the terms and conditions it provides. It is a part of this contract.

Term N/A Mos. N/A
Name of Gap Contract

I want to buy a gap contract.
Buyer Signs X

OPTIONAL SERVICE CONTRACT(S) You want to purchase the service contract(s) written with the following company(ies) for the term(s) shown below for the charge(s) shown in item 1K, 1L, 1M, 1N, and/or 1O.

1K Company N/A
Term N/A Mos. or N/A Miles

1L Company N/A
Term N/A Mos. or N/A Miles

1M Company N/A
Term N/A Mos. or N/A Miles

1N Company N/A
Term N/A Mos. or N/A Miles

1O Company N/A
Term N/A Mos. or N/A Miles

Buyer X N/A

SELLER ASSIGNED LOAN
BUYER MAY BE REQUIRED TO PLEDGE SECURITY FOR THE LOAN, AND WILL BE OBLIGATED FOR THE INSTALLMENT PAYMENTS ON BOTH THIS MOTOR VEHICLE PURCHASE ORDER AND THE LOAN.

Proceeds of Loan From: N/A

Amount \$ N/A Finance Charge \$ N/A

Total \$ N/A Payable in N/A installments of \$ N/A \$ N/A from this Loan is shown in item 6D.

AUTO BROKER FEE DISCLOSURE
If this purchase order reflects the retail sale of a new motor vehicle, the sale is not subject to a fee received by an autobroker from us unless the following box is checked:

Name of autobroker receiving fee, if applicable:

HOW THIS PURCHASE ORDER CAN BE CHANGED.
This purchase order contains the entire agreement between you and us relating to this purchase order. Any change to the purchase order must be in writing and both you and we must sign it. No oral changes are binding.

X Buyer Signs

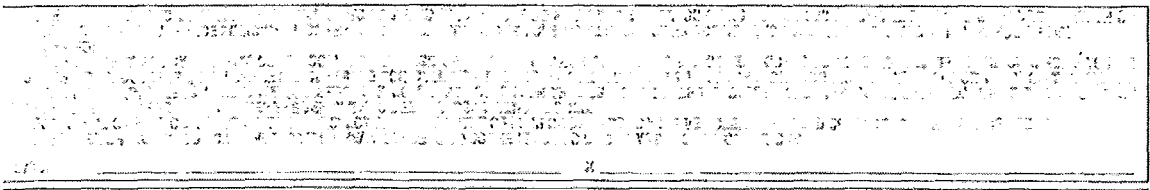
X Co-Buyer Signs

Legal Owner X

Buyer certifies that he/she is of legal age. In the event the amount needed to pay off the prior credit or lease balance on any trade-in is more than quoted by the Buyer, Buyer hereby agrees to pay this excess on demand. This purchase order is subject to credit approval and is not binding unless signed by an authorized representative of Seller. All used vehicles sold "AS-IS" and without guarantee as to condition, year or model, unless otherwise specified in writing.

YOU MAY PREPAY IN FULL. You may prepay all of your debt and get a refund of part of the Finance Charge. If you do, we will figure the refund using the method checked below. If no box is checked, we will use the Sum of the Periodic Time Balances method. You will pay at least \$25 in total finance charges. We will not pay you a refund if it is less than \$1.

Actuarial Method Sum of the Periodic Time Balances Rule of 78s Method



Payoff Agreement: Seller relied on information from you and/or the lender or lessor of your trade-in vehicle to arrive at the overall amount shown in item 6D of the Itemization of Amount Financed as the

3-28-13 AGENDA REPORT: PURCHASE POLICE VEHICLES

Payoff Agreement: Seller relied on information from you and/or the lienholder or lessor of your trade-in vehicle to arrive at the payoff amount shown in Item 6B of the Itemization of Amount Financed as the "Prior Credit or Lease Balance." You understand that the amount quoted is an estimate.

Seller agrees to pay the payoff amount shown in 6B to the lienholder or lessor of the trade-in vehicle, or its designee. If the actual payoff amount is more than the amount shown in 6B, you must pay the Seller the excess on demand. If the actual payoff amount is less than the amount shown in 6B, Seller will refund to you any overage Seller receives from your prior lienholder or lessor. Except as stated in the "NOTICE" on the back of this contract, any assignee of this contract will not be obligated to pay the Prior Credit or Lease Balance shown in 6B or any refund.

Buyer Signature X _____ N/A _____ Co-Buyer Signature X _____ N/A _____

If you have a complaint concerning this sale, you should try to resolve it with the seller. Complaints concerning unfair or deceptive practices or methods by the seller may be referred to the city attorney, the district attorney, or an Investigator for the Department of Motor Vehicles, or any combination thereof. After this contract is signed, the seller may not change the financing or payment terms unless you agree in writing to the change. You do not have to agree to any change, and it is an unfair or deceptive practice for the seller to make a unilateral change.

Buyer Signature X _____ Co-Buyer Signature X _____

The Annual Percentage Rate may be negotiable with the Seller. The Seller may assign this contract and retain its right to receive a part of the Finance Charge.

THERE IS NO COOLING OFF PERIOD UNLESS YOU OBTAIN A CONTRACT CANCELLATION OPTION

California law does not provide for a "cooling off" or other cancellation period for vehicle sales. Therefore, you cannot later cancel this contract simply because you change your mind, decide the vehicle costs too much, or wish you had acquired a different vehicle. After you sign below, you may only cancel this contract with the agreement of the seller or for legal cause, such as fraud. However, California law does require a seller to offer a 2-day contract cancellation option on used vehicles with a purchase price of less than \$30,000, subject to certain statutory conditions. This contract cancellation option requirement does not apply to the sale of a recreational vehicle, a motorcycle, or an off-highway motor vehicle subject to identification under California law. See the vehicle contract cancellation option agreement for details.

YOU AGREE TO THE TERMS OF THIS PURCHASE ORDER. YOU CONFIRM THAT BEFORE YOU SIGNED THIS PURCHASE ORDER, WE GAVE IT TO YOU, AND YOU WERE FREE TO TAKE IT AND REVIEW IT. YOU CONFIRM THAT YOU RECEIVED A COMPLETELY FILLED-IN COPY WHEN YOU SIGNED IT.

Buyer Signature X _____ Date 03/16/13 _____ Co-Buyer Signature X _____ Date _____

Co-Buyers and Other Owners — A co-buyer is a person who is responsible for paying the entire debt. An other owner is a person whose name is on the title to the vehicle but does not have to pay the debt. The other owner agrees to the security interest in the vehicle given to us in this purchase order.

Other Owner Signature X _____ Address _____

Seller Signs CHASE CHEVROLET CO., INC. Date 03/16/13 By X _____ Title MGR.

LAW FORM NO. 7047 (REV. 7/11) U.S. PATENT NO. 6,468,712
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CITY COUNCIL/SUCCESSOR AGENCY AGENDA REPORT

MEETING OF MARCH 28, 2013

FROM: FINANCE DEPARTMENT

SUBJECT: SINGLE AUDIT REPORT ON FEDERAL EXPENDITURES FOR YEAR ENDED JUNE 30, 2012 AND INDEPENDENT ACCOUNTANT'S REPORT ON AGREED-UPON PROCEDURES APPLIED TO APPROPRIATIONS LIMIT WORKSHEETS

RECOMMENDED ACTION: Receive the Single Audit Report on Federal Awards for the Year Ended June 30, 2012, and the Independent Accountant's Report on Agreed-Upon Procedures Applied to Appropriation Limit Worksheets.

BACKGROUND: The Single Audit Act of 1984, amended 1996, and the Office of Management and Budget Audits of State, Local Governments, and Non-Profit Organizations (OMB Circular A-133) provide audit requirements for ensuring Federal Government Grants to State, local and tribal governments, colleges, universities and other non-profit organizations (non-Federal entities) are properly utilized. All non-Federal entities that expend \$500,000 or more of Federal Awards in a year are required to obtain an annual audit intended to combine multiple audits of individual programs. This audit reviews the City of Capitola's expenditure of Federal grant funds.

The Independent Accountant's Report on Agreed-Upon Procedures Applied to Appropriations Limit Worksheets follows the "Agreed-upon Procedures Applied to the Appropriations Limitation Prescribed by Article XIII-B of the California Constitution" and was performed solely to assist the City in meeting the requirements of Section 1.5 of Article XIII-B.

DISCUSSION: The City of Capitola expended \$1.3 million in Federal Grant funds for Fiscal Year 2011-2012. This amount included \$1 million in HOME Program funding to support First Community Housing for the Bay Avenue Senior Housing Project. Additional grant spending included \$116,000 for CDBG Disaster Recovery Initiative, \$84,000 for National Highway Traffic Safety Grants, \$25,000 for Homeland Security Grants, \$23,000 for the CDBG Green Economy Grant, and \$5,000 for U.S. Department of Justice Grants.

The Independent Auditor's Report indicated that the City of Capitola complied, in all material respects, with the presented compliance requirements. Due to consistently meeting Federal Single Audit requirements, for the first time, the City of Capitola has qualified as a Low-Risk Auditee in the Schedule of Findings.

The Report on Agreed-Upon Procedures for the Appropriations Limit Worksheets found no exceptions to the required procedures.

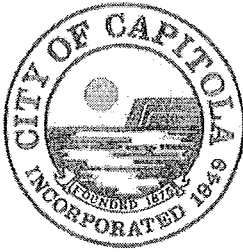
ATTACHMENTS

1. City of Capitola Management Representation Letter for Single Audit;
2. City of Capitola Single Audit Report on Federal Award Programs for Year Ended June 30, 2012;
3. City of Capitola Independent Accountant's Report on Agreed-Upon Procedures applied to Appropriations Limit Worksheets, January 16, 2013.

Report Prepared By: Tori Hannah
Finance Director

**Reviewed and Forwarded
By City Manager**

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

February 18, 2013

Rogers, Anderson, Malody & Scott, LLP
735 E. Carnegie Drive, Suite 100
San Bernardino, CA 92408

We are providing this letter in connection with your audit of the financial statements of City of Capitola (the City) as of June 30, 2012 and for the year then ended for the purpose of expressing opinions as to whether the financial statements present fairly, in all material respects, the respective financial position of the governmental activities, each major fund, and the aggregate remaining fund information of the the City and the respective changes in financial position in conformity with U.S. generally accepted accounting principles. In our letter dated January 16, 2013, we confirm that we are responsible for the fair presentation of the previously mentioned financial statements in conformity with U.S. generally accepted accounting principles. We are also responsible for adopting sound accounting policies, establishing and maintaining effective internal control over financial reporting, and preventing and detecting fraud.

We confirm, to the best of our knowledge and belief, as of February 18, 2013, the following representations made to you during your audit in accordance with OMB Circular A-133.

- 1) We have made available to you all—
 - a) Financial records and related data and all audit or relevant monitoring reports, if any, received from funding sources.
 - b) Minutes of the meetings of City Council or summaries of actions of recent meetings for which minutes have not yet been prepared.
- 2) There have been no communications from regulatory agencies concerning noncompliance with, or deficiencies in, financial reporting practices.
- 3) There are no material transactions that have not been properly recorded in the accounting records underlying the financial statements or the schedule of expenditures of federal awards.
- 4) We acknowledge our responsibility for the design and implementation of programs and controls to prevent and detect fraud.
- 5) We have no knowledge of any fraud or suspected fraud affecting the entity involving—
 - a) Management,
 - b) Employees who have significant roles in internal control, or
 - c) Others where the fraud could have a material effect on the financial statements.
- 6) We have no knowledge of any allegations of fraud or suspected fraud affecting the entity received in communications from employees, former employees, analysts, regulators, or others.

- 7) We have identified to you any previous audits, attestation engagements, and other studies related to the audit objectives and whether related recommendations have been implemented.
- 8) We are responsible for compliance with the laws, regulations, and provisions of contracts and grant agreements applicable to us, including tax or debt limits and debt contracts; and we have identified and disclosed to you all laws, regulations and provisions of contracts and grant agreements that we believe have a direct and material effect on the determination of financial statement amounts or other financial data significant to the audit objectives, including legal and contractual provisions for reporting specific activities in separate funds.
- 9) As part of your audit, you assisted with preparation of the financial statements and related notes and the schedule of expenditures of federal awards. We have designated an individual with suitable skill, knowledge, or experience to oversee your services and have made all management decisions and performed all management functions. We have reviewed, approved, and accepted responsibility for those financial statements and related notes and the schedule of expenditures of federal awards.
- 10) With respect to federal award programs:
 - a) We are responsible for understanding and complying with, and have complied with the requirements of OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*, including requirements relating to preparation of the schedule of expenditures of federal awards.
 - b) We acknowledge our responsibility for presenting the schedule of expenditures of federal awards (SEFA) in accordance with the requirements of OMB Circular A-133 §310.b, and we believe the SEFA, including its form and content, is fairly presented in accordance with the Circular. The methods of measurement or presentation of the SEFA have not changed from those used in the prior period and we have disclosed to you any significant assumptions and interpretations underlying the measurement or presentation of the SEFA.
 - c) If the SEFA is not presented with the audited financial statements, we will make the audited financial statements readily available to the intended users of the SEFA no later than the date we issue the SEFA and the auditor's report thereon.
 - d) We have identified and disclosed to you all of our government programs and related activities subject to OMB Circular A-133, and included in the SEFA expenditures made during the audit period for all awards provided by federal agencies in the form of grants, federal cost-reimbursement contracts, loans, loan guarantees, property (including donated surplus property), cooperative agreements, interest subsidies, insurance, food commodities, direct appropriations, and other assistance.
 - e) We are responsible for understanding and complying with, and have complied with the requirements of laws, regulations, and the provisions of contracts and grant agreements related to each of our federal programs and have identified and disclosed to you the requirements of laws, regulations, and the provisions of contracts and grant agreements that are considered to have a direct and material effect on each major program.
 - f) We are responsible for establishing and maintaining, and have established and maintained, effective internal control over compliance requirements applicable to federal programs that provides reasonable assurance that we are managing our federal awards in compliance with laws, regulations, and the provisions of contracts and grant agreements that could have a material effect on our federal programs. We believe the internal control system is adequate and is functioning as intended.


Rogers, Anderson, Malody & Scott, LLP

February 18, 2013

Page 3 of 4

- g) We have made available to you all contracts and grant agreements (including amendments, if any) and any other correspondence with federal agencies or pass-through entities relevant to federal programs and related activities.
- h) We have received no requests from a federal agency to audit one or more specific programs as a major program.
- i) We have complied with the direct and material compliance requirements (except for noncompliance disclosed to you), including when applicable, those set forth in the *OMB Circular A-133 Compliance Supplement*, relating to federal awards and have identified and disclosed to you all amounts questioned and all known noncompliance with the requirements of federal awards.
- j) We have disclosed to you any communications from grantors and pass-through entities concerning possible noncompliance with the direct and material compliance requirements, including communications received from the end of the period covered by the compliance audit to the date of the auditor's report.
- k) We have disclosed to you the findings received and related corrective actions taken for previous audits, attestation engagements, and internal or external monitoring that directly relate to the objectives of the compliance audit, including findings received and corrective actions taken from the end of the period covered by the compliance audit to the date of the auditor's report.
- l) Amounts claimed or used for matching were determined in accordance with relevant guidelines in *OMB Circular A-87, Cost Principles for State, Local, and Tribal Governments*, and *OMB's Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*.
- m) We have disclosed to you our interpretation of compliance requirements that may have varying interpretations.
- n) We have made available to you all documentation related to compliance with the direct and material compliance requirements, including information related to federal program financial reports and claims for advances and reimbursements.
- o) We have disclosed to you the nature of any subsequent events that provide additional evidence about conditions that existed at the end of the reporting period affecting noncompliance during the reporting period.
- p) There are no known instances of noncompliance with direct and material compliance requirements that occurred subsequent to the period covered by the auditor's report.
- q) No changes have been made in internal control over compliance or other factors that might significantly affect internal control, including any corrective action we have taken regarding significant deficiencies in internal control over compliance (including material weaknesses in internal control over compliance), have occurred subsequent to the date as of which compliance was audited.
- r) Federal program financial reports and claims for advances and reimbursements are supported by the books and records from which the financial statements have been prepared.

- s) The copies of federal program financial reports provided you are true copies of the reports submitted, or electronically transmitted, to the respective federal agency or pass-through entity, as applicable.
 - t) We have monitored subrecipients to determine that they have expended pass-through assistance in accordance with applicable laws and regulations and have met the requirements of OMB Circular A-133.
 - u) We have taken appropriate action, including issuing management decisions, on a timely basis after receipt of subrecipients' auditor's reports that identified noncompliance with laws, regulations, or the provisions of contracts or grant agreements and have ensured that subrecipients have taken the appropriate and timely corrective action on findings.
 - v) We have considered the results of subrecipient audits and have made any necessary adjustments to our books and records.
 - w) We have charged costs to federal awards in accordance with applicable cost principles.
 - x) We are responsible for and have accurately prepared the summary schedule of prior audit findings to include all findings required to be included by OMB Circular A-133 and we have provided you with all information on the status of the follow-up on prior audit findings by federal awarding agencies and pass-through entities, including all management decisions.
 - y) We are responsible for and have accurately prepared the auditee section of the Data Collection Form as required by OMB Circular A-133.
 - z) We are responsible for preparing and implementing a corrective action for each audit finding.
 - aa) We have disclosed to you all contracts or other agreements with service organizations, and we have disclosed to you all communications from the service organizations relating to noncompliance at the service organizations.
- 11) We have evaluated and classified any subsequent events as recognized or nonrecognized through the date of this letter. No events, including instances of noncompliance, have occurred subsequent to the balance sheet date and through the date of this letter that would require adjustment to or disclosure in the aforementioned financial statements or in the schedule of findings and questioned costs.

Signed: 
Title: Finance Director

Signed: _____
Title: _____

CITY OF CAPITOLA
Capitola, California

**SINGLE AUDIT REPORT ON
FEDERAL AWARD PROGRAMS**

Year Ended June 30, 2011

TRS TEAMAN, RAMIREZ & SMITH, INC.
CERTIFIED PUBLIC ACCOUNTANTS

CITY OF CAPITOLA
SINGLE AUDIT REPORT ON FEDERAL AWARD PROGRAMS
Year Ended June 30, 2011

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City Council
 City of Capitola
 Capitola, California

**Report on Internal Control Over Financial Reporting and on Compliance and
 Other Matters Based on an Audit of Financial Statements Performed
 in Accordance with *Government Auditing Standards***

We have audited the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of the City of Capitola, California (the "City") as of and for the year ended June 30, 2011, which collectively comprise the City's basic financial statements and have issued our report thereon dated December 19, 2011. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the City's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the City's internal control over financial reporting.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A material weakness is a deficiency, or combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over financial reporting that might be deficiencies, significant deficiencies, or material weaknesses. We did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses, as defined above.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the City's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

We noted certain matters that we reported to Management of the City of Capitola in a separate letter dated December 19, 2011.

This report is intended solely for the information and use of the City Council, management, others within the entity, federal awarding agencies and pass-through entities and is not intended to be and should not be used by anyone other than these specified parties.

Traman Ramirez & Smith, Inc.

December 19, 2011



City Council
 City of Capitola
 Capitola, California

**Independent Auditor's Report on Compliance with Requirements That Could
 Have a Direct and Material Effect on Each Major Program and on Internal
 Control Over Compliance in Accordance With OMB Circular A-133**

Compliance

We have audited the City of Capitola's compliance with the types of compliance requirements described in the *OMB Circular A-133 Compliance Supplement* that could have a direct and material effect on each of the City of Capitola's major federal programs for the year ended June 30, 2011. The City of Capitola's major federal programs are identified in the summary of auditors' results section of the accompanying schedule of findings and questioned costs. Compliance with the requirements of laws, regulations, contracts and grants applicable to each of its major federal programs is the responsibility of the City of Capitola's management. Our responsibility is to express an opinion on the City of Capitola's compliance based on our audit.

We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*. Those standards and OMB Circular A-133 require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about the City of Capitola's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances. We believe that our audit provides a reasonable basis for our opinion. Our audit does not provide a legal determination of the City of Capitola's compliance with those requirements.

In our opinion, the City of Capitola complied, in all material aspects, with the compliance requirements referred to above that could have a direct and material effect on each of its major federal programs for the year ended June 30, 2011.

Internal Control Over Compliance

Management of the City of Capitola is responsible for establishing and maintaining effective internal control over compliance with the requirements of laws, regulations, contracts and grants applicable to federal programs. In planning and performing our audit, we considered the City of Capitola's internal control over compliance with the requirements that could have a direct and material effect on a major federal program to determine the auditing procedures for the purpose of expressing our opinion on compliance and to test and report on internal control over compliance in accordance with OMB Circular A-133, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the City of Capitola's internal control over compliance.

A *deficiency* in internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. A *material weakness* in internal control over compliance is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be deficiencies, significant deficiencies, or material weaknesses. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses, as defined above.

Schedule of Expenditures of Federal Awards

We have audited the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of the City of Capitola as of and for the year ended June 30, 2011, which collectively comprise the City's basic financial statements, and have issued our report thereon dated December 19, 2011, which contained unqualified opinions on those financial statements. Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City of Capitola's basic financial statements. The schedule of expenditures of federal awards is presented for purposes of additional analysis as required by U.S. Office of Management and Budget Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*, and is not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the financial statements. The information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the information is fairly stated in all material respects in relation to the basic financial statements as a whole.

This report is intended solely for the information and use of the City Council, management, others within the entity, federal awarding agencies and pass-through entities and is not intended to be and should not be used by anyone other than these specified parties.

Jeannan Ramirez & Smith, L.L.C.

December 19, 2011

CITY OF CAPITOLA
SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
Year Ended June 30, 2011

Federal Grantor/ Pass-Through Grantor/ Program Title	Federal Domestic Assistance Number	Grant Identification Number	Program Expenditures
U.S. Department of Housing and Urban Development			
<i>Passed through the State of California Housing and Community Development Department:</i>			
Community Development Block Grant	14.218	07-PTAE-3124	\$ 47,411
CDBG Program Income Rehabilitation Revolving Loan Fund	14.218	01-STBG-1571	8,322
HOME Investments Partnership Program	14.239	06-HOME-2403	711,766*
HOME Program Income	14.239	94-HOME-0087	<u>12,306*</u>
Total U.S Department of Housing and Urban Development			<u>779,805</u>
U.S. Department of Commerce			
<i>Direct Assistance:</i>			
Economic Adjustment Assistance (ARRA)	11.307	07-69-06484	<u>29,586</u>
Total U.S Department of Commerce			<u>29,586</u>
National Highway Traffic Safety Administration			
<i>Passed through the State of California Office of Traffic Safety:</i>			
Avoid the Nine	20.600	AL10101	59,655
Speed Awareness	20.600	PT1118	<u>32,597</u>
Total National Highway Traffic Safety Administration			<u>92,252</u>
U.S. Department of Homeland Security			
<i>Passed through the California Emergency Management Agency:</i>			
Federal Emergency Management Agency Disaster Response	None	N/A	5,144
<i>Passed through the County of Santa Cruz Office of Emergency Services:</i>			
Homeland Security Grant Program	97.067	N/A	<u>5,242</u>
Total U.S. Department of Homeland Security			<u>10,386</u>

Continued

CITY OF CAPITOLA
SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS - Continued
 Year Ended June 30, 2011

Federal Grantor/ Pass-Through Grantor/ Program Title	Federal Domestic Assistance Number	Grant Identification Number	Program Expenditures
U.S. Department of Justice			
Direct Assistance:			
Bulletproof Vest Partnership Program	16.607	1121-0235	\$ 2,572
Edward Byrne Memorial Justice Assistance Grant	16.804	2009-SB-B9-0598	5,454
Public Safety Partnership (ARRA)	16.710	2009-BUBX- 0904-7364	<u>101,552</u>
Total U.S. Department of Justice			<u>109,578</u>
Total Federal Financial Assistance			<u>\$ 1,021,607</u>

*Major Program

CITY OF CAPITOLA
NOTES TO THE SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
Year Ended June 30, 2011

1) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES APPLICABLE TO THE SCHEDULE OF FEDERAL AWARDS

a) Scope of Presentation

The accompanying schedule presents only the expenditures incurred (and related awards received) by the City of Capitola that are reimbursable under programs of federal agencies providing financial assistance. For the purpose of this schedule, financial assistance includes both federal financial assistance received directly from a federal agency, as well as federal funds received indirectly by the City of Capitola from a non-federal agency or other organization. Only the portion of program expenditures reimbursable with such federal funds is reported in the accompanying schedule. Program expenditures in excess of the maximum federal reimbursement authorized or the portion of the program expenditures that were funded with state, local or other non-federal funds are excluded from the accompanying schedule.

b) Basis of Accounting

The expenditures included in the accompanying schedule were reported on the modified accrual basis of accounting. Under the modified accrual basis of accounting, expenditures are incurred when the City of Capitola becomes obligated for payment as a result of the receipt of the related goods and services. Expenditures reported include any property or equipment acquisitions incurred under the federal program.

c) Major Programs

The City had one major program for the year ended June 30, 2011, consisting of the U.S. Department of Housing and Urban Development HOME Investment Partnership Program Grant with total disbursements of \$724,072. This amount calculates to 71% of the total disbursements from federal awards.

CITY OF CAPITOLA
SCHEDULE OF FINDINGS AND QUESTIONED COSTS
 Year Ended June 30, 2011

SECTION I - SUMMARY OF AUDITORS' RESULTS

Financial Statements

Type of Auditors' Report Issued:	Unqualified
Internal Control Over Financial Reporting:	
Material Weakness(es) Identified?	No
Significant Deficiencies Identified not Considered to be Material Weaknesses?	No
Noncompliance Material to Financial Statements Noted?	No

Federal Awards

Internal Control Over Major Programs:	
Material Weakness(es) Identified?	No
Significant Deficiencies Identified not Considered to be Material Weaknesses?	No
Type of Auditors' Report Issued on Compliance for Major Programs:	Unqualified
Any Audit Findings Disclosed that are Required to be Reported in Accordance With OMB Circular A-133, Section .510(a)?	No

Identification of Major Programs:

CFDA Numbers	Name of Federal Program or Cluster
14.239	HOME Investment Partnership Program

Dollar Threshold used to Distinguish Between Type A And Type B Programs:	\$ <u>300,000</u>
Auditee Qualified as Low-Risk Auditee?	No

CITY OF CAPITOLA
SCHEDULE OF FINDINGS AND QUESTIONED COSTS
Year Ended June 30, 2011

SECTION II – FINANCIAL STATEMENT FINDINGS

There were no auditors' findings required to be reported in accordance with GAS.

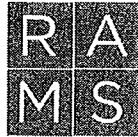
SECTION III – FEDERAL AWARD FINDINGS AND QUESTIONED COSTS

There were no auditors' findings required to be reported in accordance with OMB Circular A-133.

CITY OF CAPITOLA
SUMMARY SCHEDULE OF PRIOR AUDIT FINDINGS
Year Ended June 30, 2011

SUMMARY SCHEDULE OF PRIOR AUDIT FINDINGS

There were no prior year audit findings.



ROGERS, ANDERSON, MALODY & SCOTT, LLP
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The Honorable City Council
 City of Capitola, California

**INDEPENDENT ACCOUNTANT'S REPORT
 ON AGREED-UPON PROCEDURES
 APPLIED TO APPROPRIATIONS LIMIT WORKSHEETS**

We have performed the procedures enumerated below to the accompanying Appropriations Limit worksheet of the City of Capitola, California, (the City) for the year ended June 30, 2012. These procedures, which were agreed to by the City, California and the League of California Cities (as presented in the publication entitled *Agreed-upon Procedures Applied to the Appropriations Limitation Prescribed by Article XIII-B of the California Constitution*), were performed solely to assist the City in meeting the requirements of Section 1.5 of Article XIII-B of the California Constitution. The City's management is responsible for the Appropriations Limit worksheet. This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The procedures performed and our findings were as follows:

1. We obtained the completed worksheets and compared the limit and annual adjustment factors included in those worksheets to the limit and annual adjustment factors that were adopted by resolution of the City Council. We also compared the population and inflation options included in the aforementioned documents to those that were selected by a recorded vote of the City Council.

Finding: No exceptions were noted as a result of our procedures.

2. For the accompanying Appropriations Limit worksheet, we added last year's limit to total adjustments and agreed the resulting amount to this year's limit.

Finding: No exceptions were noted as a result of our procedures.

The Honorable City Council
City of Capitola, California

Page 2

3. We agreed the current year information presented in the accompanying Appropriations Limit worksheet to the other documents referenced in #1 above.

Finding: No exceptions were noted as a result of our procedures.

4. We agreed the prior year appropriations limit presented in the accompanying Appropriations Limit worksheet to the prior year appropriations limit adopted by the City Council during the prior year.

Finding: No exceptions were noted as a result of our procedures.

We were not engaged to, and did not perform an examination. The objective of which would be the expression of an opinion on the accompanying Appropriations Limit worksheet. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you. No procedures have been performed with respect to the determination of the appropriation limit for the base year, as defined by the League publication entitled *Article XIII-B of the California Constitution*.

This report is intended solely for the information and use of the City Council and management of the City of Capitola, California and is not intended to be and should not be used by anyone other than these specified parties. However, this report is a matter of public record and its distribution is not limited.

Rogers Anderson Maloney & Scott, LLP

January 16, 2013

City of Capitola
APPROPRIATIONS LIMIT COMPUTATION
2011 – 2012

	<u>2011 - 2012</u>
Change in Local Non-residential New Construction	21.91%
Population Change County Population Growth	0.72%
Change in Local Non-residential New Construction Converted to a Ratio	1.21911
Population Change Converted to a Ratio	1.00720
Calculation of Growth Factor	1.22789
2010 – 2011 Limit	<u>\$ 14,590,421</u>
2011 – 2012 Appropriations Limit (\$14,590,421 X 1.2279)	<u>\$ 17,915,578</u>

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CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 28, 2013

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: CONSIDERATION OF AN APPEAL OF THE PLANNING COMMISSION'S CERTIFICATION OF A NEGATIVE DECLARATION; APPROVAL OF A COASTAL PERMIT, ARCHITECTURAL AND SITE REVIEW AND A CONDITIONAL USE PERMIT FOR A TEMPORARY 233 SPACE PARKING LOT INCLUDING REST ROOM FACILITIES AT 426 CAPITOLA AVENUE (LOWER PART OF THE PACIFIC COVE PROPERTY)

RECOMMENDED ACTION: Deny the appeal and allow the Planning Commission's certification of the Negative Declaration and approval of the Coastal Permit, Architectural and Site Review and Conditional Use Permit to stand.

BACKGROUND: At the Planning Commission meeting on March 7, 2013, the Planning Commission certified the Negative Declarations and approved a Coastal Permit, Design Review Permit and Conditional Use Permit for a temporary parking lot on the lower Pacific Cove Property by a vote of 3-0. Two of the Planning Commissioners were required to recuse themselves. The Planning Commission's decisions were appealed to the City Council by Council Member Norton.

DISCUSSION: On tonight's agenda the Council will be considering the appeal of the Planning Commission's decision as one item. The following item on the agenda will be to discuss the financing and construction of the temporary parking lot. Certification of the Negative Declaration and approval of the Coastal Permit, Design Review Permit and Conditional Use Permit does not obligate the City to move forward with the construction of the temporary parking lot. The City's decision as to whether or not complete the temporary parking lot will be based on a number of other decisions the Council will be making as part of the next agenda item regarding the approval of a financing plan and authorizing the project to go out to bid.

FISCAL IMPACT: N/A

ATTACHMENTS:

1. Appeal letter from Council Member Norton, dated March 8, 2012;
2. Planning Commission Staff Report;
3. Initial Study;
4. Comment Letters Received on the Initial Study;
5. Plans provided to the Planning Commission;
6. Draft Minute excerpt from the March 7, 2013, Planning Commission meeting.

Report Prepared By: Susan Westman
General Plan Coordinator

Reviewed and Forwarded
By City Manager

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3-8-2013

City of Capitola

Susan Westman

Community Development Director

Re: Appeal of Planning Commission decision (# 13-019), approval of "Temporary" Parking Lot in Lower Pacific Cove.

Dear Susan,

This letter will serve as an appeal of the Planning Commission decision to place a "Temporary" Parking lot in Lower Pacific Cove. This Appeal will be to the Capitola City Council.

Thank You

Dennis Norton

Capitola City Council

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STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: MARCH 7, 2013

SUBJECT: **426 CAPITOLA AVENUE #13-019 APN: 035-141-33**
 Certification of a Negative Declaration, Coastal Permit, Architectural and Site Review and a Conditional Use Permit for a temporary 233 space parking lot including rest room facilities. This project requires a Coastal Permit which is not appealable to the California Coastal Commission.
 Environmental Determination: Negative Declaration
 Property Owner: City of Capitola

PROPOSAL

The project consists of construction of a 233 space surface public parking lot adjacent to City Hall with access provided from Capitola Avenue and Bay Avenue. The project also includes renovation of an existing restroom facility to provide public restrooms with outdoor showers. Other improvements include a pedestrian walkway through the site, landscaping, and retaining wall replacement. The City intends to use the parking lot until a permanent parking structure is developed on the adjacent, existing City-owned public parking lot. At this time, it is expected that the proposed lot will be used for a period of up to five years or until such time that a parking structure is constructed and operational.

DISCUSSION

The City of Capitola purchased the Pacific Cove Mobile Home Park in the early 1980's with the intent of using this property to provide parking for the Capitola Village area. During the 1980's the City was able to relocate and buy enough of the mobile homes to convert the upper portion of the property to a public parking lot. The proposal before you now will convert the lower part of the property to a public parking lot.

The project site formerly housed the Pacific Cove Mobile Home Park that was in operation from the early 1960s to 2011. A storm drain through the project site failed in 2011, causing extensive damage to the park infrastructure while also damaging some mobile homes and structures in Capitola Village. The City of Capitola decided to close the City-owned mobile home park because it was unlikely the park could be rebuilt to adequately protect mobile home residential uses. Formerly, there were a maximum of 45 mobile homes on the site, but there were 42 when the park closed. The City is in the process of having the remaining units removed and expects this process to be completed within the next 60 days.

In 2011, the City completed conceptual studies for construction of a parking structure on the existing Pacific Cove parking lot, which is located adjacent to the project site on the south next to City Hall. The City is now proposing construction of a surface parking lot on the project site,

referred to as the Lower Pacific Cove Parking Lot, to serve as a temporary parking lot until the permanent parking structure is constructed. At this time, it is expected that the proposed parking lot will be used for a period of up to five years or until such time that the planned parking structure is constructed and operational. Currently there is no schedule or funding for development of the parking garage though considerable work has been done on the design of the structure.

The parking structure studies included traffic and parking demand estimates. The conceptual studies identified an alternative with approximately 560 parking spaces for a parking structure, which reflects current demand and parking shortfalls, as well as, future potential demand from other growth in Capitola Village. The upper parking lot currently has 232 existing spaces. The new parking structure of 560 spaces results an increase of 328 spaces. Parking demand in the Village currently exceeds parking supply by 176 spaces. The proposed temporary Lower Pacific Cove parking lot will be providing needed spaces to fill the identified existing parking supply deficit in Capitola Village and it will be providing an additional 57 spaces which could ultimately be used for an in lieu parking permit program to stimulate economic development in the village area. It is anticipated that the in lieu parking permit would be developed and approved during the summer of 2013. The program would be used to stimulate economic development in the Village area. The in lieu parking will be transferred to the parking structure when it is constructed. Fees will be based on the costs of developing the parking structure. The in lieu parking program will not be designed to provide parking for residential uses.

The design of the parking lot attempts to be a balance between a number of completing factors. The design has been minimized because of the temporary use of the facility, but even with this there are a number of other requirements driving the parking lot design. The parking lot needs to meet standards for ADA access and use, storm water management practices, lighting which provides for safety but does not significantly impact adjacent residents, shuttle bus usage and accommodate pay stations. The basic design is to pave the travel lanes through the parking lot and have the parking space be porous pavement. Pathway will be decomposed granite. Bio swales will be used for drainage and landscaping.

The existing rest room building on the property will be remodeled as public rest room facilities and provide for outdoor showers.

Traffic - Access will be provided from both Capitola Avenue and Bay Avenue. Access from Bay Avenue will be provided just north of the street's intersection with Monterey Avenue. As part of this project a traffic report has been prepared which establishes the design for both entry points. The traffic report did identify two intersections in the Village area which are currently operating below the City's acceptable standards. Those are Capitola Avenue and Stockton Avenue which currently operates at a level E and Monterey Avenue and Park Avenue which currently operates at a level D. Based on the prior traffic generated when this area operated as a mobile home park, the new parking lot does not have a major impacting either of these intersections. The City has included in its Capital Improvement Program improvements to the Monterey Avenue and Park Avenue intersection. No feasible improvements can be implemented at the intersection of Stockton Avenue and Capitola Avenue due to right-of-way constraints and the spillover effect on the adjacent Capitola Village intersections. At some time in the future, when improvements have been completed on Highway 1, it is anticipated that the evening cut through traffic which creates these problems will be reduced.

With the development of this project, the City plans to completely re-do signage which directs visitors and residents to the City's public parking lots. The new signage program will be based on the international parking signs (the letter P in a circle) and the international blue parking color. The

signs will provide no additional pictures or information than necessary to direct people to the City's parking lots. Recent studies have shown that universal style signage is a critical factor in the success of public parking and the signs need to be as uncluttered as possible.

Trees - The proposed project will result in removal of 14 small trees, but none are considered heritage trees under City regulations. All of the trees are horticultural trees, except for two small oak trees. Based on the City's Tree Ordinance the City will be providing a two for one replacement for trees the 7 trees which are larger than 6" in diameter. The other 12 onsite trees will be retained including the two large Monterey cypress trees, one oak tree, one redwood tree and several other smaller horticultural trees. Tree removal will not conflict with City regulations with approval of a permit and replanting of replacement trees as required by City regulations. The trees on the slopes bordering the parking lot site appear to provide the majority of the existing tree canopy coverage, and these trees will be retained. A landscape plan has been provided which will include the planting of 20 new trees as well as various shrubs and ground cover.

Lighting - The project site is bordered by residential development on the north that is situated at a higher elevation than the project site. There is generally a 15 foot elevation difference between the parking lot site and residences to the north. Project construction will include lighting throughout the parking lot, but it will be oriented and designed to prevent offsite glare onto adjacent properties. Thus, the project would not result in creation of a new source of substantial light or glare that would adversely affect nighttime views in the area. The light poles may be flush with the top of the slope, but the light fixtures will be downcast and will meet "Dark Sky" requirements. This type of lighting will not create significant visual impacts on the surrounding neighborhood as the lighting would typically be shielded, directed downward and/or oriented so as not create offsite glare. The project will include the standard City condition requiring the modification of any light fixture which cause light onto adjacent property or has a visible light source (bulb) to adjacent residents. The ultimate determination as to where the wiring for the lights will be above ground or below ground will be based on cost as this is a temporary facility.

Air Quality - The Monterey Bay Unified Air Pollution Control District's regional Air Quality Management Plan (AQMP) establishes emission forecasts based on population forecasts developed by AMBAG. The project consists of a parking lot and would not result in new housing development or population growth. Thus, the project would not conflict with or obstruct implementation of the existing air quality management plan for the region. Construction equipment will be conditions to use best management practices related to noise and emissions.

Vehicle traffic and emissions will be associated with the operation of the proposed parking lot. According to the traffic analysis conducted for the project, the project could generate approximately 495 trips per day when the parking lot is fully utilized. This increase will however not be significant. It is anticipated that there may actually be a reduction if the parking lot reduces the circling of cars trying to find to find non-existent beach parking in the Village.

Noise – The parking lot will result in varying levels of vehicular noise associated with cars and people arriving and departing. The noise levels would fluctuate throughout the day and would not result in a prolonged duration. It is likely that sound levels would be less than those associated with commercial uses and attendant activities. City staff has not received complaints from residents regarding the existing Pacific Cove Parking Lot use. If complaints are received, the City could consider limiting the hours the parking lot is open to the public.

There will be temporary increases in existing noise levels during the grading and construction. Construction would be of a limited duration and is expected to be completed within 45 to 60 working days. Construction related noise levels would vary through the day depending on the type of equipment that is in use at any one time. Construction is planned on weekdays between 8:00 AM and 5:00 PM. The construction project will not be operating on the weekends.

Drainage - This is one of the first major projects to be constructed which will need to meet all of the new storm water management practices. As a result of this a significant portion of the expense and work necessary to construct this temporary parking lot. The new law does not allow for any new development to increase the amount of runoff from the proposed development. The current design will reduce the runoff from this site.

The projects drainage plan will utilize a "Low Impact Development" porous pavement consist of permeable interlocking pavers and plastic grids filled with drain rock constructed over open-graded aggregate bases. The open graded aggregate bases temporarily store the collected runoff to allow the storm water to make contact with underlying soil for infiltration. Any excess runoff unable to infiltrate is then routed to a controlled outlet structure to regulate flow to 2 and 10 year storm events per Santa Cruz County Design Criteria. The details of the drainage system may need to be modified as the City's works through the process of obtaining a permit from Santa Cruz County Flood Control and Water Conservation District (Zone 5).

The City did receive a letter from the County of Santa Cruz regarding the storm water retention system and from the Department of Fish and Wildlife. A response to that letter has been prepared.

Parking Lot Operations - Pay stations will be provided for "Pay by Space" parking fee collection. It is anticipated that there potentially could be up to three shuttle bus stops and pay stations will be located at each stop. At least two pay stations will be provided at each location to deal with congested time and provide redundancy.

In order to construct the parking lot, approximately 165 linear feet of existing wood retaining walls will be removed and replaced with new retaining walls in several locations totaling approximately 90 linear feet. The walls will be constructed of wood and/or concrete with heights similar to existing retaining walls, which are generally 4-6 feet in height.

The City is planning for the parking lot to be used for the shuttle bus service which is required on weekends during the summer season. This site will, for the first time in all the years the shuttle bus has operated, provide a lot location which achieves desirable headways and should greatly increase the utilization of the bus. There could be up to three shuttle bus stops in the parking lot. It is expected that the shuttle bus will enter the parking lot at the Capitola Avenue entrance and exit the parking lot at the Bay Avenue exit. It will travel to a stop at the corner of Monterey Avenue and Capitola Avenue. It will continue down Capitola Avenue with a stop at the intersection of Stockton Avenue and Capitola Avenue. The bus will then proceed to the parking lot. Final details of the shuttle bus route and stops will be determined at a later date as the City finalizes this plan for operating the shuttle bus with the Coastal Commission.

As indicated above, the City intends to use the project site as a parking lot until such time that a permanent parking structure is developed on the adjacent City-owned public parking lot. At that time, potential uses for the project site will be identified and considered. No specific future uses of the property have been proposed as part of this application.

RECOMMENDATION

Staff recommends that the Planning Commission **approve** the resolution to certify the Negative Declaration and **approve** application #13-019 for a Coastal Permit, Architectural and Design Review Permit and Conditional Use Permit based on the following Conditions and Findings for Approval.

CONDITIONS

1. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions
2. All lighting shall be shielded and directed away from adjacent residential properties.
3. Measures must be in place to protect existing trees to be retained; especially the larger cypress and oak trees, in order to minimize damage to the trees and their root zones during construction as recommended by a certified arborist.
4. If archaeological resources or human remains are accidentally discovered during construction, work shall be halted within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented. Disturbance shall not resume until the significance of the archaeological resources is determined and appropriate mitigations to preserve the resource on the site are established. If human remains are encountered during construction or any other phase of development, work in the area of discovery must be halted, the Santa Cruz County coroner notified, and the provisions of Public Resources Code 5097.98-99, Health and Safety Code 7050.5 carried out. If the remains are determined to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours as required by Public Resources Code 5097.
5. Implement erosion control measures, including, but not limited to: conduct grading prior to the rainy season if possible; protect disturbed areas during the rainy season; implement other Best Management Practices (BMPs) during construction to protect water quality; and immediately re-vegetate disturbed areas.
6. Construction activity shall be limited to 8:00 a.m. to 5:00 p.m. Monday thru Friday. There will be no weekend work.
7. Final design details for retaining walls, landscaping, lights, drainage design and pavement materials shall be approved by the Community Development Director and Public Works Director.
8. Require implementation of "Best Management" construction practices to control dust and PM10 emissions during grading and site development. The MBUAPCD identifies the following construction practices to control dust:
 - Water all active construction areas at least twice daily;
 - Prohibit all grading activities during periods of high winds (over 15 mph);
 - Cover all trucks hauling dirt, sand or loose materials
 - Cover or water stockpiles of debris, soil and other materials which can be windblown;
 - Sweep streets if visible soil material is carried out from the construction site;
 - Plant vegetation grown cover in disturbed areas as soon as possible.

Local Coastal Plan Findings:

D. Findings Required. A coastal permit shall be granted only upon adoption of specific written factual findings supporting the conclusion that the proposed development conforms to the certified Local Coastal Program, including, but not limited to:

- The proposed development conforms to the City's certified Local Coastal Plan (LCP). The specific, factual findings, as per CMC Section 17.46.090 (D) are as follows:

(D) (2) Require Project-Specific Findings. In determining any requirement for public access, including the type of access and character of use, the city shall evaluate and document in written findings the factors identified in subsections (D) (2) (a) through (e), to the extent applicable. The findings shall explain the basis for the conclusions and decisions of the city and shall be supported by substantial evidence in the record. If an access dedication is required as a condition of approval, the findings shall explain how the adverse effects which have been identified will be alleviated or mitigated by the dedication. As used in this section, "cumulative effect" means the effect of the individual project in combination with the effects of past projects, other current projects, and probable future projects, including development allowed under applicable planning and zoning.

- Public access will be improved by this proposed project. The proposed project is located inland of the beach area and within the existing city hall complex and is within walking distance to the beach. The project will increase the amount of available parking for beach visitor by 233 spaces. It will allow for a more desirable shuttle bus operation and reduce headway times. No easements for coastal access, or other public access ways, are required or necessary.

(D) (2) (a) Project Effects on Demand for Access and Recreation. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development. Analysis of the project's effects upon existing public access and recreation opportunities. Analysis of the project's cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach resources, and upon the capacity of major coastal roads from subdivision, intensification or cumulative build-out. Projection for the anticipated demand and need for increased coastal access and recreation opportunities for the public. Analysis of the contribution of the project's cumulative effects to any such projected increase. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities;

- This project will make it possible for more people to have access to the beach and its various recreational opportunities.

(D) (2) (b) Shoreline Processes. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site.

Identification of anticipated changes to shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project, alone or in combination with other anticipated changes, will have upon the ability of the public to use public tidelands and shoreline recreation areas;

- The proposed development is not located near the shoreline and is already a developed area; therefore the proposed project will not affect the shoreline process.

(D) (2) (c) Historic Public Use. Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal). Evidence of the type and character of use made by the public (vertical, lateral, bluff top, etc., and for passive and/or active recreational use, etc.). Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use);

- The site is owned by the City of Capitola and is part of the existing City Hall Complex. The new parking lot will open this area to the public for its use.

(E)(2) (d) Physical Obstructions. Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;

- The proposed project site is already developed and is located inland of the first public road; therefore the proposed development will not impede or block public access to local tidelands, public recreation areas, or other public coastal resources, or to see the shoreline.

(D) (2) (e) Other Adverse Impacts on Access and Recreation. Description of the development's physical proximity and relationship to the shoreline and any public recreation area. Analysis of the extent of which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public's use of tidelands or lands committed to public recreation. Description of any alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.

- The proposed development is located in an existing built-out area. The proposed project site is surrounded by the development of single-family homes or city hall. The proposed project will not adversely impact access and/or recreational opportunities.

(D) (3) (a – c) Required Findings for Public Access Exceptions. Any determination that one of the exceptions of subsection (F) (2) applies to a development shall be supported by written findings of fact, analysis and conclusions which address all of the following:

a. The type of access potentially applicable to the site involved (vertical, lateral, bluff top, etc.) and its location in relation to the fragile coastal resource to be protected, the agricultural use, the public safety concern, or the military facility which is the basis for the exception, as applicable;

b. Unavailability of any mitigating measures to manage the type, character, intensity, hours, season or location of such use so that agricultural resources, fragile coastal resources, public safety, or military security, as applicable, are protected;

c. Ability of the public, through another reasonable means, to reach the same area of public tidelands as would be made accessible by an access way on the subject land.

- The project is not requesting a Public Access Exception, therefore these findings do not apply

(D) (4) (a – f) Findings for Management Plan Conditions. Written findings in support of a condition requiring a management plan for regulating the time and manner or character of public access use must address the following factors, as applicable:

a. Identification and protection of specific habitat values including the reasons supporting the conclusions that such values must be protected by limiting the hours, seasons, or character of public use;

b. Topographic constraints of the development site;

c. Recreational needs of the public;

d. Rights of privacy of the landowner which could not be mitigated by setting the project back from the access way or otherwise conditioning the development;

e. The requirements of the possible accepting agency, if an offer of dedication is the mechanism for securing public access;

f. Feasibility of adequate setbacks, fencing, landscaping, and other methods as part of a management plan to regulate public use.

- No Management Plan is required; therefore these findings do not apply

(D) (5) Project complies with public access requirements, including submittal of appropriate legal documents to ensure the right of public access whenever, and as, required by the certified land use plan and Section 17.46.010 (coastal access requirements);

- No legal documents to ensure public access rights are required for the proposed project

(D) (6) Project complies with visitor-serving and recreational use policies;

Policy 17, Pg. 15 of the 1989 City General Plan, states that, "Areas designated as visitor serving and/or recreational shall be reserved for visitor support services or recreational uses. Permissible uses include, but are not limited to hotels, motels, hostels, campgrounds, food and drink service establishments, public facilities, public beaches, public recreation areas or parks, and related rental and retail establishments. Residential uses are also permitted on dual designated visitor-serving/residential parcels; specifically, a portion of the El Salto Resort, and in the Village area. Development can be accomplished through private or public means".

- The project will enhance visitor servicing uses.

(D) (7) Project complies with applicable standards and requirements for provision of public and private parking, pedestrian access, alternate means of transportation and/or traffic improvements;

- The project will enhance public access to the beach. It will improve the operation of the shuttle bus system and should overall improve traffic congestion issues in the Village area.

(D) (8) Review of project design, site plan, signing, lighting, landscaping, etc., by the city's architectural and site review committee, and compliance with adopted design guidelines and standards, and review committee recommendations;

- The project's design, site plan, landscaping, will be receiving an Architectural and Site Review permit from the Planning Commission.

(D) (9) Project complies with LCP policies regarding protection of public landmarks, protection or provision of public views; and shall not block or detract from public views to and along Capitola's shoreline;

- No public landmarks are affected by the project. Public views of Capitola's shoreline are not blocked by the project as there are no designated public viewing areas at the project site. Therefore, the project will not block or detract from public views to and along Capitola's shoreline.

(D) (10) Demonstrated availability and adequacy of water and sewer services;

- Both water and sewer service are currently available and provided for the site. The site is currently served by sewer services and can accommodate the additional development.

(D) (11) Provisions of minimum water flow rates and fire response times;

- A fire hydrant is located nearby. Central Fire Department has an existing Station approximately 600-feet away from the site on Capitola Avenue. There will be no habitable or occupied structures as part of this development. The only structure on site is a rest room building.

(D) (12) Project complies with water and energy conservation standards;

- All lighting and plumbing fixed will meet the City's current green building standards.

(D) (13) Provision of park dedication, school impact, and other fees as may be required;

- None are required.

(D) (14) Project complies with coastal housing policies, and applicable ordinances including condominium conversion and mobile home ordinances;

- Not applicable.

(D) (15) Project complies with natural resource, habitat, and archaeological protection policies;

- The project is outside of the City's identified Sensitive Habitat Zone and no natural or cultural resources are present.

(D) (16) Project complies with Monarch butterfly habitat protection policies;

- The project is outside of any identified sensitive habitat areas.

(D) (17) Project provides drainage and erosion and control measures to protect marine, stream, and wetland water quality from urban runoff and erosion;

- The project will comply with all applicable erosion control measures. The new development will include a new drainage system which will comply with Storm Water Regulations.

(D) (18) Geologic/engineering reports have been prepared by qualified professional for projects in seismic areas, geologically unstable areas, or coastal bluffs, and project complies with hazard protection policies including provision of appropriate setbacks and mitigation measures;

- The project is not located within a geologically unstable area or on a coastal bluff.

(D) (19) All other geological, flood and fire hazards are accounted for and mitigated in the project design;

- The project is located within a tsunami and flood zone but will contain no occupied structure other than rest room facilities.

(D) (20) Project complies with shoreline structure policies;

- The proposed development is not located on or near the shoreline and therefore does not require compliance with shoreline structure policies

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

- Public Facilities are permitted in the MHP zoning district with a conditional use permit.

(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, and project development review and development procedures.

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

- (h) The proposed development shall improve the availability of public parking.

A. Conditional Use Permit Findings

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

Community Development Department Staff and the Planning Commission have all reviewed the project. The project conforms to the development standards of the MHP (Mobile Home Park) Zoning District. Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood.

B. This project is being approved based on a Negative Declaration.

An initial study and negative declaration have been prepared, circulated and certified for the project.

C. The application, subject to the conditions imposed, will secure the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.

Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project conforms to the development standards of the MHE (Mobile Home Exclusive) Zoning District and is permissible with the issuance of a Conditional Use Permit, carrying out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

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

Community Development Department Staff and the Planning Commission have all reviewed the project. The site has been used. Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood.

E. This project is categorically exempt under Section 15303 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.

An initial study and negative declaration have been prepared, circulated, public notice and certified for this project. No adverse environmental impacts were discovered during review of the proposed project

ATTACHMENTS

- A. Initial Study and Negative Declaration
- B. Comment Letters Received
- C. Responses to Comment Letters Received (To be provided at the meeting.)
- D. Resolution to certify the Negative Declaration
- E. Project Plans

Report Prepared By: Susan Westman
General Plan Coordinator

CITY OF CAPITOLA

420 CAPITOLA AVENUE
 CAPITOLA, CA 95010
 PHONE: (831) 475-7300 FAX: (831) 479-8879

INITIAL STUDY**I. BACKGROUND INFORMATION**

Project Title: Lower Pacific Cove Parking Lot

Application No.: Not Applicable

Project Location: 426 Capitola Avenue

Name of Property Owner: City of Capitola

Name of Applicant: City of Capitola

Assessor's Parcel Number(s): 035-141-33

Acreage of Property: 3.4 acres

General Plan Designation: R-MH – Residential, Mobile Homes

Zoning District: MHE – Mobile Home Exclusive

Lead Agency: City of Capitola

Prepared By: Stephanie Strelow, Strelow Consulting

Date Prepared: January 14, 2013

Contact Person: Steve Jesberg, Public Works Director / Interim Community Development Director

Phone Number: 831-475-7300

II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING

A. Environmental Setting and Surrounding Land Uses:

This project site is located along Capitola Avenue within the central portion of the City of Capitola, north of Capitola Village and adjacent to City Hall (see Figure 1). The site is located between the intersections of Riverview Drive / Capitola Avenue and the driveway of the former mobile home / Bay Avenue, just north of Monterey Avenue. The site is bordered by Capitola Avenue on the west, single-family homes on the north, Bay Avenue on the east, and the Pacific Cove public parking lot at City Hall on the south.

The site was formerly occupied by mobile homes, and some unoccupied mobile homes still exist on the property (see discussion below). Some paving and concrete pads also remain. A paved roadway traverses the site and extends from Capitola Avenue to Bay Avenue. The site is relatively flat on the western half of the site, with a slight upward slope upward toward Bay Avenue on the east. The site is enclosed by existing slopes with retaining walls in places. There numerous trees within the site and on adjacent slopes, though the majority are horticultural trees from former residential landscaping.

B. Project Description

Background. The project site formerly housed the Pacific Cove Mobile Home Park that was in operation from the early 1960s to 2011. A storm drain through the project site failed in 2011, causing damage to some mobile homes and structures in Capitola Village. The City of Capitola decided to close the City-owned mobile home park. Because of the property damage from the March 2011 flood event, and the hazards posed by the park property, it was unlikely the park could be rebuilt to adequately protect life and property. Formerly, there were a maximum of 45 mobile homes on the site, but there were 42 when the park closed. The City is in the process of having the remaining units removed.

In 2011, the City completed conceptual studies for construction of a parking structure on the existing Pacific Cove parking lot, which is located adjacent to the project site on the south next to City Hall. The City is now proposing construction of a surface parking lot on the project site, referred to as the Lower Pacific Cove Parking Lot, to serve as a temporary parking lot until the permanent parking structure is constructed. At this time, it is expected that the proposed parking lot will be used for a period of up to five years or until such time that the planned parking structure is constructed and operational. Currently there is no schedule or funding for development of the parking garage.

The parking structure studies included traffic and parking demand estimates. The conceptual studies identified an alternative with approximately 560 parking spaces for a parking structure, which reflects current demand and parking shortfalls, as well as, future potential demand from other growth in Capitola Village. The upper parking lot currently has 232 existing spaces. A new parking structure of 560 spaces would result in an increase of 328 spaces. Parking demand in the Village during summer months currently exceeds parking supply by 176 spaces. Thus, the proposed temporary Lower Pacific Cove parking lot would be providing needed spaces to help fill the identified existing parking supply deficit in the area.

Project Elements. The project consists of construction of a 233-space surface public parking lot to increase the supply of parking for visitors to the Capitola Village area. The site plan is shown on Figure 2. (The site plan shows 227 spaces, but the layout may be slightly modified, and this analysis conservatively assumes a total of 233 spaces.) Access will be provided from both Capitola Avenue and Bay Avenue. Vehicular access will be provided via an existing all-way stop intersection Riverview Drive and Capitola Avenue. Access from Bay Avenue will be provided just north of the street's intersection with Monterey Avenue via an existing driveway that will be improved as part of the project. Pay stations will be provided for "Pay by Space" parking fee collection. Shuttle stops also be provided for the Village Beach Shuttle operations during the summer weekends. The lot will include a pedestrian walkway with access to Bay Avenue, as well as landscaping, although a landscaping plan has not yet been prepared.

The project also includes renovation of an existing restroom facility near the center of the site to provide public restrooms. Up to five outdoor showers are planned at the restroom. Additionally, the project includes relocation of an existing mobile coach (approximately 1,200 square feet) to an area adjacent to Capitola Road that will be used for a City Police Department office and storage.

In order to construct the parking lot, approximately 165 linear feet of existing wood retaining walls will be removed, and new (or replacement) retaining walls will be installed in several locations as shown on Figure 2, totaling approximately 90 linear feet. The walls will be constructed of wood and/or concrete with heights similar to existing retaining walls, which are generally 4-6 feet in height.

As indicated above, the City intends to use the project site as a parking lot until such time that a permanent parking structure is developed on the adjacent City-owned public parking lot. At that time, potential uses for the project site will be identified and considered. No specific future uses of the property have been proposed at this time.

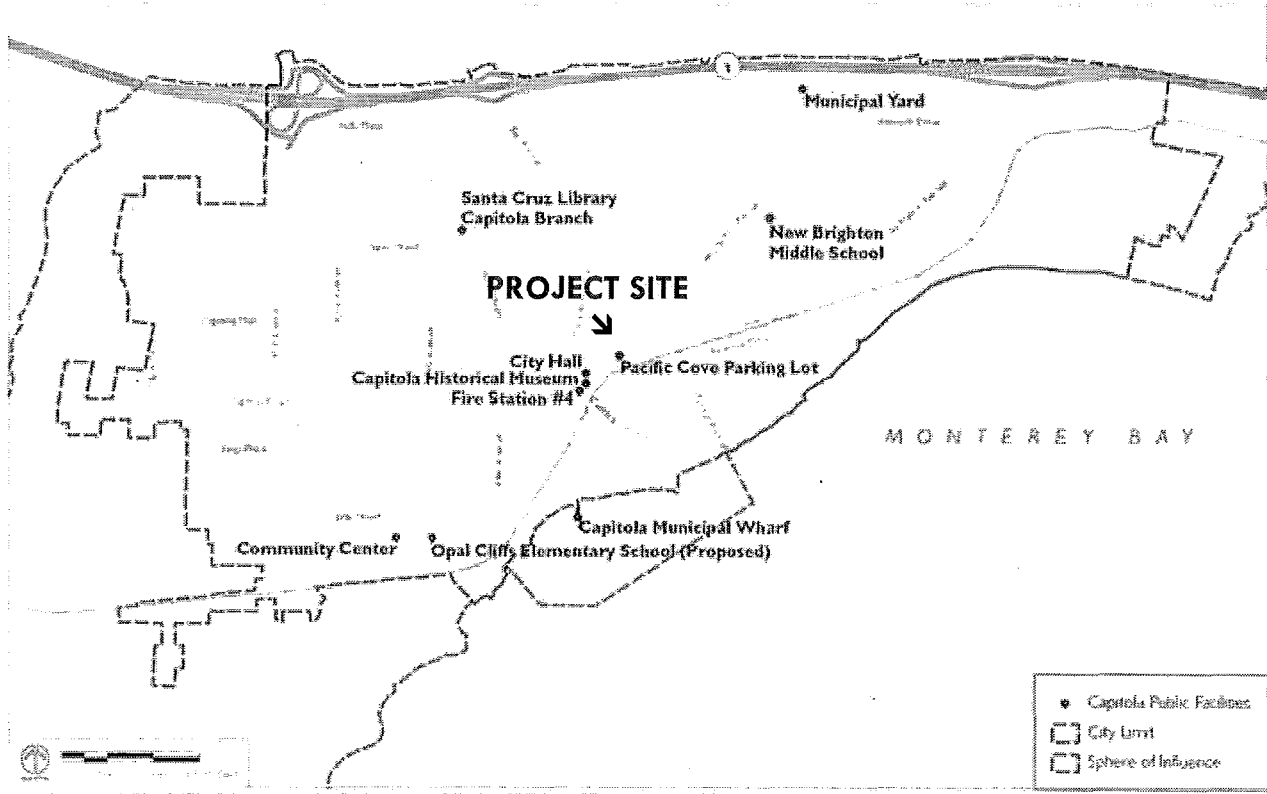
Construction Methods, Equipment and Schedule. Construction is expected to commence in the spring of 2013. Construction activities would occur between 8:00 AM and 5:00 PM, Monday through Friday. The project is expected to be completed within 45-60 days.

C. Agencies whose approval is required (and permits needed)

The City of Capitola is the lead agency and responsible for approving a coastal permit and conditional use permit for the proposed work. Other agencies whose approval is required include:

- California Regional Water Quality Control Board: Review Notice of Intent and Storm Water Pollution Prevention Plan filed by Applicant
- Santa Cruz County Sanitation District: Review Restroom Building Plans
- Santa Cruz County Flood Control and Water Conservation District Zone 5: Approval of Drainage Plan

FIGURE 1: Project Location



SOURCE: Imagine Capitola – City of Capitola General Plan Update

FIGURE 2A: Site Plan – Western Half of Site

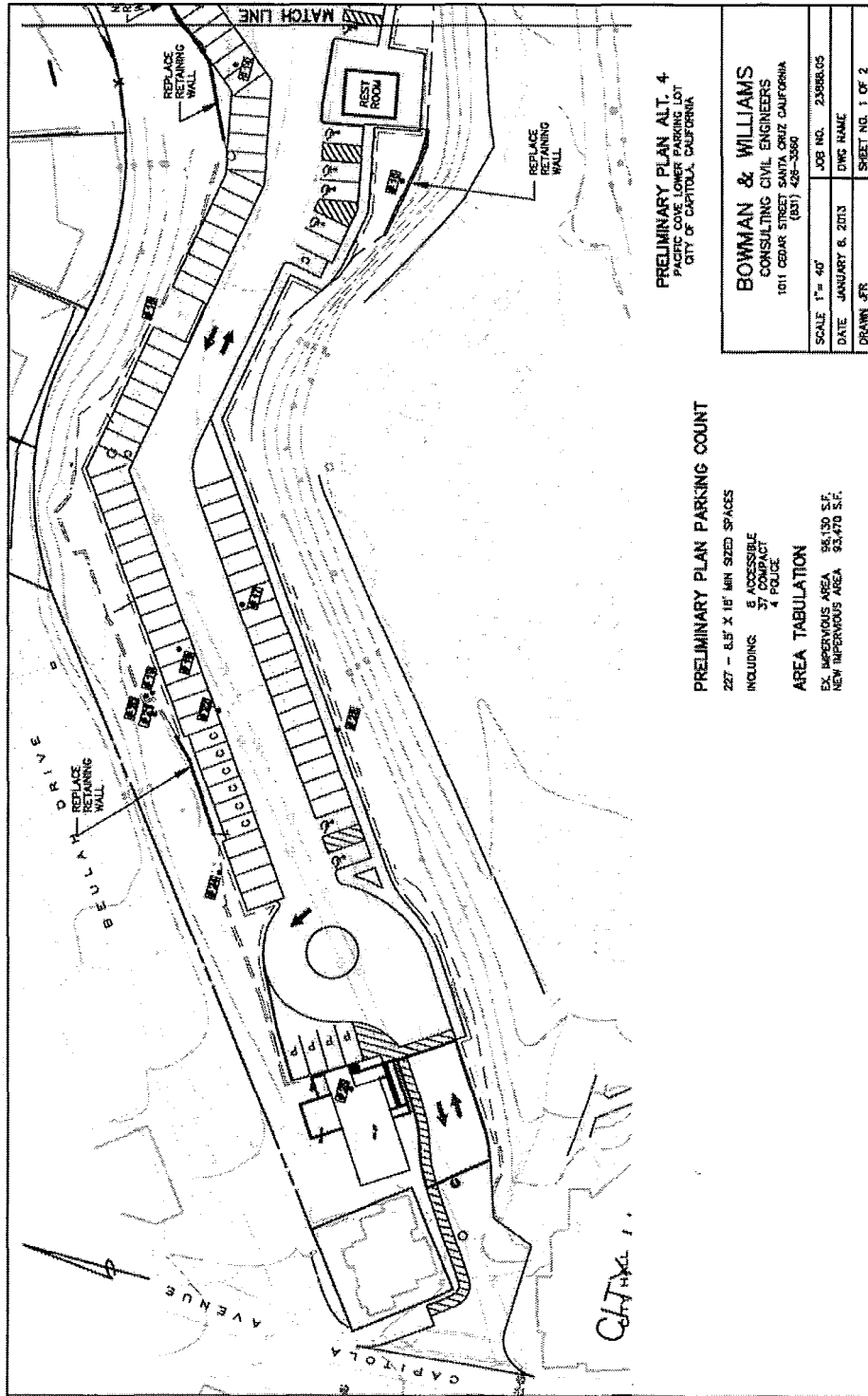
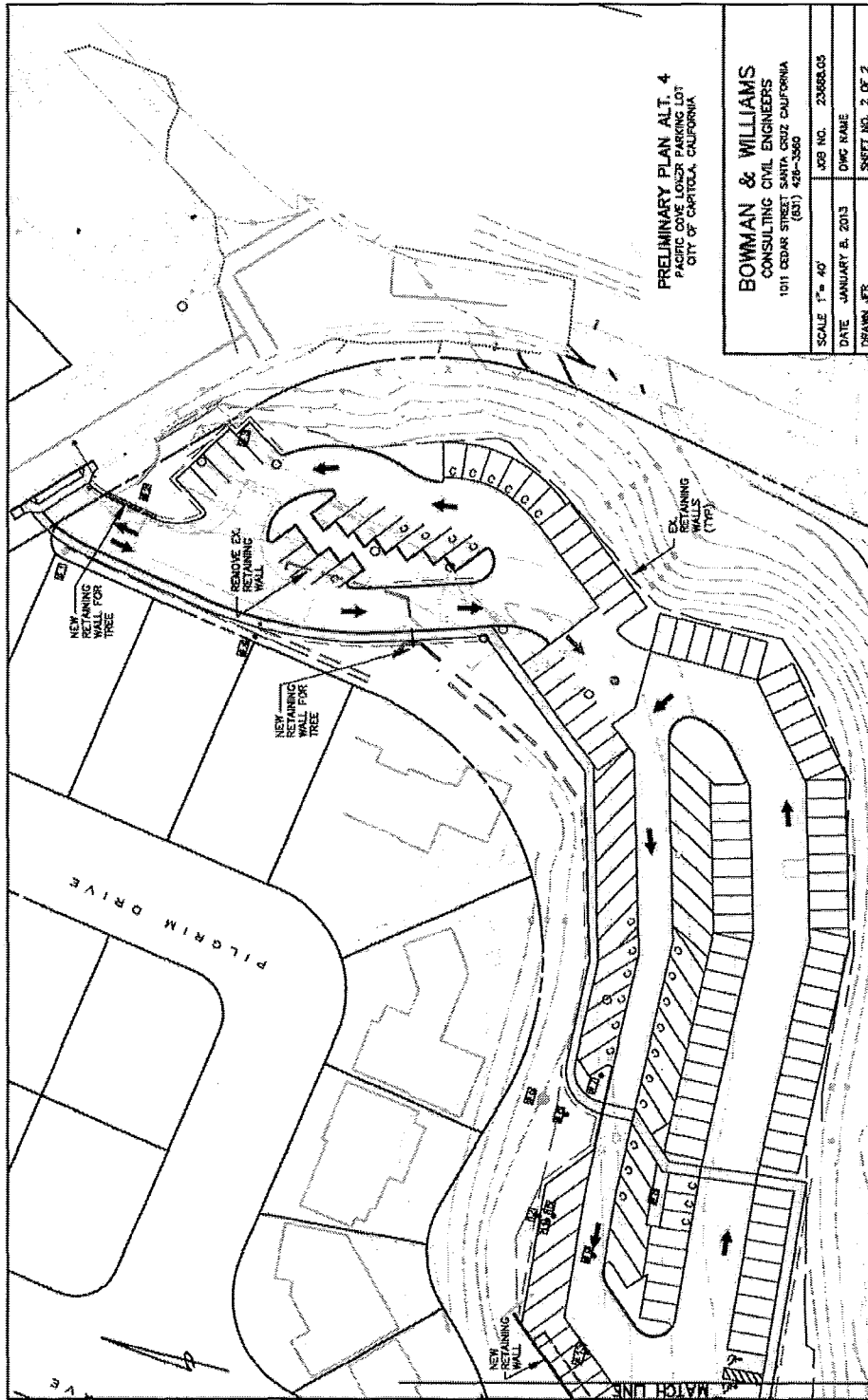


FIGURE 2B: Site Plan – Eastern Half of Site



III. ENVIRONMENTAL CHECKLIST

Environmental Factors Potentially Affected by the Project: The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

✓	Aesthetics		Agriculture & Forest Resources	✓	Air Quality
✓	Biological Resources		Cultural Resources	✓	Geology / Soils
✓	Greenhouse Gas Emissions		Hazards & Hazardous Materials	✓	Hydrology / Water Quality
	Land Use / Planning		Mineral Resources	✓	Noise
	Population / Housing		Public Services		Recreation
✓	Transportation / Traffic	✓	Utilities / Service Systems		Mandatory Findings of Significance

Instructions:

1. A brief explanation is required (see VI. "Explanation of Environmental Checklist Responses") for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question (see V. Source List, attached). A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that any effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated: applies where incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
5. Earlier Analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case a discussion should identify the following on attached sheets:

Item #: 9.A. Attach 3.pdf

- a) *Earlier analysis used.* Identify earlier analyses and state where they are available for review.
 - b) *Impacts adequately addressed.* Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) *Mitigation measures.* For effects that are "Less than Significant with Mitigation Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
 7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
 8. The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
1. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?				✓
b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?				✓
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				✓
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			✓	
2. AGRICULTURE RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (V.3)				✓
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				✓
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				✓
d) Result in the loss of forest land or conversion of forest land to non-forest use?				✓
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
3. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?				✓
b) Violate any air quality standard or contribute to an existing or projected air quality violation?			✓	
c) Result in a cumulatively 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 (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				✓
d) Expose sensitive receptors to substantial pollutant concentrations?			✓	
e) Create objectionable odors affecting a substantial number of people?				✓
4. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				✓
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				✓
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				✓
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			✓	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				✓
5. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines section 15064.5?				✓
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5?				✓
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				✓
d) Disturb any human remains, including those interred outside of formal cemeteries?				✓
6. GEOLOGY AND SOILS. Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
a) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?				✓
b) Strong seismic ground shaking?			✓	
c) Seismic-related ground failure, including liquefaction?				✓
d) Landslides?				✓
e) Would the project result in substantial soil erosion or the loss of topsoil?				✓
f) Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			✓	

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				✓
h) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water.				✓
7. GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			✓	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				✓
8. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				✓
b) Create 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?				✓
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school?				✓
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				✓
e) For a project 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, would the project result in a safety hazard for people residing or working in the project area?				✓
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				✓
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
h) Expose 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?				✓
9. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?				✓
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local ground water table level (for example, the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				✓
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site.				✓
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.				✓
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?				✓
f) Otherwise substantially degrade water quality?			✓	
g) Place housing 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? (V.1)				✓
h) Place within a 100-year flood-hazard area structures which would impede or redirect flood flows?			✓	
i) 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? (V.1)				✓
j) Inundation by seiche, tsunami, or mudflow?			✓	

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
10. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?				✓
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				✓
c) Conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?				✓
11. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (V.1)				✓
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan? (V.1)				✓
12. NOISE. Would the project result in:				
a) 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?				✓
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?				✓
c) Substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			✓	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			✓	
e) For a project 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, would the project expose people residing or working in the project area to excessive noise levels?				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				✓
13. POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				✓
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				✓
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				✓
14. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or need for new or physical 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 public services:				
a) Fire protection?				✓
b) Police protection?				✓
c) Schools?				✓
d) Parks?				✓
e) Other public facilities?				✓
15. RECREATION. Would the project:				
a) Increase 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?				✓
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				✓


ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
16. TRANSPORTATION/TRAFFIC. Would the project:				
a) 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 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?			✓	
b) Conflict with an applicable congestion management program, including, but not limited to level of service standard and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				✓
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				✓
d) Substantially increase hazards due to a design feature (for example, sharp curves or dangerous intersections) or incompatible uses (for example, farm equipment)?				✓
e) Result in inadequate emergency access?				✓
f) Conflict with adopted policies, plans, or programs supporting alternative transportation (for example, bus turnouts, bicycle racks.)				✓
17. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				✓
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				✓
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				✓
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
e) 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?				✓
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				✓
g) Comply with federal, state, and local statutes and regulations related to solid waste?				✓
18. MANDATORY FINDINGS OF SIGNIFICANCE. Does the project:				
a) Have the potential to 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?				✓
b) 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 the past projects, the effects of other current projects, and the effects of probable future projects.)				✓
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				✓

IV. DETERMINATION:

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	✓
I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.	
I find that the proposed project MAY have a significant effect on the environment and an ENVIRONMENTAL IMPACT REPORT is required.	
I find that the proposed project MAY have a potentially significant or a potentially significant unless mitigated impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	
I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.	



 Steve Jesberg, Interim Director
 Community Development Department

1-14-13

 Date

V. SOURCE LIST

1. City of Capitola.
 - a) Adopted September 28, 1989. *General Plan City of Capitola*. Prepared by Freitas + Freitas.
 - b) 1981 with amendments in October 2001 and January 2005. "Land Use Plan City of Capitola Local Coastal Program."
2. "Imagine Capitola" – City of Capitola General Plan Update.
 - a) "General Plan Update Existing Conditions White Paper #1. March 2011. Prepared by Design, Community & Environment for the City of Capitola.
 - b) "White Paper #3 – Transportation & Parking". April 2011. Prepared by RBF Consulting and Kimley-Horn and Associates.
 - c) "White Paper #4 – Environmental Resources & Hazards". April 2011. Prepared by RBF Consulting.
 - d) "White Paper #5 – Environmental Resources & Hazards". April 2011. Prepared by RBF Consulting.
3. California Department of Conservation. 2007. "Farmland Mapping and Monitoring Program."
4. Monterey Bay Unified Air Pollution Control District.
 - a) August 2008. *2008 Air Quality Management Plan for the Monterey Bay Region*.
 - b) February 2008. "CEQA Air Quality Guidelines."
 - c) May 18, 2011. Staff Report regarding "Presentation on Thresholds of Significance for Greenhouse Gases and Provide Suggestions to Staff for the Recommendation to be Presented at the June 2011 Board Meeting."
 - d) April 30, 2012, "Update on District GHG Threshold Development".
5. Soquel Creek Water District.
 - a) Adopted September 20, 2011. *Urban Water Management Plan 2010*.
 - b) September 12, 2012. "2012 Integrated Water Resources Plan Update."
6. James P. Allen & Associates. November 15, 2012. "City of Capitola Pacific Cove Lower Parking Lot Construction Project Protected Tree Resource Inventory."
7. Pacific Crest Engineering. December 2012. "Limited Geotechnical Report for New Parking Lot, Lower Pacific Cove, Capitola, California."
8. RBF Consulting.
 - a) January 14, 2013. "Traffic Impact Analysis for the Mobile Home Parking Lot." Prepared for City of Capitola Public Works Department.

- b) January 26, 2011. Final Traffic Impact, Circulation and Congestion Relief Study for the Pacific Cove Village Parking Structure.” Prepared for the City of Capitola Public Works Department.

9. Global Climate Change References:

- a) California Air Resources Board. December 2008. *Climate Change Proposed Scoping Plan – A Framework for Change.* December 2008. Online at: http://www.arb.ca.gov/cc/scopingplan/document/adopted_scoping_plan.pdf
- b) California Governor’s Office of Planning and Research. June 19, 2008. “CEQA and Climate Change: Addressing Climate Change Through California Environmental Quality Act (CEQA) Review.”
- c) California Air Resources Board. November 16, 2007. “Staff Report – California 1990 Greenhouse Gas Emissions Level and 2020 Emissions Limit.”
- d) California Air Resources Board. September 22, 2010 (Last Updated). “Greenhouse Gas Inventory Data – 2000 to 2008” website, including:
 - May 12, 2010. “California Greenhouse Gas Inventory for 2000-2008 – By — by Category as Defined in the Scoping Plan”
 - May 28, 2010. “Trends in California Greenhouse Gas Emissions for 2000 to 2008 – by Category as Defined in the Scoping Plan.”

10. Persons Contacted:

- a) Steve Jesberg, City of Capitola Public Works Director / Community Development Interim Director
- b) Susan Westman, City of Capitola General Plan Coordinator
- c) Joel Ricca, Bowman & Williams, Project Engineer
- d) Ron Duncan, Soquel Creek Water District

VI. EXPLANATION OF ENVIRONMENTAL CHECKLIST RESPONSES

1. Aesthetics.

(a-b) Scenic Views and Resources. The proposed project is located within an existing developed area that is generally only visible from a few adjacent properties. The City’s General Plan identifies “vista points” along the coastal bluffs to the southeast of the project site. Panoramic views of the Monterey Bay, beaches, Capitola Wharf and Capitola Village are the prominent visual features in these areas of the mapped vista points.

The project site is not visible from a designated vista point nor is it within a scenic view. The project is situated between two vegetated slopes that serve to enclose the site. There are numerous trees on the slopes and at the top of the slope. Thus, the project site is mostly screened from views due to existing topography and vegetation.

The proposed project consists of construction of a surface parking lot with restroom and small office/storage building to be housed in a manufactured modular building. The project would not obstruct or remove scenic coastal views as none exist in the area.

The project will not result in removal of trees or other resources that might be considered scenic resources. Project construction will result in removal of 13 small, mostly horticultural trees, as further discussed below in subsection 4(e). However, these trees are not visually distinctive or prominent from public viewpoints and do not represent a significant or prominent visual element of the surrounding area, which is characterized by existing development and landscaping. Most of the trees are smaller horticultural trees within the interior of the site that are not visible from public locations. Therefore, the trees to be removed are not considered scenic resources, and the proposed project would not affect or remove scenic views or scenic resources. Furthermore, twelve trees within the site will be retained, including several larger trees: two Monterey cypress trees, one oak tree and one redwood tree. One cypress and redwood are located at the Monterey Avenue entrance.

(c) Visual Effects upon Surrounding Area. The visual quality of the project vicinity is currently characterized by primarily existing single-family residential development of varying sizes, age and building styles to the north of the site with City Hall and commercial uses in Capitola Village to the south. The site is generally bounded by vegetated slopes, and the interior of the site is not highly visible from either Capitola Avenue or Bay Avenue.

The proposed project consists of construction of a surface parking lot with a restroom building and small office building to be housed in a new or relocated mobile home. Thus, there would be no substantial above-ground structural development. The project would not be visible from any public areas due to the limited visibility of the site as discussed above. Thus, given limited visibility of the site and the low profile nature of the development (surface parking lot), the project would not result in a substantial degradation of the visual quality of the surrounding area.

(d) Creation of Light and Glare. The project site is bordered by residential development on the north that is situated at a higher elevation than the project site. There is generally a 15 foot elevation difference between the parking lot site and residences to the north.

Impact Analysis. Project construction will include lighting throughout the parking lot, but it will be oriented and designed to prevent offsite glare onto adjacent properties. Thus, the project would not result in creation of a new source of substantial light or glare that would adversely affect nighttime views in the area. Although specific design and placement of light fixtures has not been completed, the project description approved by the City Council calls for utilization of "downcast" lighting. According to information provided to City staff by the project engineer and consultants, parking lot lighting would typically include fixtures that are approximately 15 feet in height above finished grade and installed at 50 to 70 foot spacing intervals. The light poles may be flush with the top of the slope, but

the light fixtures will be downcast and will meet "Dark Sky" requirements.¹ This type of lighting will not create significant visual impacts on the surrounding neighborhood as the lighting would typically be shielded, directed downward and/or oriented so as not create offsite glare.

2. Agricultural and Forest Resources.

The project site is located in a developed urban area and is not in agricultural production or located adjacent to or near agricultural uses. The project site, as all of Capitola, is designated "Urban and Built-Up" by the California Department of Conservation Farmland Mapping and Monitoring Program (SOURCE V.3). Similarly, the project site, is not designated for Timberland Preserve and does not support trees that would be considered commercial timber resources. The proposed project would have no effects on agricultural or forest resources, and would not lead to conversion of agricultural or forest lands as none exist in the area.

3. Air Quality.

(a) Consistency with Air Quality Management Plan. The Monterey Bay Unified Air Pollution Control District's regional Air Quality Management Plan (AQMP) establishes emission forecasts based on population forecasts developed by AMBAG. The project consists of a parking lot and would not result in new housing development or population growth. Thus, the project would not conflict with or obstruct implementation of the existing air quality management plan for the region.

(b) Project Emissions. The North Central Coast Air Basin (NCCAB), in which the project site is located, is under the jurisdiction of the Monterey Bay Air Pollution Control District (MBUAPCD) and includes Santa Cruz, Monterey and San Benito Counties. Under the Federal Clean Air Act, as of March 2006 the NCCAB is designated an attainment area for the federal 8-hour ozone standard. (The federal 1-hour ozone standard was revoked in the basin on June 15, 2005.) The basin is designated unclassified/attainment for all other Federal standards, including those for carbon monoxide, nitrogen dioxide, inhalable particulates (PM₁₀), and fine particulates (PM_{2.5}). Under the California Clean Air Act, the NCCAB is classified as nonattainment for the State 1-hour ozone standard. The air basin is also a nonattainment area for the State inhalable particulate (PM₁₀) standard. The basin is an attainment area or is unclassified for all other State standards, including those for carbon monoxide, nitrogen dioxide, sulfur dioxide, and fine particulates (PM_{2.5}).

Impact Analysis. The proposed project consists of construction of a 233-space public parking lot with a restroom and small office. The project would not result in permanent habitable structural development. Emissions from project

¹ "Dark sky" standards have been developed by the International Dark-Sky Association (IDA), a non-profit organization founded in 1988, to preserve and protect the nighttime environment and heritage of dark skies through environmentally responsible outdoor lighting.

construction and operations would not result in a significant impact related to air quality as discussed below.

The project does not include operations that would result in stationary emissions. However, vehicle traffic and emissions will be associated with the operation of the proposed parking lot. According to the traffic analysis conducted for the project, the project could generate approximately 495 trips per day when the parking lot is fully utilized. This is a net increase in daily trips and reflects a deduction of trips based on the estimated daily trips from the former mobile home park at the project site. This is a worst-case estimate as the proposed parking lot will help accommodate an existing parking supply deficit within the Village, and some of the estimated project trips will be generated by vehicles already looking for a parking space. (See subsection 16 below for further discussion of traffic impacts.)

The URBEMIS-2007 program (Version 9.2.4) was used to calculate estimated daily vehicle emissions based on the estimated project trip generation. The results indicate that daily emissions would be substantially below MBUAPCD significance thresholds as summarized on Table 1. Thus, the project emissions would not violate current air quality standards or expose sensitive receptors to substantial pollutant concentrations, and therefore, would result in a less-than-significant impact related to air emissions.

TABLE 1: Project Air Emissions

Pollutant	Daily Total Project Emissions (lbs per day)	MBUAPCD Threshold [1]
ROG	3.18 pounds per day	137 pounds per day ²
No _x	3.93 pounds per day	137 pounds per day
CO	28.93 pounds per day	550 pounds per day
SO ₂	0.02 pounds per day	150 pounds per day
PM ₁₀	19.22 pounds per day	82 pounds per day

[1] Per MBUAPD's CEQA Guidelines (SOURCE V.4b)

Project grading could result in generation of dust and PM₁₀ emissions. According to MBUAPCD's "CEQA Air Quality Guidelines" (as updated in February 2008), 8.1 acres could be graded per day with minimal earthmoving or 2.2 acres per day with grading and excavation without exceeding the MBUAPCD's PM₁₀ threshold of 82 lbs/day (SOURCE V.4b). The project site covers approximately 3.4 acres, which would be above the 2.2-acre per day

² MBUAPCD does not have a threshold for ROG, which are reactive organic gases – classes of organic compounds that react rapidly in the atmosphere to form photochemical smog or ozone. The MBUAPD has a significance threshold of 137 pounds per day of for VOC – volatile organic compounds, which are considered to be the primary compounds or precursors contributing to the formation of ozone (SOURCE V.5b). The URBEMIS program outputs are for ROG. There is a minor difference between the two, but the terms are mostly interchangeable.

threshold, although the entire site would not be graded. Additionally, grading would not occur all in one day, so it is likely that grading on any given day would be below the threshold. However, the results of the URBEMIS model indicate that PM₁₀ emissions from construction would be below the District's daily threshold. Thus, no significant dust generation, exceedances of the PM₁₀ threshold or significant emissions impacts would occur with project grading. Although mitigation measures are not required as a significant impact has not been identified, implementation of dust-suppression practices is recommended to prevent nuisances to nearby residents.

RECOMMENDED CONDITION OF APPROVAL: Require implementation of "Best Management" construction practices to control dust and PM₁₀ emissions during grading and site development. The MBUAPCD identifies the following construction practices to control dust:

- Water all active construction areas at least twice daily;
- Prohibit all grading activities during periods of high winds (over 15 mph);
- Cover all trucks hauling dirt, sand or loose materials.
- Cover or water stockpiles of debris, soil and other materials which can become windblown;
- Sweep streets if visible soil material is carried out from the construction site;
- Plant vegetative ground cover in disturbed areas as soon as possible.

Therefore, the project emissions related to construction and operation are considered less than significant, and the project would not violate current air quality standards or expose sensitive receptors to substantial pollutant concentrations.

(c) Cumulative Pollutant Increases. According to the MBUAPCD CEQA Guidelines, projects that are consistent with the "Air Quality Management Plan" (AQMP) would not result in cumulative impacts as regional emissions have been factored into the Plan (SOURCE V.4b). The MBUAPCD prepares air quality plans, which address attainment of the state and federal emission standards. These plans accommodate growth by projecting growth in emissions based on different indicators. For example, population forecasts adopted by AMBAG are used to forecast population-related emissions. These forecasts are then accommodated within the AQMP. As indicated above, the project is a public parking lot that would not result in new population growth, and thus, would not conflict with the adopted Air Quality Management Plan for the region.

(d) Sensitive Receptors. The project site is located within a developed area of the City of Capitola and is surrounded primarily by residential development, except for City Hall and commercial development to the south. As indicated above, the proposed project would not result in stationary emissions. Thus, the proposed project will not expose sensitive receptors to substantial pollutant concentrations.

Diesel particulate matter was identified as a toxic air contaminant (TAC) by the State of California in 1998. Following the identification of diesel as a TAC, the California Air Resources Board (CARB) developed a comprehensive strategy to control diesel PM emissions. The "Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles"—a document approved by CARB in September 2000—set goals to reduce diesel PM emissions in California by 75% by 2010 and 85% by 2020. This objective would be achieved by a combination of approaches (including emission regulations for new diesel engines and low sulfur fuel program). An important part of the Diesel Risk Reduction Plan is a series of measures for various categories of in-use on- and off-road diesel engines, which are generally based on the following types of controls:

- Retrofitting engines with emission control systems, such as diesel particulate filters or oxidation catalysts,
- Replacement of existing engines with new technology diesel engines or natural gas engines, and
- Restrictions placed on the operation of existing equipment.

Once the Diesel Risk Reduction Plan was adopted, the ARB started developing emission regulations for a number of categories of in-use diesel vehicles and equipment. In July 2007, the ARB adopted regulations for in-use, off-road diesel vehicles that will significantly reduce particulate matter emissions by requiring fleet owners to accelerate turnover to cleaner engines and install exhaust retrofits.

Impact Analysis. Project grading and construction could involve the use of diesel trucks and equipment that will emit diesel exhaust, including diesel particulate matter, which is classified as a toxic air contaminant. Adjacent residents and businesses would be exposed to construction-related diesel emissions, but activities that would use diesel equipment would be of temporary and of short-term duration. Thus, potential exposure to adjacent residents is considered a less-than-significant impact.

There are some existing residential units adjacent to the site on the north. Construction-related diesel emissions would be of limited duration (i.e., primarily during grading) and would be temporary. CARB has identified diesel exhaust particulate matter as a toxic air contaminant, and assessment of toxic air contaminant cancer risks is typically based upon a 70-year exposure period. Project excavation and construction activities that would utilize diesel-powered equipment would expose receptors to possible diesel exhaust for a very limited number of days (approximately 30 to 60 days). Because exposure to diesel exhaust will be well below the 70-year exposure period, and given the limited and short-term duration of activities that would use diesel equipment, construction-related diesel emissions are not considered significant. Furthermore, the State is implementing emission standards for different classes of on- and off-road diesel vehicles and equipment that applies to off-road diesel fleets and includes measures such as retrofits. Additionally, Title 13 of the California Code of Regulations (section 2485(c)(1)) prohibits idling of a diesel engine for more than five minutes in any location. Thus, the project would not expose sensitive

receptors to substantial pollutant concentrations, and potential exposure of sensitive receptors to diesel emissions and associated risks is considered a less-than-significant impact.

(e) Odors. The planned parking lot will not include activities that would create objectionable odors.

4. Biological Resources.

(a-d) Special Status Species and Sensitive Habitats. The project site is located within a developed area of Capitola. The site was formerly developed and used as a mobile home park. There are no known biological resources on the project site or in the vicinity. The site is not mapped in the City's General Plan as being located in a riparian corridor or monarch butterfly grove (SOURCE V.1a). Thus, the project will have no effect on biological resources.

(e) Tree Removal. There are approximately 25 existing trees on or immediately adjacent to the project site that include mostly small ornamental trees planted as part of previous residential landscaping, except for two large Monterey cypress, two oak trees and one redwood tree, all of which are mostly located near the entrances from both Capitola and Monterey Avenues. An arborist has prepared an inventory of these 25 trees with some notes on the condition of the trees. There are also numerous trees on the slopes bordering the project site.

Chapter 12.12 of the City's Municipal Code includes provisions to protect trees within the City with a policy "to protect the locally significant, scenic and mature trees as listed in the heritage tree list" to be adopted pursuant to this chapter. A "heritage" tree is any locally significant, scenic and mature tree growing on public or private property that is listed on the city's adopted heritage tree list.

The trees on the project site are not considered "heritage" trees under City of Capitola regulations (Chapter 12.12 – Community Tree and Forest Management) as they are not on an adopted list. However, removal of non-heritage trees requires a permit pursuant to section 12.12.160 of the City's Municipal Code with the following findings pursuant to section 12.12.1890:

1. The tree removal is in the public interest based on one of the following:
 - a. Because of the health or condition of the tree, with respect to disease infestation, or danger of falling;
 - b. Safety considerations; or
 - c. In situations where a tree has caused, or has the potential to cause, unreasonable property damage and/or interference with existing utility services.
2. All possible and feasible alternatives to tree removal have been evaluated, including, but not limited to undergrounding of utilities, selective root cutting, trimming and relocation.
3. The type, size and schedule for planting replacement trees are specified and shall be concurrent with the tree removal or prior to it.

4. The removal of the tree would not be contrary to the purposes of Chapter 12.12 – “Community Tree and Forest Management” and Chapter 17.95 – Environmental Sensitive Habitats.
5. Replacement trees in a ratio of two to one as needed to ensure that with replacement trees, a canopy coverage of at least fifteen percent will result, and location(s) for tree replanting are selected, and/or as a last resort, in-lieu fees have been paid as a condition of the permit in accordance with Section 12.12.190. Replacement trees and/or in-lieu fees are not required if post-removal tree canopy coverage on the site or parcel will be thirty percent or more.

Impact Analysis. The proposed project will result in removal of 13 small trees, but none are considered heritage trees under City regulations. All of the trees are horticultural trees, except for two small oak trees. Tree removal would not conflict with City regulations with approval of a permit and replanting replacement trees as required by City regulations. However, replacement trees or in-lieu fees are not required if post-removal tree canopy coverage is 30% or more as indicated above. The trees on the slopes bordering the parking lot site appear to provide the majority of the existing tree canopy coverage, and these trees will be retained. There is no proposed landscaping plan at this time. City staff will make a final determination as to the number of replacement trees to be provided, and the City has indicated that a landscaping plan will be developed for the project. Thus, it appears that planned tree removal and subsequent replanting as part of the project landscaping plan would not conflict with City regulations.

Twelve onsite trees will be retained including the two large Monterey cypress trees, one oak tree, one redwood tree and several other smaller horticultural trees. The arborist review noted that grading and trenching within the “critical root zones” of these trees should be minimized, and that each requires regular professional maintenance if they are to be preserved (SOURCE v.6). Although mitigation measures are not warranted as a significant impact has not been identified, the following Condition of Approval is recommended.

RECOMMENDED CONDITION OF APPROVAL: Implement measures to protect existing trees to be retained, especially the larger cypress and oak trees, in order to minimize damage to the trees and their root zones during construction as recommended by a certified arborist review.

(f) Conflicts with Plans. There are no adopted Habitat Conservation Plans in the vicinity.

5. **Cultural Resources.** The project site was formerly a mobile home park, but most of the former homes have been removed. There are no structures on the site that would be considered historical resources.

(b,d) Archaeological Resources. The project site is not within a mapped area of archaeological sensitivity as depicted in the City’s General Plan/Local Coastal Program. The project consists of development of a parking lot that would involve some grading. However, the site has been previously graded and disturbed, and the

preliminary geotechnical investigation identified fill soils throughout the site. It is not expected that archeological resources would be encountered during the limited grading for and construction of the parking lot and associated facilities. Thus, there would be no impacts to cultural resources, and no mitigation measures are required. However, the following Condition of Approval is recommended in the event that unknown resources are discovered during project grading and excavation.

RECOMMENDED CONDITION OF APPROVAL: If archaeological resources or human remains are accidentally discovered during construction, work shall be halted within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented. Disturbance shall not resume until the significance of the archaeological resources is determined and appropriate mitigations to preserve the resource on the site are established. If human remains are encountered during construction or any other phase of development, work in the area of discovery must be halted, the Santa Cruz County coroner notified, and the provisions of Public Resources Code 5097.98-99, Health and Safety Code 7050.5 carried out. If the remains are determined to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours as required by Public Resources Code 5097.

(c) Paleontological/Unique Geological Resources. No unique geologic features have been identified in plans or observed on the site. The limited grading for the proposed public parking lot will have no effect on any unanticipated paleontological resources as the site has been previously disturbed with former placement of fill soils throughout the site.

6. Geology and Soils.

(a-d) Seismic and Geologic Hazards. The project site is located in a seismically active region of California. There are no active faults which underlie the City of Capitola, but active faults are located nearby in the Santa Cruz Mountains and offshore in Monterey Bay (SOURCE V.1a & V.2d). The regional faults of significance potentially affecting Capitola include the San Andreas, the Zayante, and the Palo Colorado-San Gregorio.

The most probable seismic hazards to Capitola are from the San Andreas Fault (in the Santa Cruz Mountains) and, further south, the Palo Colorado-San Gregorio fault. Seismic historical records of the area show that earthquakes of 6.5 – 7.0 magnitude occur periodically on the San Andreas Fault. The main trace of the San Andreas Fault is approximately nine miles northeast of Capitola. One of the largest earthquakes in the Santa Cruz area occurred on October 17, 1989 due to movement on this fault and measured 7.1 on the Richter scale. The epicenter of the Loma Prieta earthquake was approximately five (5) miles southeast of Capitola (SOURCE V.2d).

The Zayante fault is located approximately five miles northeast of Capitola, and the Palo Colorado-San Gregorio is located approximately 14 miles southwest of Capitola. The California Division of Mines and Geology considers the Zayante fault active (SOURCE V.2d). The Palo Colorado-San Gregorio fault is not well understood, but is considered potentially active with an estimates maximum credible magnitude of 7.7 and a recurrence level of 800+ years (Ibid.).

The primary seismic hazard that could affect the project is seismic shaking. The site is located in an area subject to high seismic shaking hazards according to maps in the City's General Plan (SOURCE V.1a). Liquefaction, differential compaction of near surface soils, and lateral spreading can present seismic hazards during earthquakes. Soil liquefaction occurs when loose, saturated sandy soil deposits lose internal strength and transform from a solid to a liquefied state due to reduced stresses within the soils mass. According to maps prepared for the General Plan update, the site is in a high liquefaction potential zone (SOURCE V.2d). The project site is located within a developed urban area, and there are no accounts of landslides in the geotechnical report; adjacent slopes are supported by retaining walls.

The California Building Standards Code (CBC) design standards have a primary objective of ensuring public safety and a secondary goal of minimizing property damage and maintaining function during and following a seismic event. The CBC prescribes seismic design criteria for different types of structures, and provides methods to obtain ground motion inputs. The CBC also requires analysis of liquefaction potential, slope instability, differential settlement, and surface displacement due to faulting or lateral spreading for various categories of construction. Recognizing that the risk of severe seismic ground motion varies from place to place, the CBC provisions vary depending on location within the state.

Impact Analysis. The project site is located in an area of high seismic activity and will be subject to strong seismic shaking during an earthquake. However, the project does not involve construction of habitable residential structures that would be at risk or which would place people at risk, and no seismic issues were identified in the geotechnical review for the proposed temporary parking lot. The geotechnical investigation evaluated only the parking lot and includes recommendations for removal of surface fill soils and replacement with engineered soils, which will be implemented as part of project design and construction. The restroom facility and small office subject would be subject to applicable CBC requirements, which set forth structural design parameters for buildings to withstand seismic shaking without substantial structural damage. Structures built in accordance with the latest edition of the CBC and recommendations in the required geotechnical report have an increased potential for experiencing relatively minor damage which should be repairable. Thus, this is considered a less-than-significant impact.

(e.g) Soils and Erosion. A preliminary project geotechnical investigation was conducted that included soil test borings. The surficial geology in the project area is mapped as Alluvial Deposits with Older FloodPlain Deposits (SOURCE V.7). The soil

test borings did not encounter native soils, but encountered a variety of fill soil types (Ibid.). All investigated areas were underlain by at least 2.5 to 6.5 feet of fill that appeared relatively loose. The presence of fill soils is the primary consideration at the site, which could lead to settlement without removal and recompaction (Ibid.). The geotechnical review provides three options to consider with varying degrees of removal of fill and recompaction of soils.

According to the 1980 Soil Conservation Survey of Santa Cruz County (U.S. Department of Agriculture), the soils on the project site and surrounding area have a moderate shrink-swell potential. However, the project does not involve construction of habitable structures that would be at risk, and the geotechnical review indicated that onsite soils consist of 2.5 to 6.5 feet of fill.

Impact Analysis. Soils with potential shrink-swell conditions could result in structural damage if not properly designed. The geotechnical report sets forth recommendations for site preparation and design requirements, including removal of fill soils and replacement with engineered soil. Thus, impacts related to soils constraints are considered less-than-significant.

The onsite project soils are classified as having a slight to moderate erosion hazard. Project development will include excavation and grading, although the project site is relatively flat and located within a developed urban area. Approximately 1,100 cubic yards of material will be excavated with 1,150 cubic yards of fill for grading existing to finish grades. Additionally, approximately 1,700 cubic yards will be removed and exported to remove existing fill soils with imported replacement soils. Approximately 2,150 cubic yards of asphalt pavement with base and 1,548 cubic yards of rock for porous pavement will be imported.

Project excavation could result in potential off-site transport of sediments into the municipal storm drain system. The project site is not located adjacent to existing water bodies. Grading is typically subject to approval of a permit with identification of erosion control measures. Under City regulations, public works projects are exempt from a permit where the City provides inspections. However, The project will be required to prepare and implement Stormwater Pollution Prevention Plan (SWPPP) to prevent water quality degradation during construction, as well as a Drainage Plan that will include post-construction erosion control measures. With implementation of standard erosion control measures and Stormwater Pollution Prevention Plan (SWPPP), the potential for offsite erosion and inadvertent transport of soils into the municipal storm drain system is considered less-than-significant. (See subsection 9(f) above for further discussion of SWPPPs.) Although mitigation measures are not required, the following Condition of Approval is recommended.

RECOMMENDED CONDITION OF APPROVAL: Implement erosion control measures, including, but not limited to: conduct grading prior to the rainy season if possible; protect disturbed areas during the rainy season; stockpile excavated and fill soils away from storm drain outlets;

implement other Best Management Practices (BMPs) during construction to protect water quality; and immediately revegetate disturbed areas.

(h) Soil Suitability for Septic Systems. The project is a parking lot. Public restrooms will be provided that are connected to a public sanitary sewer line. Septic systems are not utilized in the City of Capitola.

7. Greenhouse Gas Emissions.

(a) Greenhouse Gas Emissions. Climate change refers to any significant change in measures of climate, such as average temperature, precipitation, or wind patterns over a period of time. Climate change may result from natural factors, natural processes, and human activities that change the composition of the atmosphere and alter the surface and features of the land. Significant changes in global climate patterns have recently been associated with global warming, an average increase in the temperature of the atmosphere near the Earth's surface, attributed to accumulation of greenhouse house gas (GHG) emissions in the atmosphere. Greenhouse gases trap heat in the atmosphere, which in turn heats the surface of the Earth. Some GHGs occur naturally and are emitted to the atmosphere through natural processes, while others are created and emitted solely through human activities (SOURCE V.9b).

The most common GHG that results from human activity is carbon dioxide, followed by methane and nitrous oxide (SOURCE V.9b). The primary contributors to GHG emissions in California (as of 2008) are transportation (about 37%), electric power production (24%), industry (20%), agriculture and forestry (6%), and other sources, including commercial and residential uses (13%) (SOURCE V.9c). Approximately 81% of California's emissions are carbon dioxide produced from fossil fuel combustion (SOURCE V.9d).

The State of California passed the Global Warming Solutions Act of 2006 (AB32), which seeks to reduce GHG emissions generated by California. The Governor's Executive Order S-3-05 and AB 32 (Health & Safety Code, § 38501 et seq.) both seek to achieve 1990 emissions levels by the year 2020. Executive Order S-3-05 further requires that California's GHG emissions be 80 percent below 1990 levels by the year 2050. AB 32 defines GHGs to include carbon dioxide, methane, nitrous oxide, hydrocarbons, perfluorocarbons and sulfur hexafluoride.

The California Air Resources Board (CARB) is the lead agency for implementing AB32. In accordance with provisions of AB 32, CARB has completed a statewide Greenhouse Gas (GHG) Inventory that provides estimates of the amount of GHGs emitted to, and removed from, the atmosphere by human activities within California. In accordance with requirements of AB32, a Scoping Plan was adopted by CARB in December 2008. The Scoping Plan identifies 18 emissions reduction measures that address cap-and-trade programs, vehicle gas standards, energy efficiency, low carbon fuel standards, renewable energy, regional transportation-related greenhouse gas targets, vehicle efficiency measures, goods movement, solar roofs program,

industrial emissions, high speed rail, green building strategy, recycling, sustainable forests, water and air (SOURCE V.9a).

Impact Analysis. The proposed project will not result in the construction of new structures that would result in permanent, ongoing traffic and energy related emissions. However, the proposed project would result in a new parking lot with associated vehicle emissions. Vehicle emissions calculated as part of the URBEMIS program (see subsection 3b above) indicate that approximately 0.94 metric tons per of carbon dioxide emissions per day would be result from the project under full operations, which is equivalent to approximately 345 MT CO₂e/yr. Assuming an average annual parking lot use of nearly 20% based on the use of the existing adjacent Pacific Cove Parking Lot, the project could result in carbon dioxide emissions of approximately 70 metric tons per year.

To date, no state agency has adopted significance criteria for GHG emissions. On December 30, 2009, the Natural Resources Agency adopted the CEQA Guidelines Amendments addressing greenhouse gas emissions, but these amendments do not specify significance thresholds for GHG emissions. In June 2010, the Bay Area Air Quality Management District (BAAQMD) in the San Francisco Bay area adopted revised its CEQA Guidelines, which include thresholds of significance for greenhouse gas emissions. The BAAQMD was the first regional air district to adopt numeric thresholds for greenhouse gas emissions from residential and commercial projects. The guidelines identified 1,100 MT CO₂e/yr³ or 4.6 MT/year per service population (residents/employees) as a numeric emissions level below which a project's contribution to global climate change would be less than "cumulatively considerable"⁴.

The project site is located within the jurisdiction of the Monterey Bay Unified Air Pollution Control District (MBUAPCD), which to date, has not adopted significance criteria or thresholds. In June 2011, the MBUAPCD initiated a process to develop GHG emission thresholds for project and plan level impact analyses. In April 2012, District staff recommended a threshold of 10,000 metric tons (MT) of CO₂e per year for stationary source projects and a threshold of 2,000 MT CO₂e per year for land-use projects (SOURCE V.4d). A GHG threshold has not yet been adopted by the MBUAPCD, but is expected to be taken to the District Board of Directors in 2013.

Although, the MBUAPCD has not yet adopted GHG emission significance thresholds, the project's estimated GHG emissions are well below the significance threshold of 2,000 metric tons per year being considered by the

³ Carbon dioxide equivalent in metric tons; one metric ton = 2,204.62262 pounds.

⁴ In March 2012, the Alameda County Superior Court issued a judgment finding that the Air District had failed to comply with CEQA when it adopted the Thresholds. The Court did not determine whether the Thresholds were valid on their merits, but found that the adoption of the Thresholds was a project under CEQA and order the District to set aside the Thresholds until it complied with CEQA. The District has appealed the decision, but is no longer recommending use of the Thresholds (per BAAQMD website: <http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES/Updated-CEQA-Guidelines.aspx>).

MBUAPCD, and thus, the potential project-level GHG emissions are considered less than significant and less than cumulatively considerable. Additionally, these emissions are expected to be at least partially offset with implementation of the State's Scoping Plan strategies to improve fuel and vehicle efficiency standards. The project will also serve the Capitola Beach Shuttle operations. Therefore, greenhouse gas emissions resulting from development of the project are not considered significant, and the project's incremental effect is less than cumulatively considerable.

(b) Conflict with Applicable Plans. The project would not conflict with implementation of state plans adopted for the purpose of reducing greenhouse gas emissions. The City of Capitola is in the process of updating its General Plan and preparing a Climate Action Plan to address citywide greenhouse emissions, but a plan has not been completed or adopted.

- 8. Hazards.** The proposed public parking lot project would not involve the use, disposal or emission of hazardous materials that would constitute a threat of explosion or other significant release that would pose a threat to neighboring properties. The site location and scale have no impact on emergency response or emergency evacuation. The site is not located near an airport or airstrip.

9. Hydrology.

(a-b) Water Quality Standards and Groundwater. The project is located on formerly developed site within a developed area and will not affect groundwater recharge. The project is a public parking lot that will not result in discharges or potential violations of water quality standards.

(c-e) Drainage. The project site was formerly developed with a mobile home park and will be converted to a temporary paved parking lot. Calculations provided by the project engineer that impervious surfacing on the site will decrease from approximately 96,130 square feet to 93,470 square feet. Thus, stormwater runoff from site would also be reduced.

Site drainage will be directed to an existing 72-inch storm drain that goes through the site and is part of the Nobel Gulch storm drain system. Noble Gulch flows into Soquel Creek at the Village. Approximately 30 years ago, the last approximately 2,000 feet of the Gulch (west of Bay Avenue) was diverted via a 72-inch drainage pipe that extends under the project site. During a heavy storm in March of 2011, rushing water overwhelmed the drainage pipe creating an upwards surge that tore apart the ground beneath several mobile homes and caused flooding and damages in Capitola Village (SOURCE v.2d). A joint City-County project to repair the storm drain is underway and is expected to be completed by February 15, 2013.

(f) Water Quality. The City's Local Coastal Plan seeks to protect and improve the water quality in the Monterey Bay. Within urbanized areas such as the City of

Capitola, pollutants frequently associated with storm water include sediment, nutrients, oil and grease, heavy metals, and litter. The primary sources of storm water pollution in urban areas include automobiles, parking lots, landscape maintenance, construction, illegal connections to the storm water system, accidental spills and illegal dumping.

Urban runoff and other "non-point source" discharges are regulated by the 1972 Federal Clean Water Act (CWA), through the National Pollutant Discharge Elimination System (NPDES) permit program that has been implemented in two phases through the California Regional Water Quality Control Boards (RWQCB). Phase I regulations, effective since 1990, require NPDES permits for storm water discharges for certain specific industrial facilities and construction activities, and for municipalities with a population size greater than 100,000. Phase II regulations expand the NPDES program to include all municipalities with urbanized areas and municipalities with a population size greater than 10,000 and a population density greater than 1,000 persons per square mile. Phase II regulations also expand the NPDES program to include construction sites of one to five acres.

Cities and districts maintaining stormwater systems must obtain coverage under a NPDES stormwater permit and implement stormwater pollution prevention plans or stormwater management programs (both using best management practices) that effectively reduce or prevent the discharge of pollutants into receiving waters. For most jurisdictions, the best management practices have resulted in higher operations and maintenance costs for their stormwater systems. The City of Capitola is working on a joint effort with other jurisdictions to develop guidelines to implement the state's requirement for storm water retention on new construction sites (SOURCE V.2d).

Impact Analysis. Project runoff would not result in significant water quality degradation as the project drainage plan will utilize a "Low Impact Development" (LID) design using porous pavements to treat and detain new site runoff. The porous pavements consist of permeable interlocking pavers and plastic grids filled with drain rock constructed over open-graded aggregate bases. The open-graded aggregate bases temporarily store the collected runoff to allow the stormwater to make contact with the underlying soil for infiltration. Any excess runoff unable to infiltrate is then routed to a controlled outlet structure to regulate flow to 2 and 10 year storm events per Santa Cruz County Design Criteria. Thus, impacts to water quality would be less than significant with the proposed drainage designs.

Potential erosion associated with grading is addressed in subsection 6(e,g) above. Furthermore, construction activity on projects that disturb one or more acres of soil must obtain coverage under the State's General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 99-08-DWQ). Construction activity subject to this permit includes clearing, grading, and disturbances to the ground such as stockpiling or excavation. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP must list best management practices (BMPs) that the discharger will use

to protect storm water runoff and the placement of those BMPs. Because the project site size is over one acre, the project must file a Notice of Intent (NOI) with the Regional Water Quality Control Board and abide by the state regulations outlined in the general permit and implement best management practices to the maximum extent practicable.

(g-j) Flood and Tsunami Hazards. The project site is located within a 100-year floodplain (SOURCE V.1a and V.2b) and in an area identified as being subject to tsunami hazards (SOURCE V.2b). However, the project is a parking lot and will not result in habitable development or expose people or structures to these hazards. Furthermore, the proposed project would not worsen the potential for flood or tsunami damage.

- 10. Land Use and Planning.** The project is located within a developed area of the city of Capitola, and is located on a site that was formerly developed as a mobile home park. The proposed project consists of construction of a temporary public parking lot that will remain in use until such time as a parking structure is developed on the adjacent Pacific Cove Parking Lot site. The proposed project would not divide an established community. There are no known Habitat Conservation or Natural Community Conservation Plans that would be applicable to the site.

(b-c) Consistency with Local Policies/ Plans. The project site is designated for mobile home residential uses in the City's General Plan and Zoning Ordinance. The MHE (Mobile Home Exclusive) zone district allows public facilities with the issuance of a use permit. A small area of the project site along Capitola Avenue is located in the coastal zone. The project does not conflict with any policies or regulations adopted for the purpose of avoiding or mitigating an environmental impact. The project is consistent with the General Plan's objective to encourage development of convenient parking facilities consistent with anticipated demand (Circulation, Chapter 9).

- 11. Mineral Resources.** The General Plan determined that no known mineral resources were located within the General Plan Area which would be of value to the region or state, and the site is already developed with a residential use.

12. Noise.

(a-c) Noise Exposure and Permanent Noise Increases. The proposed parking lot would not expose people to severe existing noise levels as no habitable structures will be constructed. The project site is not located near an airport or private airstrip. The use of a parking lot will result in varying levels of vehicular noise associated with cars and people arriving and departing and associated. However, sound levels would fluctuate throughout the day and would not result in a prolonged duration. It is likely that sound levels would be less than those associated with permanent residential or commercial uses and attendant activities. Furthermore, City staff has indicated that there have not been complaints from residents regarding the existing Pacific Cove

Parking Lot use. Therefore, any sounds arising from the proposed parking lot would not be expected to generate substantial increases in ambient noise levels or result in a significant impact.

(b,d) Temporary Noise and Vibration. There will be a temporary increase in existing noise levels during grading and construction. However, construction would be of limited duration and is expected to be completed within 45 to 60 days. Construction-related noise levels would vary throughout the day depending on the type of equipment that is in use at any one time. Construction is planned on weekdays between 8 AM and 5:00 PM. Because impacts would occur only during daylight hours and are temporary and of limited duration, impacts are considered less-than-significant.

13. Population and Housing. The proposed temporary public parking lot project will not result in habitable structures or new population growth. The project site was a former mobile home park that was closed in 2011 after flood damage from a failed storm drain. The park has been closed since then with some removal of mobile homes; removal of the remaining unoccupied and damaged units is underway. The project will not result in displacement of residents or housing.

14-15. Public Services & Recreation. The proposed public parking lot project will not result in habitable structures or new population growth, and thus would not result in a demand for public services or recreation. The project will include a small onsite office for the City Policy Department

16. Transportation/Traffic.

(a-b,f) Traffic and Circulation. The project site is located between Capitola and Monterey Avenues, just north of Capitola Village. Capitola Avenue and nearby Bay Avenue are identified as arterial streets in the City's existing General Plan, and Monterey Avenue is identified as a "minor" arterial in the background reports prepared for the General Plan Update that is in progress (SOURCE V.2b). There are no signalized intersections in the project vicinity; stop signs control intersection movements along Capitola and Bay Avenues. There are no congestion management programs in effect in Capitola or county of Santa Cruz.

Intersection traffic operations were evaluated based on the Level of Service (LOS) concept. LOS is a qualitative description of an intersection and roadway's operation, ranging from LOS A to LOS F. Level of service "A" represents free flow un-congested traffic conditions. Level of service "F" represents highly congested traffic conditions with unacceptable delay to vehicles on the road segments and at intersections. The intermediate levels of service represent incremental levels of congestion and delay between these two extremes. The City of Capitola General Plan has established LOS D as the acceptable standard for overall traffic operations at intersections in the Village Area and LOS C everywhere else (SOURCE V.1 a).

A traffic analysis conducted for the project found four of the study intersections operate at an acceptable LOS as summarized on Table 2. The Monterey Avenue/Park Avenue intersection currently operates at a LOS D, which does not meet the City's existing standard of C. The Capitola Avenue/Stockton Avenue intersection currently operates at a LOS E, which does not meet the City's existing standard of D for intersections in the Village.

TABLE 2: Intersection Levels of Service

Intersection	PM Peak Hour LOS (Delay in seconds)	
	Existing	With Project
Capitola Ave./Bay Ave.	C (21.4)	C (24.6)
Capitola Ave./Riverview Dr.	B (10.2)	B (10.6)
Capitola Ave./Stockton Ave.	E (38.8)	E (42.8)
Monterey Ave./Bay Ave.	B (11.3)	B (11.7)
Bay Ave./Project Entrance		Driveway: A (0.9) Worst Approach: B (12.7)
Monterey Ave./Park Ave.	D (27.4)	D (32.7)
SOURCE: RBF Consulting, January 2013		

Impact Analysis. The proposed project is estimated to result in an increase in daily traffic and PM peak hour trips. However, as discussed below, increased traffic associated with the project would not result in substantial increases in congestion or deterioration of intersection operations. Thus, traffic generated as a result of the project is considered a less-than-significant impact.

The proposed surface parking lot will provide a total of up to 233 public parking spaces (including accessible parking spaces), and will replace the former mobile home park that was located at the project site. Vehicular access will be provided at two full movement driveways off of Bay Avenue and Capitola Avenue. The west access driveway is located at the existing all-way stop controlled intersection of Riverview Drive / Capitola Avenue, and the east driveway is located at an existing driveway off Bay Avenue just south of Monterey Avenue.

The project is estimated to turn over one third of the parking spaces in the PM peak hour. Trips to and from the former mobile home site will be removed from the road network once the proposed parking lot is constructed. The proposed project is estimated to result in a net increase of 495 daily trips and 134 weekday PM peak hour trips based on trip generation rates for uses published by the Institute of Transportation Engineers (SOURCE V.8a). Traffic from the former mobile home park was deducted from the total trips generated by the proposed parking lot project.

The project trip generation is conservatively high. As discussed above in section II.B, parking demand in Capitola Village currently exceeds parking supply during

summer months and peak visitor periods. Approximately 176 spaces would be needed to meet existing demand. Thus, the proposed temporary Lower Pacific Cove parking lot would be providing needed spaces to help fill the identified existing parking supply deficit in the area. Thus, some of the estimated trips would be existing trips redirected to the parking lot.

The project trips would not result in a change in existing levels of service as shown on Table 2. The four intersections operating at an acceptable LOS would continue to operate at an acceptable level. The project would add trips to intersections currently operating at an unacceptable LOS per City standards: Capitola Avenue/Stockton Avenue (E) and Monterey Avenue/Park Avenue (D). Existing delays at these two intersections would increase slightly by 4 to 5 seconds. The increase in traffic represents slightly less than 3% at the Capitola/Stockton intersection and slightly more than 3% at the Monterey/Park intersection. The increase in trips and delay at these intersections is not considered substantial given daily fluctuations in traffic⁵ nor would the amount of increased delay be considered significant. It should also be noted that LOS D is typically considered the minimum acceptable level of service for intersections in developed cities, and LOS D is the City of Capitola's standard for traffic in Capitola Village according to the City's General Plan. Thus, the project's traffic would result in a less-than-significant impact, and no mitigation measures are required.

The City has identified the potential installation of roundabouts and/or signals at the Monterey Avenue/Park Avenue and Capitola Avenue/Bay Avenue intersections in the *One-Way Traffic Analysis for the Capitola Village Area* (RBF Consulting, March 2008) study. The installation of roundabouts would improve operating conditions to an acceptable LOS C at the intersection of Monterey Avenue / Park Avenue and an acceptable LOS A at the intersection of Capitola Avenue / Bay Avenue during the PM peak hours. The installation of a signal at the intersection of Monterey Avenue/Park Avenue would also improve the LOS to acceptable conditions. The northbound queue at the adjacent intersection of Monterey Avenue/Bay Avenue is not projected to extend back to the Monterey Avenue/Park Avenue intersection and would not impact the proposed roundabout. With the installation of these improvements, the operating conditions will improve to acceptable conditions (SOURCE v.8a). The City plans to install roundabouts or signals at these two intersections, and funding is provided in the City Capital Improvement Program. No feasible improvements can be implemented at the intersection of Stockton Avenue and Capitola Avenue due to right-of-way constraints and the spillover effect on the adjacent Capitola Village intersections (Ibid.). However, as discussed above, the increase in traffic and delays at this intersection would not be considered substantial or significant.

⁵ Caltrans has identified the standard deviation expected with regards to reliability of traffic count data. The standard deviation ranges indicate a 12% deviation at 10,000 vehicle trips, meaning that if a traffic count totals 10,000 vehicles per day, then approximately 90% of the time, the actual traffic counts will lie within a range of 8,800 to 11,200 vehicles (California Department of Transportation, June 2006 and "2011 Traffic Volumes on the California State Highway System").

(d-e) Access. Vehicular access will be provided via an existing all-way stop intersection from the intersection of Riverview Drive / Capitola Avenue and an existing driveway off Bay Avenue that will be improved as part of the project. The design will meet fire access requirement. The project design would not result in increased hazards or inadequate emergency access. The proposed project would not conflict with adopted policies or plans supporting alternative transportation. Shuttle stops will be provided at the proposed parking lot for the Village Beach Shuttle operations during summer weekends.

- 17. Utilities and Service Systems.** The proposed project will be served by existing utilities and will have no measurable effect on existing sewer, water, or storm drainage utilities in that the incremental increased demand will not require expansion of any of those services or construction of new facilities to serve the project.

(a-b, e) Wastewater Collection and Treatment. Sanitary sewer service for the City of Capitola is provided under contract through the Santa Cruz County Sanitation District, which provides sewage collection and disposal services to the Live Oak, Capitola, Soquel, and Aptos areas. The City of Capitola is not responsible for nor has the authority to maintain the sanitary sewers. The District's customers generate approximately 5-6 million gallons a day (mgd) of wastewater that flows to the Lode Street treatment facility and is then pumped to the City of Santa Cruz wastewater treatment plant at Neary Lagoon (SOURCE V.2d). The design capacity of the treatment plant is 17 mgd, and the current average flow is approximately 12 mgd. As part of this total capacity, the District has treatment capacity rights of 8 million gallons per day in the City of Santa Cruz wastewater treatment plant.

The treatment plant has adequate capacity to serve the project, which is estimated to generate far less wastewater than the previous mobile home park use. Based on estimated water demand (see the following subsection), the project would result in a net decrease in wastewater generation compared to the former mobile home park at the site that historically housed 42-45 mobile home units. Wastewater flows from the project would not require improvements to sanitary sewer lines or the City's wastewater treatment plant.

It is also noted that the County has plans to replace the sewer trunkline in the project area, a segment of which will cross the project site. The replacement of the trunkline is not part of the proposed project.

(b,d) Water Supply. The project site is located within the service area of the Soquel Creek Water District (SqCWD), which encompasses seven miles of shoreline along Monterey Bay, and extends from one to three miles inland into the foothills of the Santa Cruz Mountains, essentially following the County Urban Services Line. The City of Capitola is the only incorporated area within the SqCWD. Unincorporated communities include Aptos, La Selva Beach, Rio Del Mar, Seascapes, Seaciff Beach, and Soquel (SOURCE V.5a).

The District currently serves a population of about 37,720 people through approximately 15,420 service connections (including approximately 1,320 fire service connections and approximately 180 dedicated landscape irrigation connections) in four service subareas within mid-Santa Cruz County. (SOURCE V.5a). Population in the District's service area is estimated to increase to approximately 39,550 in the year 2030 and to 40,037 in the year 2035 (Ibid.).

In September 2011, the District Board of Directors adopted the *2010 Urban Water Management Plan (UWMP)* in accordance with State law. The 2010 UWMP includes important information on SqCWD's water supply sources, water deliveries and uses, projected water demand, drought contingency and emergency response measures, and current and planned conservation programs. The UWMP is one of several documents that SqCWD uses as a long-range water supply planning tool (SOURCE V.5a). Pursuant to state law, the UWMP is updated every five years and covers a period of 20 years.

The SqCWD currently receives 100 percent of its water from groundwater aquifers in the Soquel-Aptos area. The aquifers are located within two geologic formations that underlie the District's service area. The Purisima Formation (Purisima) provides approximately two-thirds of SqCWD's annual production and serves the communities of Capitola, Soquel, Seacliff Beach, and Aptos, while the Aromas Red Sands (Aromas) aquifer provides the remaining one-third of District's annual production (SOURCE V.5a). The groundwater within the Soquel-Aptos area is also a source of supply for the City of Santa Cruz Water Department, Central Water District (CWD), and numerous mutual water companies and private wells. Water production data are generally only available from the public water agencies; however, there has been some effort to extrapolate total production based on land use. It is estimated that SqCWD pumps approximately 60 percent of the total annual groundwater yield from the Soquel-Aptos area, with the remaining 40 percent pumped by all other users (Ibid.).

The current average annual demand in the SqCWD service area, based on average annual demand from 2006 through 2010, is 4,615 acre-feet per year (afy) (approximately 1.5 billion gallons) (SOURCE V.5a). As a result of ongoing conservation efforts and other potential factors, including but not limited to weather, the economic downturn, and rate increases, the average annual demand has been reduced by approximately 800 acre-feet compared to average annual demand from 2001 to 2005, which was 5,416 afy (Ibid.). Average per capita water use within the District averaged 118 gallons per capita per day between the years 2000 and 2010 (Ibid.). The District anticipates a modest increase in water service accounts over the next 30 years (approximately 316) with an estimated decrease in total water demand from 4,092 afy in 2010 to 3,787 afy in the year 2030 (Ibid.).

Coastal groundwater levels are below elevations that protect the Soquel-Aptos area from seawater intrusion, therefore creating a state of overdraft with a potential for seawater intrusion (SOURCE V.5a). Recent modeling and evaluations by the District and its consultants indicate that SqCWD's portion of the sustainable yield of the Purisima is approximately 2,500 afy, and SqCWD's portion of the sustainable yield of

the Aromas could be just a few hundred acre-feet, which is significantly less than the 1,800 afy previously projected. In order to recover groundwater levels to protective elevations and eliminate overdraft, SqCWD has determined that it must temporarily reduce pumping to levels below its portion of the sustainable yield and other pumpers must not further impact the overdrafted portion of the basin (Ibid.).

The District has reviewed water supply and management options. After conducting feasibility studies of the various supplemental supply alternatives, an Integrated Resources Plan (IRP) was adopted in early 2006. The SqCWD recently updated its "Integrated Water Resources Plan" and identified the water supply objectives to recover the groundwater basin, including limiting groundwater pumping ("recovery pumping goal") to 2,900 afy for an estimated 20-year period to restore groundwater levels and prevent seawater intrusion. Once the groundwater basin has been restored and protective levels are achieved, a post-recovery pumping goal of 4,000 afy is identified (SOURCE V.5b).

The IRP, which is to be implemented in phases to meet the growing shortages that could occur in the future, identifies the following components for assuring a sustainable water supply:

- *Demand Management* – Continued implementation of existing and new conservation and drought management programs.
- *Conjunctive Use Supply Project* – Evaluation and potential development of a regional seawater desalination facility with the City of Santa Cruz.
- *Local Supplemental Supply Alternatives* – If determined to be needed, preparation of project-level feasibility studies for a modified Soquel Creek diversion project and/or local-only desalination as alternatives, or in addition to, the regional desalination project, as well as development of site specific recycled water supplies for non-potable irrigation use.
- *Groundwater Management* – Continued monitoring/assessment of coastal groundwater quality and levels under the guidelines provided in the Groundwater Management Plan for the Soquel-Aptos Area, first adopted in 1996 – Redistribute groundwater pumping to alleviate the potential for seawater intrusion as identified in the Well Master Plan – Support recharge protection and enhancement projects and policies (SOURCE V.5a).

To date, the SqCWD has maintained and expanded conservation efforts including adopting water use efficiency requirements for new/remodeled development and rebate incentives for newly available technology, e.g. high efficiency toilets, graywater systems, weather-based irrigation controllers, etc. The District also completed a grant funded feasibility study for satellite reclamation plants to provide non-potable water for large irrigation use.

SqCWD also completed a Well Master Plan and will be developing up to five new wells over the next five or so years to redistribute pumping inland. Additionally, groundwater modeling and evaluations are still underway to more fully characterize protective elevations and the sustainable yield within portions of the Aromas aquifer

used by SqCWD (SOURCE V.5a). Furthermore, in 2007, there was a comprehensive update of the 1996 Groundwater Management Plan for the Soquel-Aptos Area that established groundwater management goals to: 1) ensure water supply reliability for current and future beneficial uses; 2) maintain water quality to meet current and future beneficial uses; and 3) prevent adverse environmental impacts. Basin management objectives (BMO) were established to meet each goal and specific actions were identified to achieve each BMO. Actions include: regular groundwater level and quality monitoring from production wells and dedicated monitoring wells.

The SqCWD also continues to increase water conservation efforts and is pursuing a supplemental supply (desalination in partnership with the City of Santa Cruz). The proposed desalination plant would be located in the City of Santa Cruz, and the SqCWD would have priority use of the desalination facility during non-drought conditions to help supplement water demand needs while reducing groundwater pumping (approximately five out of six years). To date, a one-year pilot study and feasibility studies for intake, brine disposal and pre-treatment have been completed, and preparation of an the Environmental Impact Report (EIR) is underway for a permanent facility, which is expected to be constructed and in operation by the year 2016, pending completion of project-level environmental review and regulatory permit approvals, e.g., approval of a coastal development permit from the California Coastal Commission.⁶ The design and environmental review phases are currently underway. The likelihood of construction of a permanent plant is currently uncertain as design plans have not been completed, and it cannot be predicted at this time whether the Coastal Commission and other agencies would issue the necessary approvals.

Impact Analysis. The proposed project is estimated to result in a net decrease in water demand from has historically occurred at the site. Thus, the project would not result in significant impacts on water supplies or require construction of new or expanded water facilities to serve the project.

The project site historically housed 45 mobile homes with 42 when the park was closed. Based on a water demand rate of approximately 0.14 afy of water per mobile home that was provided by the Soquel Creek Water District, the former mobile home park's water demand is estimated at approximately 6.3 afy. The project water demand was developed by City staff utilizing the District's water fixture standards and requirements and is summarized on Table 3. Total project water demand is estimated at approximately 220,000 gallons per year, which is approximately 0.7 afy. Thus, water use at the project site would decrease by approximately 5.5 afy over historical demand levels.

⁶ Other potential permits, approvals and/or consultations for a permanent desalination plant and supporting infrastructure (i.e., intake facility and distribution pipeline) may be required from various agencies, including, but not limited to U.S. Fish and Wildlife Service, State Lands Commission, and California Department of Health Services.

TABLE 3: Estimated Project Water Demand

Fixture/Use [1]	Count	gal/use	use/day	Daily usage	Total Annual Usage (In Gallons)
Landscape Area (sf)	7,500				102,600
Mens room urinals	3	0.5	10	5	1,825
Mens room toilets	3	1.28	10	12.8	4,672
Mens room sinks	3	1.5	20	30	10,950
Womens room toilets	6	1.28	35	44.8	16,352
Womens room sinks	3	1.5	35	52.5	19,163
Public Showers	5	10	15	150	54,750
PD Building					
Toilet	1	1.28	6	7.68	2,803
Sink	2	1.5	10	15	5,475
				total	218,590
[1] ASSUMPTIONS:					
					233
					16%
					37.2
					2
					74
					75%
					55
	Men		20		
	Women		35		

(c) Storm Drainage Facilities. See discussion above under subsection 9 (c-e) regarding drainage.

(f) Solid Waste Disposal. Since 2007, the City of Capitola has a franchise agreement with Green Waste Recovery (GWR) for the collection of refuse, recycling, and yard waste. Solid waste collected in Capitola is transferred to the Monterey Peninsula Class III Landfill located in the City of Marina, which is operated by the Monterey Regional Waste Management District. It is a regional disposal facility that serves an 853 square mile area with a population of approximately 170,000. This landfill covers 475 acres and is comprised of both unlined and lined disposal areas. Waste types accepted and permitted at this facility include: agricultural, construction/demolition, sludge (biosolids), and mixed municipal. The landfill has a remaining waste capacity of approximately 40 million tons (74 million cubic yards) and has an anticipated life capacity of 100 years (SOURCE V2.d). Thus, there is adequate existing capacity to

serve the proposed project and limited amount of refuse that would be generated from a public parking lot.

- 18. Mandatory Findings of Significance.** The project will not result in significant environmental impacts, is of a limited scale and will not degrade the quality of the environment or result in significant biological or cultural impacts. No environmental impacts have been identified which would have direct or indirect adverse effects on human beings.

(b) Cumulative Impacts. There are no other known cumulative development projects to which the proposed project would contribute to cumulative impacts. The traffic and parking study prepared for the parking garage on the Pacific Cove parking lot site identified potential additional development in the Village area. However, at this time there are no specific proposed or approved development plans pending before the City.

There are two infrastructure projects that are planned in the area. Replacement of the storm drain through the site has been funded and is scheduled to be completed in mid-February prior to construction of the proposed project. The County of Santa Cruz also plans to upgrade the sanitary sewer line in the area. There are no known permanent cumulative impacts that would result from these improvements in combination with the proposed parking lot. It is expected that the storm drain replacement will be completed prior to or simultaneously with the parking lot construction.



CITY OF CAPITOLA NEGATIVE DECLARATION

The City of Capitola has prepared this Negative Declaration for the following described project:

PROJECT: Lower Pacific Cove Parking Lot

PROJECT LOCATION: City of Capitola

APPLICANT: City of Capitola

PROJECT DESCRIPTION: The project consists of construction of a 233-space surface public parking lot adjacent to City Hall with access provided from Capitola Avenue and Bay Avenue. The project also includes renovation of an existing restroom facility to provide public restrooms with outdoor showers. A relocated mobile coach will be sited near the Capitola Avenue entrance that will be used by the City Police Department. Other improvements include a pedestrian walkway through the site, landscaping, and retaining wall replacement. The City intends to use the parking lot until a permanent parking structure is developed on the adjacent, existing City-owned public parking lot. At this time, it is expected that the proposed lot will be used for a period of up to five years or until such time that a parking structure is constructed and operational. Currently there is no schedule or funding for development of the parking garage. Future uses for the project site will be identified and considered at a later date when the lot is closed. No specific future uses of the property have been proposed at this time.

FINDINGS: The City of Capitola has reviewed the proposed project and has determined, based on the attached Initial Study, that the project will have no or less-than-significant impacts on the environment. Consequently, adoption of a Negative Declaration is appropriate. An Environmental Impact Report is not required pursuant to the *California Environmental Quality Act of 1970 (CEQA)*. This environmental review process was conducted and the attached Initial Study was prepared in accordance with the State *CEQA Guidelines*.

BASIS OF FINDINGS: The Initial Study finds that all direct and potentially indirect impacts that could be caused by the project are less than significant.


 By: Steve Jesberg, Interim Community Development Director

1-14-13
 Date

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State of California – The Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 Bay Delta Region
 7329 Silverado Trail
 Napa, CA 94558
 (707) 944-5500
www.wildlife.ca.gov

EDMUND G. BROWN JR., GOVERNOR
 CHARLTON H. BONHAM, Director



RECEIVED

FEB 14 2013

February 13, 2013

CITY OF CAPITOLA

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

Dear Mr. Jesberg:

Subject: Lower Pacific Cove Parking Lot, Negative Declaration, SCH #2013012045,
 City of Capitola, Santa Cruz County

The California Department of Fish and Wildlife (CDFW) has reviewed the documents provided for the subject project, and we have the following comments.

For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed, CDFW may require a Lake and Streambed Alteration Agreement (LSAA), pursuant to Section 1600 et seq. of the Fish and Game Code, with the applicant. Issuance of an LSAA is subject to the California Environmental Quality Act (CEQA). CDFW, as a responsible agency under CEQA, will consider the CEQA document for the project. The CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for completion of the agreement. To obtain information about the LSAA notification process, please access our website at <http://www.dfg.ca.gov/habcon/1600/>; or to request a notification package, contact the Lake and Streambed Alteration Program at (707) 944-5520.

If you have any questions, please contact Ms. Melissa Farinha, Environmental Scientist, at (707) 944-5579; or Ms. Stephanie Buss, Staff Environmental Scientist, at (707) 944-5502.

Sincerely,

Scott Wilson
 Acting Regional Manager
 Bay Delta Region

cc: State Clearinghouse

Conserving California's Wildlife Since 1870



County of Santa Cruz

FLOOD CONTROL AND WATER CONSERVATION DISTRICT - ZONE 5

701 OCEAN STREET, ROOM 410, SANTA CRUZ, CA 95060-4070
 (831) 454-2160 FAX (831) 454-2385 TDD (831) 454-2123

JOHN J. PRESLEIGH
 DISTRICT ENGINEER

February 14, 2013

RECEIVED

FEB 14 2013

CITY OF CAPITOLA

STEVE JESBERG
 Interim Community Development Director
 City of Capitola
 420 Capitola Avenue
 Capitola, CA 95010

SUBJECT: COMMENTS ON THE NEGATIVE DECLARATION FOR THE LOWER
 PACIFIC COVE PARKING LOT

Dear Mr. Jesberg:

The Santa Cruz County Flood Control and Water Conservation District - Zone 5 (Zone 5) has received a copy of the Notice of Intent to Adopt a Negative Declaration and the associated Initial Study (IS) for the City of Capitola's Lower Pacific Cove Parking Lot. We offer the following comments:

1) The proposed project is a redevelopment of a portion of parcel 035-141-33 from a mobile home park to a parking lot exceeding 5,000 square feet. As such, per the County Design Criteria (CDC), this project is considered a large project and is required to mitigate pollutant and hydrologic impacts due to development that includes Low Impact Development (LID) measures that emphasize minimization of impacts as a first priority. It appears that this project may result in an alteration of more than 50 percent of the impervious surface of the previously existing development; therefore, runoff from the entire project, consisting of all existing, new and/or replaced impervious surfaces, must be included in the mitigation design (see CDC Part 3 Section C.1). Please provide information on existing and proposed site information to determine what percent alteration this project will result in.

2) Section VI.6, (e.g) Soils and Erosion. This section refers to a preliminary geotechnical investigation and suggests that porous pavement is proposed for at least a portion of the project. Please provide the geotechnical investigation and a proposed stormwater management plan that describes proposed surfacing, layout, and mitigation features. The impact analysis for this section (on Page 30) states that "the project site is not located adjacent to existing water bodies." The project is located adjacent to and directly over Noble Gulch and is upstream of Soquel Creek and Soquel Lagoon. This statement in the IS should be updated.

MR. STEVE JESBERG
Interim Community Development Director
City of Capitola
Page -2-

3) Section VI.9 (e-e) Drainage. This section states that the 72-inch storm drain that runs underneath the project is approximately 30 years old, while the pipe is closer to 50 years old. This information should be updated in the IS. This section does not address the capacity of the existing pipe underneath the project site and downstream. The checklist states "no impact" to question 9.e, Page 13. "Would the project create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems?" It is unclear how this was determined. Based on a tributary drainage area greater than 1 square mile, the system should provide safe flood overflow for the 100-year return period. The CDC allows a maximum water depth of 6 inches for flood overflow in parking and driveway areas. Please provide an analysis demonstrating that expected 100-year water elevation does not exceed 6 inches in parking and driveway areas. Please also provide an analysis of the downstream system to the point of discharge at Soquel Creek demonstrating safe flood overflow (12 inches of freeboard from finished floor elevations and maximum 6 inches of depth in parking and driveway areas, etc.) See Part 3 Section E.5 of the CDC. Detention design will be based on the results of the capacity analysis of the downstream system. This IS section also refers to recent repairs to the 72-inch culvert as a "joint City-County project." There was no joint City-County project. The County was not involved in the recent repairs. Zone 5 (a separate legal entity) contributed funds to a project under which the City made repairs to the City's pipe. Please correct this IS wording so as to avoid any confusion as to this issue.

4) Section VI.9. (f) Water Quality. This section fails to acknowledge that: Noble Gulch is a 303(d) listed water body for E. Coli; Soquel Creek is a 303(d) listed waterbody for Enterococcus, E. Coli, Fecal Coliform, and Turbidity; and Soquel Lagoon is a 303(d) listed waterbody for Pathogens and Sedimentation. This section should also acknowledge that the City of Capitola is a regulated Phase II MS4. While the impact analysis states that porous pavement will be used to treat and detain new site runoff, it is unclear how and where this will be incorporated into the project. Will the existing direct connections to the 72-inch pipe be removed or blocked as part of this project? The stormwater management plan should include measures for water quality treatment for all runoff from parking and driveway areas. All proposed inlets should include markings stating "No Dumping - Drains to Bay" and should be maintained by the City of Capitola. Structural treatment controls will require recorded maintenance agreements.

5) Section VI.9. (h). This section asks a question about structures that may impede flows. What is the definition of a structure for this section? The geology and soils section suggests that fill on the project site will be removed and replaced as part of this project. If structural fill for the parking and driveway area is considered a structure, the replacement may impede or redirect flood flows. This should be considered in the project analysis.

6) In order to review and approve this project, the project applicant should submit a stormwater management plan and analysis to Zone 5 demonstrating compliance with Part 3 of the CDC.

MR. STEVE JESBERG
Interim Community Development Director
City of Capitola
Page -3-

7) Section G.3 of the CDC. Since this site receives existing runoff from an upstream watershed area, acknowledgement from the City of Capitola, as the owner of the site, for maintenance of the on-site drainage facilities is required. Per the CDC, a recorded document shall acknowledge that the parcel does and will continue to receive upstream runoff, that the property owner is responsible for maintenance of the drainage pathway through the parcel, and that the County of Santa Cruz and District 5 are not responsible for the upstream runoff or the maintenance of the drainage pathway.

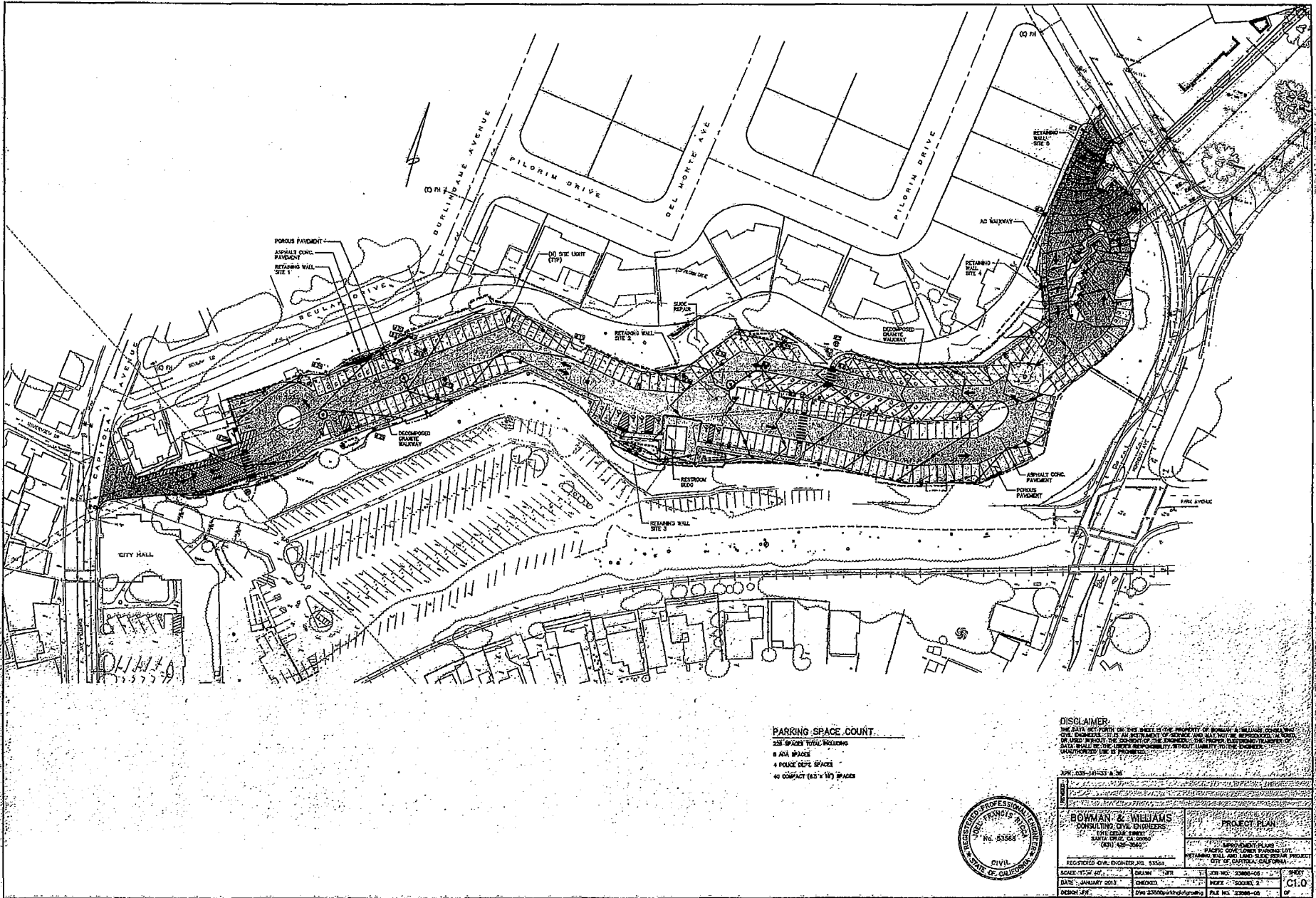
Please note that these comments do not address reference documents listed in Section V. Source List. If you have any questions, please call Alyson Tom, Civil Engineer, at (831) 454-2160.

Yours truly,


JOHN J. PRESLEIGH
District Engineer

RJF:mh

PacificCove parkinglot



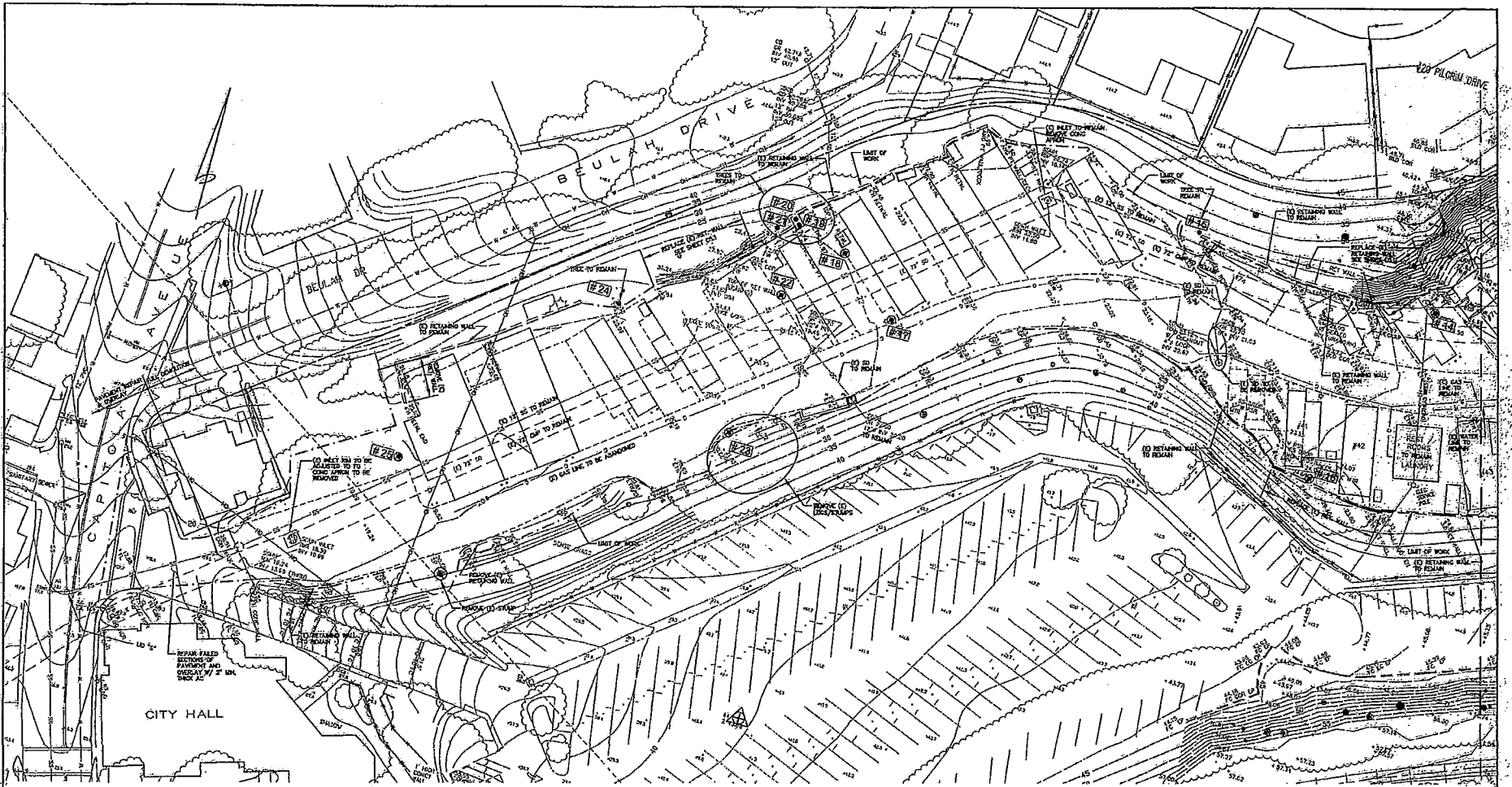
PARKING SPACE COUNT

- 238 SPACES TOTAL INCLUDING
- 8 ADA SPACES
- 4 POLICE DEPT SPACES
- 40 COMPACT (8.5' x 14') SPACES

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BOWMAN & WILLIAMS CONSULTING CIVIL ENGINEERS 1701 CECIL STREET SANTA ANITA, CA 95060 (408) 438-2000		PROJECT PLAN APPROVEMENT PLANS PACIFIC COAST LINES STATIONING 121 RETAINING WALL AND LAND SLOPE REPAIR PROJECT CITY OF COSTA MESA, CALIFORNIA	
REGISTERED CIVIL ENGINEER NO. 53368 SCALE: 1/2" = 40' DATE: JANUARY 2013 DESIGN: JLF	DRAWN: TJP CHECKED: [] FILE NO.: 23888-03	SHEET NO.: 23888-03 INDEX: 23888-03 FILE NO.: 23888-03	SHEET C1.0 OF





DEMOLITION NOTES

1. THE BUILDINGS, FENCES & CURBS WILL BE REMOVED UNDER A SEPARATE CONTRACT.
2. DEMOLITION SHALL CONSIST OF REMOVING ALL EXISTING CONCRETE, ASPHALT, GRAVEL, AGGREGATE BASE, AND ANY OTHER SURFACE COVERING OR BONES.
3. ALSO INCLUDING REMOVAL, WITHIN THE LIMIT OF WORK WILL BE BOLLARDS, LIGHTING, WOOD DECK, OTHER LANDSCAPING AND RECREATED TOOLS.
4. UTILITY STRAPS SUCH AS GAS, SEWER, WATER & ELECTRIC UTILITIES. STRAPS SHALL BE REMOVED TO AT LEAST 12" BELOW GRADE AND REMOVALS COVERED BY PLUMBING PLUMBANT TO THE UTILITY COMPANY'S SEWER, WATER, AND GROUND DRAIN DEPT'S REQUIREMENTS.
5. EXISTING SEWER LATERALS, WHICH ARE UNDER RECORDS AND NOT BARRI, SHALL BE PROPERLY ABANDONED AS REQUIRED BY THE SANTA CRUZ COUNTY SANITATION DISTRICT. EXISTING SEWER LATERALS SERVING EACH OF THE HOUSE, HOME SPACES AND THE RESTROOM BUILDING, THE RESTROOM BUILDING'S SEWER SHALL BE ABANDONED.
6. EXISTING WATER SERVICE LATERALS SHALL BE ABANDONED AS REQUIRED BY THE CITY OF SANTA CRUZ. WATER SERVICE FOR THE EXISTING RESTROOM BUILDING SHALL BE REPLACED.
7. EXISTING GAS & ELECTRIC SERVICES SHALL BE ABANDONED AS REQUIRED BY POLICE.
8. EXISTING GAS & ELECTRIC SERVICES SHALL BE ABANDONED AS REQUIRED BY POLICE.
9. EXISTING GAS & ELECTRIC SERVICES SHALL BE ABANDONED AS REQUIRED BY POLICE.
10. EXISTING GAS & ELECTRIC SERVICES SHALL BE ABANDONED AS REQUIRED BY POLICE.

DISCLAIMER

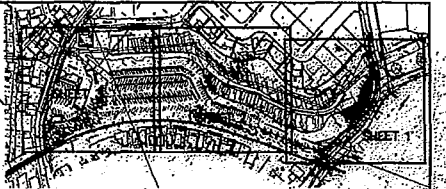
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APP. 035-141-33 & 35



BOWMAN & WILLIAMS CONSULTING CIVIL ENGINEERS 1101 CANAL STREET SANTA CRUZ, CA 95060 (831) 438-3800		DEMOLITION PLAN IMPROVEMENT PLAN PLUMBING, GAS, ELECTRIC, WATER, AND SEWER LATERALS AND GROUND DRAIN RESTROOM BUILDING AND LAND USE REPAIR PROJECT CITY OF SANTA CRUZ, CALIFORNIA	
REGISTERED CIVIL ENGINEER NO. 53585	DRAWN: [] CHECKED: [] DATE: JANUARY 2015	SHEET NO. 11000-01 PROJECT NO. 11000-01	SHEET OF 1

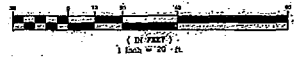
Item #: 9.A. Attach 5.pdf



SEE SHEET 1



GRAPHIC SCALE

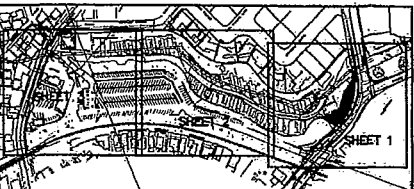
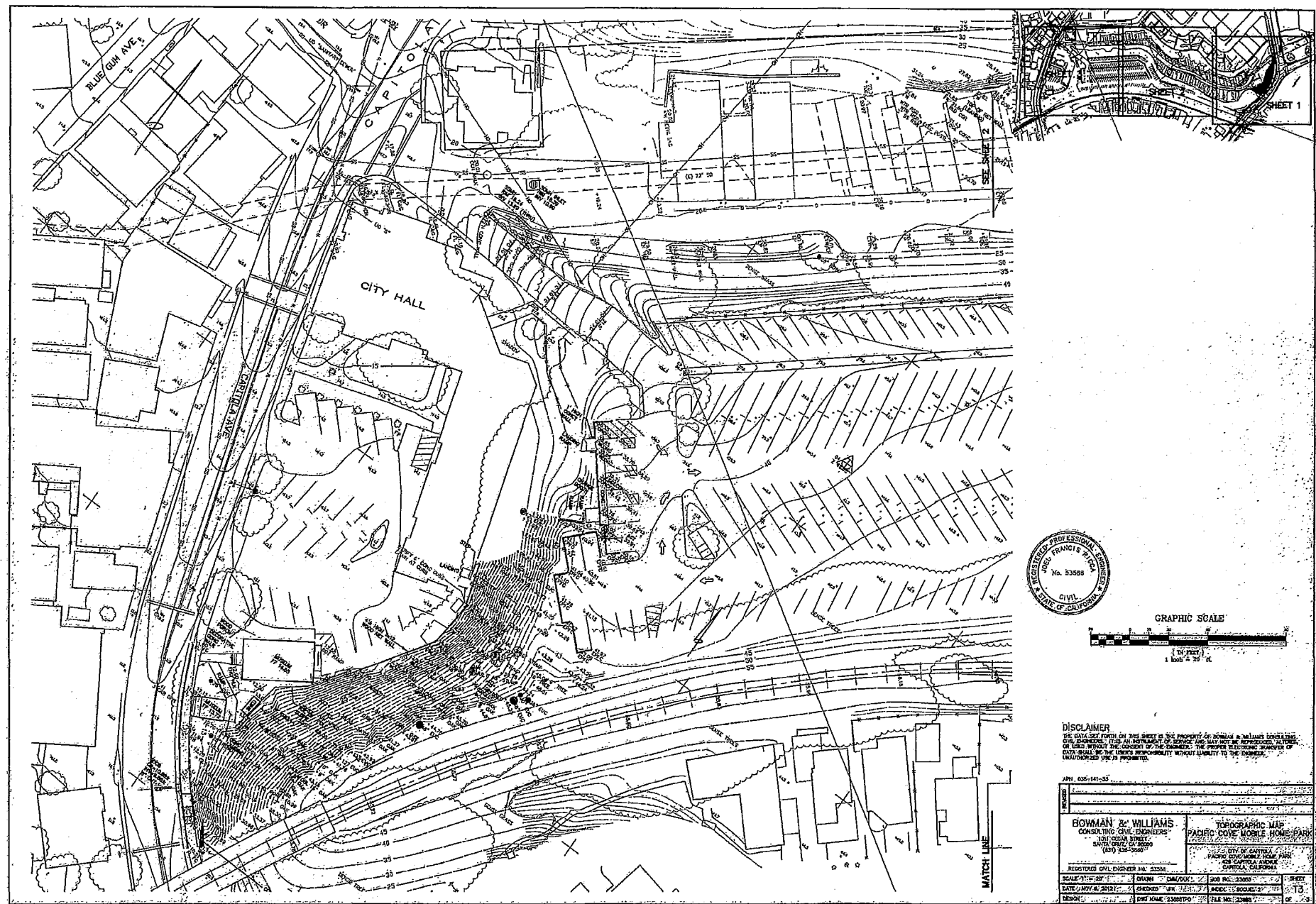


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JPM 026-141-03

BOWMAN & WILLIAMS CONSULTING CIVIL ENGINEERS 1011 S. GARDEN STREET SANTA ANA, CA 92705 (949) 432-3000		TOPOGRAPHIC MAP PACIFIC DOVE MOBILE HOME PARK 220 PULMON DRIVE SANTA ANA, CA 92705	
REGISTERED CIVIL ENGINEER NO. 53568	CITY OF SANTA ANA PACIFIC DOVE MOBILE HOME PARK 1011 S. GARDEN STREET SANTA ANA, CALIFORNIA	SCALE: 1" = 20'	SHEET NO. 026-141-03
DATE: NOV. 9, 2015	CHECKED: [Signature]	BOOK: 026-141-03	SHEET: 72
DESIGN: [Signature]	DATE: [Signature]	FILE NO. 21008	OF 3

Item #: 9.A. Attach 5.pdf



GRAPHIC SCALE



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NOV. 02/04-141-05		TOPOGRAPHIC MAP	
BOHMAN & WILLIAMS CONSULTING CIVIL ENGINEERS 4141 CEDAR STREET DUBLIN, CALIF. 94568 (925) 236-3588		PACIFIC COAST MOBILE HOME PARK	
REGISTERED CIVIL ENGINEER NO. 53588		CITY OF CANTON PLANNING DEPARTMENT 100 CANTON AVENUE CANTON, CALIFORNIA	
SCALE: 1" = 20'	DRAWN: CAJ/CAL	JOB NO.: 141-05	SHEET
DATE: NOV. 8, 2012	CHECKED: JLN	PROJECT: 141-05	13
DESIGN:	DWG. NO.: 141-05-10	FILE NO.: 141-05	OF 28

Revision

GREGORY LEWIS LANDSCAPE ARCHITECT
725 PAVAN WAY
SANTA CLARA, CA 95050 (415) 351-1717 FAX: (415) 351-1707

Pacific Grove Lower Parking Lot
Capitola, CA

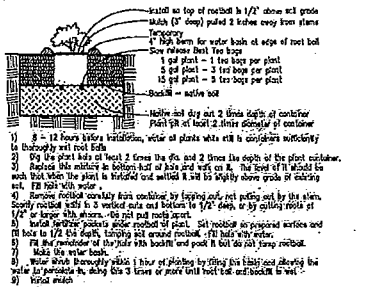
11

Plant Legend

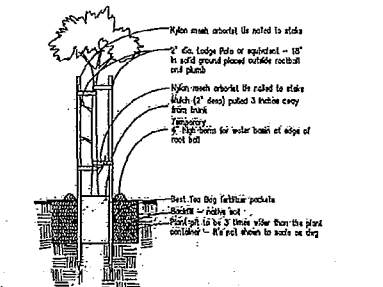
KEY SIZE	BOTANICAL NAME	COMMON NAME
TREES		
PC 3"	Patula cypripus	Chinese Parrotcreeper
DRFLR 6"	Cornus Canadensis	American Dogwood
CC 1	Conocarpus Canadensis	Common Dogwood
NO 1	Malva sylvestris	Malva
DV 1	Dalmanella	Dalmanella
PF 1	Phlox paniculata	Phlox
DRFLR 6"		
CC 1	Conocarpus Canadensis	American Dogwood
NO 1	Malva sylvestris	Malva
DV 1	Dalmanella	Dalmanella
PF 1	Phlox paniculata	Phlox

Landscape Notes

- See sheets 12 and 13 for details and specifications.
- Plant location of plants on site to be installed as on to level coordinate with applicable local building, light, drainage, and other codes.
- Use 1/2 inch deep rock in all planting areas. Use 1/2 inch light weight aggregate for drainage under all trees and shrubs. Use 1/2 inch deep drainage mat under all trees and shrubs. Use 1/2 inch deep drainage mat under all trees and shrubs. Use 1/2 inch deep drainage mat under all trees and shrubs.
- Plant plants in all planting areas on the plan as shown. Do not plant in areas where there are existing structures, utilities, or other obstructions. Do not plant in areas where there are existing structures, utilities, or other obstructions. Do not plant in areas where there are existing structures, utilities, or other obstructions.
- The plant schedule. Do not plant plants in areas where there are existing structures, utilities, or other obstructions. Do not plant plants in areas where there are existing structures, utilities, or other obstructions. Do not plant plants in areas where there are existing structures, utilities, or other obstructions.
- See Civil Engineer's Plan for specifications for special import soil in non-irrigated planting areas.
- Do not irrigate. Irrigation is not required. Do not irrigate. Irrigation is not required. Do not irrigate. Irrigation is not required.
- Do not plant plants in areas where there are existing structures, utilities, or other obstructions. Do not plant plants in areas where there are existing structures, utilities, or other obstructions. Do not plant plants in areas where there are existing structures, utilities, or other obstructions.
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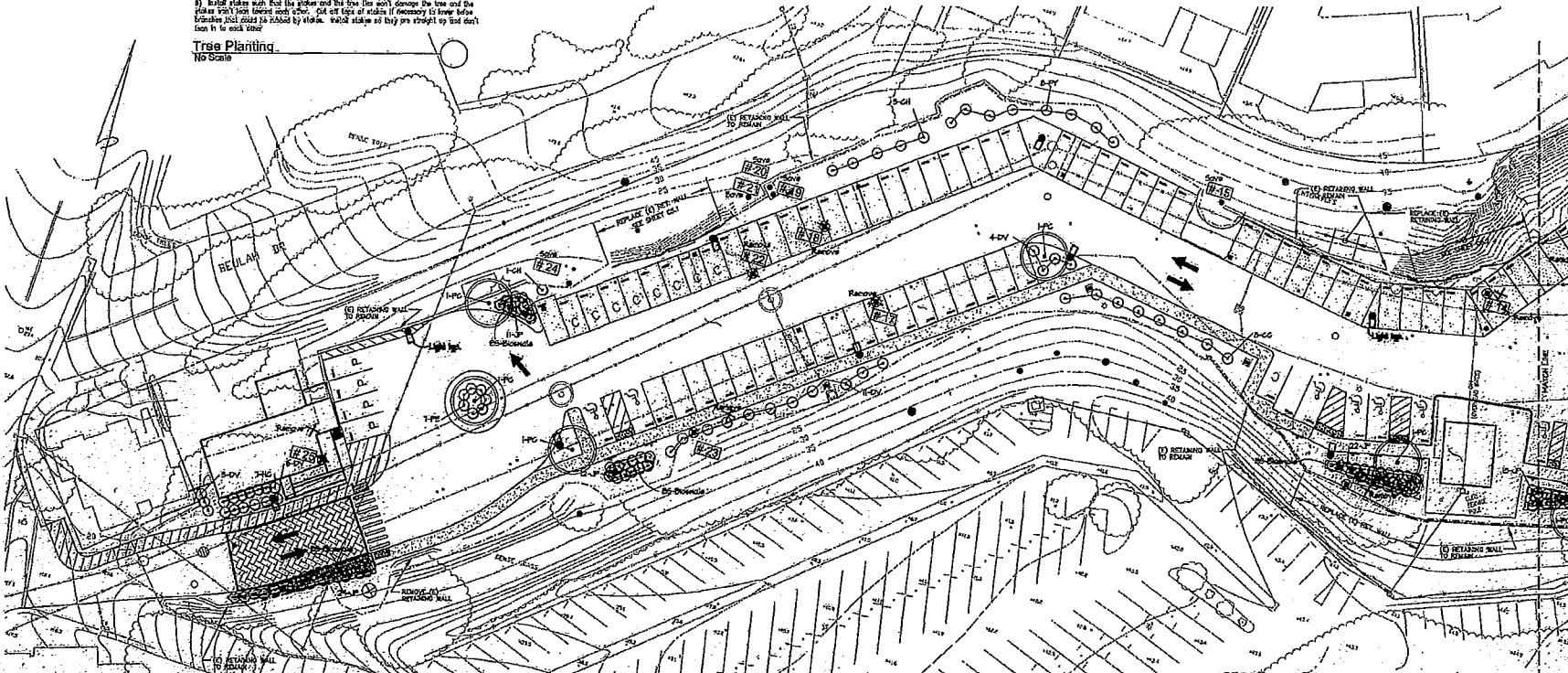
Shrub Planting
No Scale



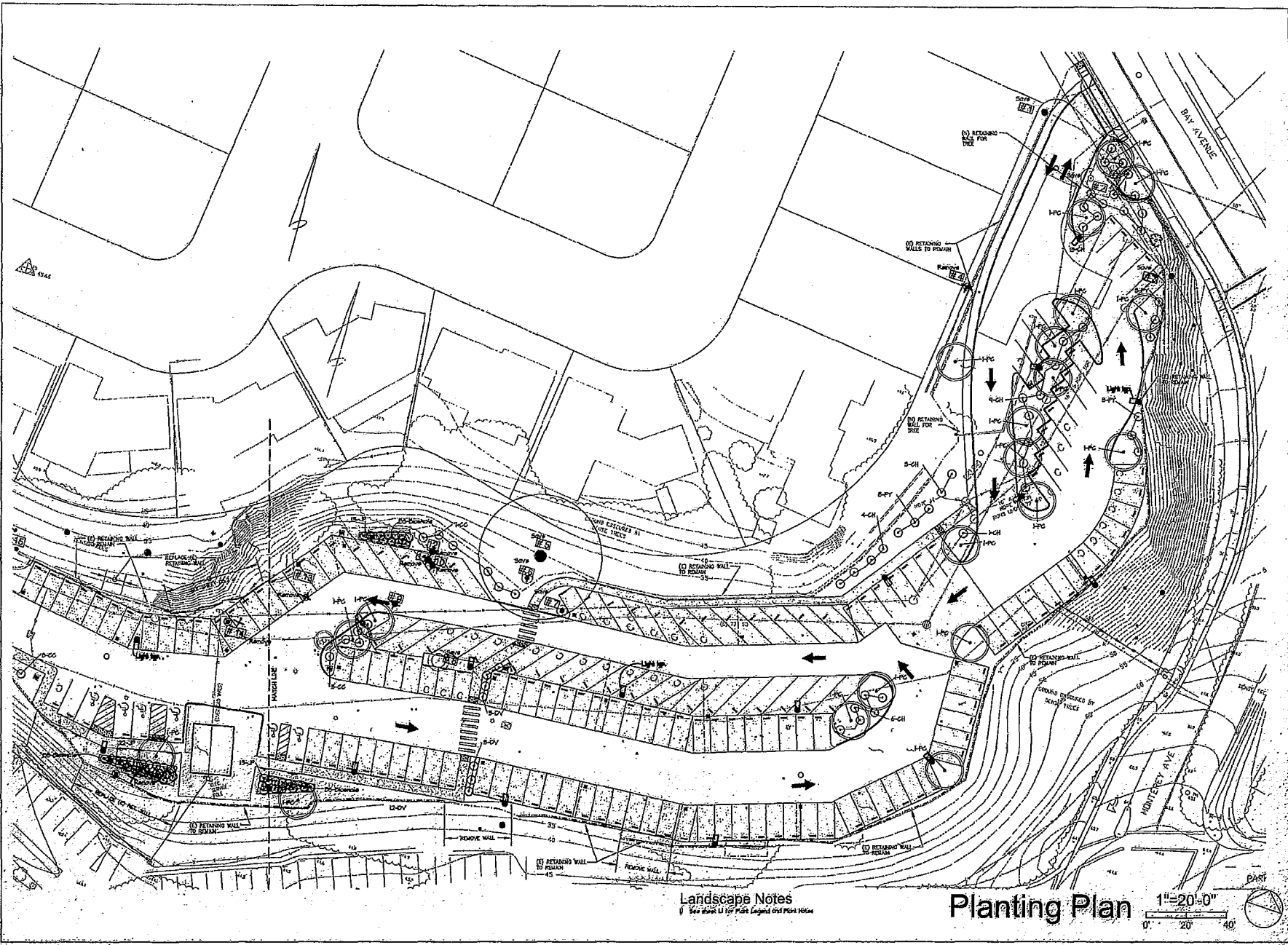
Tree Planting
No Scale

- 8 - 12 hours before installation water all plants while still in containers thoroughly with root ball.
- 80% full of water. Do not allow the container to sit on the side. The container of the container the plants were delivered in.
- Cover holes in the soil of the hole with 1/2 inch of soil.
- Remove root ball carefully from container with support from below. Do not dig cutting roots (1/2 inch or greater) with sharp tools. Do not cut roots apart. The growing of large roots will encourage the roots of the plant. Keep the roots in the hole and on top of root ball. Do not cut roots of surrounding soil. Do not cut roots. Do not cut roots.
- The ground surface with height not to 1/2 inch height and soil as you fill with around hole or soil being removed to disturb root ball.
- Put back fertilizer to the bottom of the hole adjacent to root ball end of hole of hole (1/2 inch hole per 1/2 gal. or 1/2 inch hole per 1/2 inch of color water. Fill this mixture at the hole with height of hole.
- Water thoroughly by filling the hole and allowing the water to percolate in, doing this 3 times or more until soil is moist and soil is wet.
- Water plants with 1/2 inch water and the tree. Do not damage the tree and the plants with 1/2 inch water each other. Cut off tops of stakes if necessary to lower below ground. Do not allow to be pulled by stakes. Install stakes as they are straight up and don't lean in to each other.

Tree Planting
No Scale



Planting Plan
1" = 20'-0"
0' 20' 40'



Landscape Notes
 1 See sheet L1 for Plant Legend and Plant Notes

Planting Plan

1"=20'-0"
 0' 20' 40'

Revision

GREGORY LEWIS LANDSCAPE ARCHITECT, INC.
 1000 S. GATEWAY AVENUE, SUITE 100, SAN FRANCISCO, CA 94107
 (415) 774-1100
 www.gregorylewis.com

GL

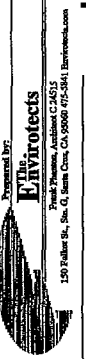
PL

Pacific Cove Lower Parking Lot

Capitola, CA

L2

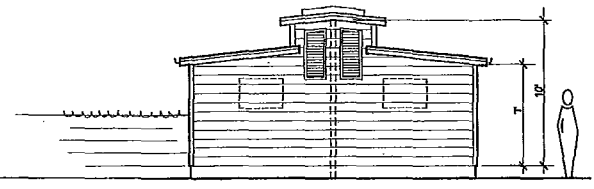
Revisions	17



APN 095-141-55

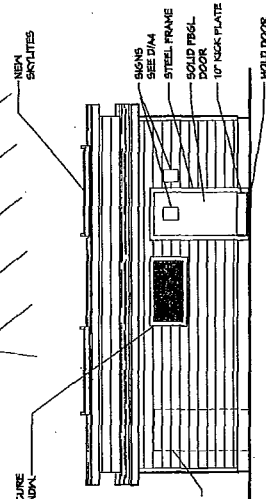
REMODEL EXISTING BATH FOR:
CITY OF CAPITOLA
504 BULLAH DRIVE
CAPITOLA, CA 95010

Date	03/04/13
Scale	AS NOTED
Drawn	duMont
Job	BATH III
Sheet	A3



NORTH ELEVATION

1/4" = 1'-0"



EAST ELEVATION

1/4" = 1'-0"

NOTE:
ALL EXISTING
INTERIOR WALLS &
FIXTURES REMOVED
NOT SHOWN FOR CLARITY
SEE SHT. A2 FOR EXISTING

DIRECTION OF
SURFACE DRAINAGE
TYP.

SHUTTLE STOP



GAS METER
REMOVED

INDICATES
LENGTH OF
SHEAR WALL

TYP. FLYND. &
SHEAR NAILING:

FLYND. TYPE Δ
1/2" FLYND. NAIL:
8d @ 6" EDGES
8d @ 12" FIELD

INDICATES HOLDDOWN TO 2-x STUDS

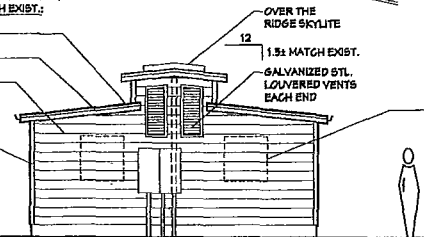
SURFACE DRAINAGE
INTO PROPOSED
BOSWALE

FLOOR PLAN

1/4" = 1'-0"

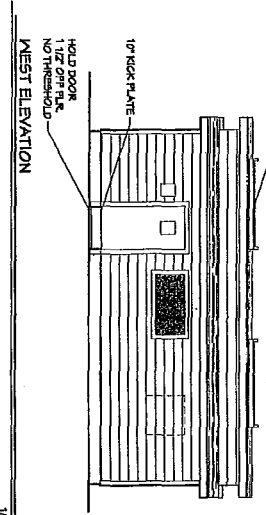
TYPICAL EXT. MTL'S. TO MATCH EXIST.:

- ASPHALT COMP. SHINGLES
- PAINTED WOOD FASCIA
- 1x8 HARDPLANK LAP SIDING
- PAINTED WOOD TRIM



SOUTH ELEVATION

1/4" = 1'-0"



WEST ELEVATION

1/4" = 1'-0"

PROPOSED BATH

Excerpt of DRAFT Planning Commission Minutes of the March 7, 2013 meeting.

- B. 426 CAPITOLA AVENUE #13-019 APN: 035-141-33**
Certification of a Negative Declaration, Coastal Development Permit, Architectural and Site Review and a Conditional Use Permit for approval of a temporary parking lot in the MHE (Mobile Home Exclusive) Zoning District.
This project requires a Coastal Permit which is not appealable to the California Coastal Commission.
Environmental Determination: Negative Declaration
Property Owner: City of Capitola, filed: 1/30/13

This item was heard following 5.C.

Commissioners Graves and Ortiz recused themselves due to the proximity of their homes to the project.

General Plan Coordinator Westman presented the staff report. She noted that while this is a city project on city property, the state's Coastal Act now requires a coastal permit because of its cost. The city received two comment letters, one from Santa Cruz County Zone Five and one from the Army Corps of Engineers. She also noted this is the first project subject to more stringent storm water management requirements and incorporates porous pavement in the parking space areas.

Public Works Director Steve Jesberg elaborated on the plan. He explained it features turnarounds at both the Capitola Avenue and Bay Avenue ends, including room for improved fire access. In addition, the city will remodel the existing restrooms.

Chairperson Routh asked what the traffic impact will be to the Bay/Monterey Avenue intersection. Director Jesberg responded that a study showed the service level would remain at a C, and Coordinator Westman added that the Bay Avenue exit will be right turn only with signage to lead drivers to Highway 1 by way of Park Avenue.

Commissioner Smith asked if the city has considered using the turnaround area for shuttles rather than traversing the parking lot. Director Jesberg said the department can look into that possibility. She also noted that the County's project on East Cliff has replaced the decomposed granite with a product called GraniteCrete to reduce dust, and asked if that had been considered for the pathway. Director Jesberg said the primary goal is to optimize drainage, but he will research the option.

Chairperson Routh opened the public hearing.

Public comment:

Nels Westman praised the process to create and discuss this project, and encouraged approval of the certification and permits. He said he is hopeful both the Planning Commission and City Council will support the project allowing the temporary lot to be in service this summer.

Commission comment:

Commissioner Smith said she finds many great elements in the plan and is pleased with the number of parking spaces. She expressed belief that once a temporary lot is in use, it will show the community what life is like with enough parking and will make support for a permanent structure more attainable. She emphasized the importance of signage, particularly the universal blue parking signs, to direct visitors to the lot.

Chairperson Routh noted he was active in the city decades ago when Pacific Cove was originally purchased with the intention of using it for parking and said this project is a great step forward.

A motion to certify the negative declaration and approve a Coastal Development Permit, Architectural and Site Review and a Conditional Use Permit for project application #13-019 with the following conditions and findings was made by Commissioner Smith and seconded by Commissioner Welch.

CONDITIONS

1. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions
2. All lighting shall be shielded and directed away from adjacent residential properties.
3. Measures must be in place to protect existing trees to be retained; especially the larger cypress and oak trees, in order to minimize damage to the trees and their root zones during construction as recommended by a certified arborist.
4. If archaeological resources or human remains are accidentally discovered during construction, work shall be halted within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented. Disturbance shall not resume until the significance of the archaeological resources is determined and appropriate mitigations to preserve the resource on the site are established. If human remains are encountered during construction or any other phase of development, work in the area of discovery must be halted, the Santa Cruz County coroner notified, and the provisions of Public Resources Code 5097.98-99, Health and Safety Code 7050.5 carried out. If the remains are determined to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours as required by Public Resources Code 5097.
5. Implement erosion control measures, including, but not limited to: conduct grading prior to the rainy season if possible; protect disturbed areas during the rainy season; implement other Best Management Practices (BMPs) during construction to protect water quality; and immediately re-vegetate disturbed areas.
6. Construction activity shall be limited to 8:00 a.m. to 5:00 p.m. Monday thru Friday. There will be no weekend work.
7. Final design details for retaining walls, landscaping, lights, drainage design and pavement materials shall be approved by the Community Development Director and Public Works Director.
8. Require implementation of "Best Management" construction practices to control dust and PM10 emissions during grading and site development. The MBUAPCD identifies the following construction practices to control dust:
 - Water all active construction areas at least twice daily;
 - Prohibit all grading activities during periods of high winds (over 15 mph);
 - Cover all trucks hauling dirt, sand or loose materials
 - Cover or water stockpiles of debris, soil and other materials which can be windblown;
 - Sweep streets if visible soil material is carried out from the construction site;
 - Plant vegetation grown cover in disturbed areas as soon as possible.

Local Coastal Plan Findings:

D. Findings Required. A coastal permit shall be granted only upon adoption of specific written factual findings supporting the conclusion that the proposed development conforms to the certified Local Coastal Program, including, but not limited to:

- The proposed development conforms to the City's certified Local Coastal Plan (LCP). The specific, factual findings, as per CMC Section 17.46.090 (D) are as follows:

(D) (2) Require Project-Specific Findings. In determining any requirement for public access, including the type of access and character of use, the city shall evaluate and document in written findings the factors identified in subsections (D) (2) (a) through (e), to the extent applicable. The findings shall explain the basis for the conclusions and decisions of the city and shall be supported by substantial evidence in the record. If an access dedication is required as a condition of approval, the findings shall explain how the adverse effects which have been identified will be alleviated or mitigated by the dedication. As used in this section, "cumulative effect" means the effect of the individual project in combination with the effects of past projects, other current projects, and probable future projects, including development allowed under applicable planning and zoning.

- Public access will be improved by this proposed project. The proposed project is located inland of the beach area and within the existing city hall complex and is within walking distance to the beach. The project will increase the amount of available parking for beach visitor by 233 spaces. It will allow for a more desirable shuttle bus operation and reduce headway times. No easements for coastal access, or other public access ways, are required or necessary.

(D) (2) (a) Project Effects on Demand for Access and Recreation. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development. Analysis of the project's effects upon existing public access and recreation opportunities. Analysis of the project's cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach resources, and upon the capacity of major coastal roads from subdivision, intensification or cumulative build-out. Projection for the anticipated demand and need for increased coastal access and recreation opportunities for the public. Analysis of the contribution of the project's cumulative effects to any such projected increase. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities;

- This project will make it possible for more people to have access to the beach and its various recreational opportunities.

(D) (2) (b) Shoreline Processes. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character,

extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project, alone or in combination with other anticipated changes, will have upon the ability of the public to use public tidelands and shoreline recreation areas;

- The proposed development is not located near the shoreline and is already a developed area; therefore the proposed project will not affect the shoreline process.

(D) (2) (c) Historic Public Use. Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal). Evidence of the type and character of use made by the public (vertical, lateral, bluff top, etc., and for passive and/or active recreational use, etc.). Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use);

- The site is owned by the City of Capitola and is part of the existing City Hall Complex. The new parking lot will open this area to the public for its use.

(E)(2) (d) Physical Obstructions. Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;

- The proposed project site is already developed and is located inland of the first public road; therefore the proposed development will not impede or block public access to local tidelands, public recreation areas, or other public coastal resources, or to see the shoreline.

(D) (2) (e) Other Adverse Impacts on Access and Recreation. Description of the development's physical proximity and relationship to the shoreline and any public recreation area. Analysis of the extent of which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public's use of tidelands or lands committed to public recreation. Description of any alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.

- The proposed development is located in an existing built-out area. The proposed project site is surrounded by the development of single-family homes or City Hall. The proposed project will not adversely impact access and/or recreational opportunities.

(D) (3) (a – c) Required Findings for Public Access Exceptions. Any determination that one of the exceptions of subsection (F) (2) applies to a development shall be supported by written findings of fact, analysis and conclusions which address all of the following:

a. The type of access potentially applicable to the site involved (vertical, lateral, bluff top, etc.) and its location in relation to the fragile coastal resource to be protected, the agricultural use, the public safety concern, or the military facility which is the basis for the exception, as applicable;

b. *Unavailability of any mitigating measures to manage the type, character, intensity, hours, season or location of such use so that agricultural resources, fragile coastal resources, public safety, or military security, as applicable, are protected;*

c. *Ability of the public, through another reasonable means, to reach the same area of public tidelands as would be made accessible by an access way on the subject land.*

- The project is not requesting a Public Access Exception, therefore these findings do not apply

(D) (4) (a – f) Findings for Management Plan Conditions. Written findings in support of a condition requiring a management plan for regulating the time and manner or character of public access use must address the following factors, as applicable:

- a. *Identification and protection of specific habitat values including the reasons supporting the conclusions that such values must be protected by limiting the hours, seasons, or character of public use;*
- b. *Topographic constraints of the development site;*
- c. *Recreational needs of the public;*
- d. *Rights of privacy of the landowner which could not be mitigated by setting the project back from the access way or otherwise conditioning the development;*
- e. *The requirements of the possible accepting agency, if an offer of dedication is the mechanism for securing public access;*
- f. *Feasibility of adequate setbacks, fencing, landscaping, and other methods as part of a management plan to regulate public use.*

- No Management Plan is required; therefore these findings do not apply

(D) (5) Project complies with public access requirements, including submittal of appropriate legal documents to ensure the right of public access whenever, and as, required by the certified land use plan and Section 17.46.010 (coastal access requirements);

- No legal documents to ensure public access rights are required for the proposed project

(D) (6) Project complies with visitor-serving and recreational use policies;

Policy 17, Pg. 15 of the 1989 City General Plan, states that, "Areas designated as visitor serving and/or recreational shall be reserved for visitor support services or recreational uses. Permissible uses include, but are not limited to hotels, motels, hostels, campgrounds, food and drink service establishments, public facilities, public beaches, public recreation areas or parks, and related rental and retail establishments. Residential uses are also permitted on dual designated visitor-serving/residential parcels; specifically, a portion of the El Salto Resort, and in the Village area. Development can be accomplished through private or public means".

- The project will enhance visitor servicing uses.

(D) (7) Project complies with applicable standards and requirements for provision of public and private parking, pedestrian access, alternate means of transportation and/or traffic improvements;

- The project will enhance public access to the beach. It will improve the operation of the shuttle bus system and should overall improve traffic congestion issues in the Village area.

(D) (8) Review of project design, site plan, signing, lighting, landscaping, etc., by the city's architectural and site review committee, and compliance with adopted design guidelines and standards, and review committee recommendations;

- The project's design, site plan, landscaping, will be receiving an Architectural and Site Review permit from the Planning Commission.

(D) (9) Project complies with LCP policies regarding protection of public landmarks, protection or provision of public views; and shall not block or detract from public views to and along Capitola's shoreline;

- No public landmarks are affected by the project. Public views of Capitola's shoreline are not blocked by the project as there are no designated public viewing areas at the project site. Therefore, the project will not block or detract from public views to and along Capitola's shoreline.

(D) (10) Demonstrated availability and adequacy of water and sewer services;

- Both water and sewer service are currently available and provided for the site. The site is currently served by sewer services and can accommodate the additional development.

(D) (11) Provisions of minimum water flow rates and fire response times;

- A fire hydrant is located nearby. Central Fire Department has an existing Station approximately 600-feet away from the site on Capitola Avenue. There will be no habitable or occupied structures as part of this development. The only structure on site is a rest room building.

(D) (12) Project complies with water and energy conservation standards;

- All lighting and plumbing fixed will meet the City's current green building standards.

(D) (13) Provision of park dedication, school impact, and other fees as may be required;

- None are required.

(D) (14) Project complies with coastal housing policies, and applicable ordinances including condominium conversion and mobile home ordinances;

- Not applicable.

(D) (15) Project complies with natural resource, habitat, and archaeological protection policies;

- The project is outside of the City's identified Sensitive Habitat Zone and no natural or cultural resources are present.

(D) (16) *Project complies with Monarch butterfly habitat protection policies;*

- The project is outside of any identified sensitive habitat areas.

(D) (17) *Project provides drainage and erosion and control measures to protect marine, stream, and wetland water quality from urban runoff and erosion;*

- The project will comply with all applicable erosion control measures. The new development will include a new drainage system which will comply with Storm Water Regulations.

(D) (18) *Geologic/engineering reports have been prepared by qualified professional for projects in seismic areas, geologically unstable areas, or coastal bluffs, and project complies with hazard protection policies including provision of appropriate setbacks and mitigation measures;*

- The project is not located within a geologically unstable area or on a coastal bluff.

(D) (19) *All other geological, flood and fire hazards are accounted for and mitigated in the project design;*

- The project is located within a tsunami and flood zone but will contain no occupied structure other than rest room facilities.

(D) (20) *Project complies with shoreline structure policies;*

- The proposed development is not located on or near the shoreline and therefore does not require compliance with shoreline structure policies

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

- Public Facilities are permitted in the MHP zoning district with a conditional use permit.

(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, and project development review and development procedures.

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

- (h) The proposed development shall improve the availability of public parking.

A. Conditional Use Permit Findings

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

Community Development Department Staff and the Planning Commission have all reviewed the project. The project conforms to the development standards of the MHP (Mobile Home Park) Zoning District. Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood.

B. This project is being approved based on a Negative Declaration.

An initial study and negative declaration have been prepared, circulated and certified for the project.

C. The application, subject to the conditions imposed, will secure the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.

Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project conforms to the development standards of the MHE (Mobile Home Exclusive) Zoning District and is permissible with the issuance of a Conditional Use Permit, carrying out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

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

Community Development Department Staff and the Planning Commission have all reviewed the project. The site has been used Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood.

E. This project is categorically exempt under Section 15303 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.

An initial study and negative declaration have been prepared, circulated, public notice and certified for this project. No adverse environmental impacts were discovered during review of the proposed project

The motion carried by the following vote: Aye: Commissioners Smith and Welch and Chairperson Routh. No: None. Abstain: None.



CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 28, 2013

FROM: DEPARTMENT OF PUBLIC WORKS

SUBJECT: LOWER PACIFIC COVE PARKING LOT PROJECT; APPROVE PROJECT SCOPE, ESTIMATE, ADOPTION OF RESOLUTION TO SUBMIT THE IBANK APPLICATION; AND APPROVE PROJECT FINANCING PLAN INCLUDING AND AUTHORIZE ADVERTISING FOR BIDS

RECOMMENDED ACTION: take the following actions:

1. Review the project design and cost and approve a final project scope; and
2. Adopt a Resolution authorizing the City Manager to submit a final application to the State IBank program in an amount determined by the approved scope; and
3. Authorize the refinancing of the Pacific Cove Debt with Santa Cruz County Bank changing the interest rate from 5.14% to 3.25%;and
4. Authorize the Public Works Department to advertise the project for construction bids based on the scope of project determined by the City Council.

BACKGROUND: Since last August, City staff has been working on the Lower Pacific Cove Parking Lot Project. This project will construct a 226 space temporary parking lot on the property that was previously the Pacific Cove Mobile Home Park. The Negative Declaration, Coastal Development Permit and Use Permits for this project are being considered by the City Council as a separate item on this agenda.

DISCUSSION The project plans are approximately 75% complete and include 226 parking spaces, street lighting, landscaping, public restroom, relocation of a coach for Police Department uses, pay station deployment, and minor improvements to the upper lot. The original cost estimate for the project completed prior to the design work was \$1.07 million. Based on the current design quantities the cost, now breakdown as follows:

Item	Original Estimate	Current Estimate
Planning, Permitting, & Engineering	\$ 70,000	\$ 100,000
Parking Lot Grading & Surfacing	\$ 437,000	\$ 845,000
Appurtenant Elements	\$ 199,000	\$ 225,000
Upper Parking Lot Improvements	\$ 305,000	\$ 120,000
Contingency	\$ 59,000	\$ 40,000
Financing Costs		\$ 42,500
Total	\$1,007,000	\$1,372,500

The biggest reason for the increase is the cost of constructing storm water flow and treatment facilities now required by Federal and State laws. Large scale projects, those involving over 25 parking spaces are required to mitigate all pollutant and hydrologic impacts to pre-development (bare dirt) levels. These improvements account for approximately \$200,000 of the additional costs. The other increases are due to higher than anticipated costs associated with lighting and landscaping. A detail breakdown of the estimate (Attachment 1) compares the original estimate with current estimate.

Item #: 9.B. Staff Report.pdf

03-28-13 CITY COUNCIL AGENDA ITEM
 LOWER PACIFIC COVE PARKING LOT PROJECT

All or some of the following elements of the project could be deferred to lower the costs:

Item	Cost Savings
Restroom Renovation	\$ 75,000
Partial PD coach remodel	\$ 25,000
Upper Parking Lot Pedestrian Impvts	\$ 30,000
Upper Parking Lot Paystations	\$ 90,000
Total	\$220,000

Staff recommends the City Council decide on a final scope of project based on the new estimate of costs so that a final set of plans can be prepared. Staff is further recommending the City Council authorize bidding the project, based on the approved scope to streamline the construction process. If the bids come in at or below the estimate, construction can begin. If the costs come in high, staff and the low-bid contractor can work to develop further cost savings for the Council's consideration. Based on receiving acceptable bids, and being able to begin construction in May or early June, it is anticipated the parking lot could be open before the end of summer.

FISCAL IMPACT: Financing for this project can be obtained through a low interest rate loan through the California Infrastructure and Economic Development Bank (IBank). The City has successfully completed the preliminary application process and has been invited to proceed with a formal loan application. The estimated payment on a \$1.3 million dollar loan at a 2.25% interest rate is approximately \$83,600. If Council approves the attached Resolution, it will allow the City Manager to execute IBank documents to fund the Pacific Cove Parking Lot Project. If the IBank's rate exceeds the 2.5%, staff will return to Council prior to executing the final documents.

As part of the project funding plan, staff has identified additional cost-savings or revenue-generating strategies that could reduce the debt service's impact to the general fund less than \$15,000. This includes refinancing the original \$2.39 million dollar taxable debt with Santa Cruz County Bank to a lower non-taxable obligation. The refinancing would result in an interest rate reduction from 5.14% to 3.25% for nine years, with a nine-year interest savings of \$350,281. In addition, the 10 year reset rate would be reduced from the Treasury Bill rate + 3% to the Treasury Bill rate + 1.5%. If the City were to choose an alternate lender at this time, we would be assessed a 5% penalty. Additional offsets to the annual debt service include revenue from the new parking spaces, as well as reductions in shuttle lot leasing and storage costs.

An overview of these strategies is provided below:

Element	Amount
Estimated annual debt service - New Pacific Cove Parking Lot loan @ 2.25%	\$88,032
Refinancing \$2.39 million debt with Santa Cruz County Bank	(28,250)
Projected parking space revenue (226 spaces @ \$161 space)	(36,400)
Terminate beach shuttle lot lease	(5,000)
Reduce storage costs	(4,000)
Estimated Annual General Fund Costs	\$14,382

The estimated financing and refinancing costs that have been incorporated into the loan amount

3-28-13 CITY COUNCIL AGENDA ITEM
 LOWER PACIFIC COVE PARKING LOT PROJECT

includes:

Element	Amount
Bond Counsel	\$12,500
Appraisal (Corporation Yard)	5,000
Title Insurance (Corporation Yard)	4,000
Lender Fees (IBank / Santa Cruz County Bank)	21,000
Estimated Financing/Refinancing Costs	\$42,500

Staff reviewed the refinancing plan with the Finance Advisory Committee (FAC) at their March 19, 2013 meeting. The FAC recommended financing the Pacific Cove Parking Lot Project with IBank funding, as well as refinancing the Santa Cruz County Bank debt at 3.25%.

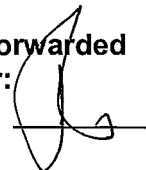
ATTACHMENTS

1. Estimated Project Costs
2. Financing Overview
3. Proposal from Santa Cruz County Bank
4. Resolution Authorizing Submission of an IBank application

**Report Prepared By: Steven Jesberg
 Public Works Director**

**Tori Hannah
 Finance Director**

**Reviewed and Forwarded
 By City Manager:**



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Engineer's Estimate

<u>Item</u>	<u>Description</u>	City Original Est	City Revised Est	Possible Deducts
<u>Planning & Engineering</u>				
	Planning and Permitting	\$ 10,000	\$ 15,000	
	Engineering	\$ 60,000	\$ 100,000	
	Pre-construction	\$ 70,000	\$ 100,000	
<u>Construction</u>				
<u>Lower Lot</u>				
1	Mobilization	\$ 45,000	\$ 50,000	
2	Clearing, Grading and site preparation	\$ 50,000	\$ 130,000	
3	Grading			
4	Paving	\$ 207,000	\$ 190,000	
5	Water Quality Improvements	\$ 25,000	\$ 200,000	
6	Storm Drainage Improvements	\$ -	\$ 95,000	
7	AC Dike and curbing	\$ -	\$ 25,000	
8	Lighting	\$ 45,000	\$ 80,000	
9	Landscaping	\$ 25,000	\$ 35,000	
10	Signage & Striping	\$ 40,000	\$ 40,000	
	Parking Lot Construction	\$ 437,000	\$ 845,000	
11	Restroom renovation	\$ 75,000	\$ 75,000	\$ 75,000
12	Shuttle stops	\$ 9,000	\$ 10,000	
13	Relocate Coach	\$ 25,000	\$ 50,000	\$ 25,000
14	Pay Stations	\$ 90,000	\$ 90,000	
	Appurtenant Elements	\$ 199,000	\$ 225,000	
<u>Upper Lot</u>				
15	Lighting	\$ 15,000		
16	Pedestrian Improvements	\$ 200,000	\$ 30,000	\$ 30,000
17	Paystations	\$ 90,000	\$ 90,000	\$ 90,000
	Upper Lot Improvements	\$ 305,000	\$ 120,000	
	Financing Costs		\$ 42,500	
	Contingency	\$ 59,000	\$ 40,000	
		\$ 1,070,000	\$ 1,372,500	\$ 220,000
<u>Retainng Wall Repairs from Storm Drain Failure</u>				
18	Slide & Retaining Wall Replacement	\$ 175,000	\$ 175,000	
19	Site Retaining Wall	\$ 25,000	\$ 25,000	
		\$ 200,000	\$ 200,000	

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March 14, 2013

Tori Hannah
 City of Capitola
 420 Capitola Ave,
 Capitola, CA 95010

Re: Note#900380400

Dear Ms. Hannah,

Thank you for allowing Santa Cruz County Bank the opportunity to make this proposal to the City of Capitola. We would like to set forth some proposed terms and conditions for the credit facilities under discussion. Santa Cruz County Bank ("the Bank") is interested in expanding a banking relationship with The City of Capitola ("Borrower") and will formally consider the banking services described below. Please note that this letter is not intended to constitute a commitment or offer to lend on the part of the Bank, but rather to summarize for discussion purposes the credit accommodation, which we are interested in considering at this time. The Bank's proposal to make credit facilities available is subject to the approval of its Loan Committee, and any commitment to lend will be made in writing.

Credit Facility: \$2,390,000 Refinance of existing note (current balance \$2,321,948.73)

Purpose Refinance/modification of existing debt to tax exempt status and reduce interest rate.

Repayment Terms: Continue existing 20 year fully amortized obligation

Reduce interest rate from 5.16% to 3.25% fixed through 3/23/2022.
 Rate to reset to the 10 year Treasury Bill (currently 1.96%) plus a spread of 1.50% with a floor rate of 3.25%.

\$13,555.98 monthly P&I payments.

Alternate Payment Option: At the City's choice, semi-annual payments are available.

Prepayment: 5% Pre-payment penalty in Years 1 - 3
 2% Pre-payment penalty in Year 4
 1% Pre-payment penalty in Year 5
 All pre-payment penalties would be waived in Years 1-5, if the City refinanced with SCCB

Closing Costs/Fee: \$1,000.00 Loan refinance/modification fee. Legal review cost of not greater than \$500.00 to be paid by City.

Collateral Unchanged. Assignment of Leased Asset to Santa Cruz County Bank. Leased asset is identified as Capitola City Hall and adjoining parking lot (Facility). Substitution of leased asset to be permitted under defined terms and conditions. Assignment to be perfected against real property.

Put your money where your life is.





March 14, 2013
City of Capitola
Page 2

Insurance: Unchanged. City of Capitola will provide required insurance including property, casualty and rental interruption insurance. No flood or earthquake insurance will be required unless mandated by Federal Bank Regulations.


All other conditions to remain unchanged

This proposal letter is provided solely for the purpose described herein and may not be disclosed to or relied upon by any other party without the Bank's prior written consent. This proposal is intended to form the basis for a discussion of a credit accommodation, and further negotiations adding to or modifying the general scope of the major terms shall not be precluded by the issuance of this Proposal Letter. The Bank's proposal to make credit facilities available is subject to the approval of its Loan Committee, and any commitment to lend will be made in writing.

Your acceptance of this proposal shall be evidenced by execution and return of this letter on or before **April 14, 2013**. Please note, this proposal letter shall also expire on April 14, 2013.

Once again than you for allowing Santa Cruz County Bank to make this proposal available to the **City of Capitola**. Please feel free to contact us with any questions you may have. We look forward to providing this credit facility to one of our valued local government agencies.

Sincerely,


Angelo DeBernardo
Senior Vice President
Senior Lending Officer

Accepted By:

Jamie Goldstein
City of Capitola
City Manager

cc: David Heald, President & CEO of Santa Cruz County Bank

Put your money where your life is.



RESOLUTION NO. ____

A RESOLUTION OF THE CITY OF CAPITOLA AUTHORIZING THE SUBMISSION OF THE APPLICATION TO THE CALIFORNIA INFRASTRUCTURE AND ECONOMIC DEVELOPMENT BANK FOR FINANCING OF PACIFIC COVE PARKING LOT PROJECT, DECLARATION OF OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES FROM PROCEEDS OF OBLIGATION, AND APPROVING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the California Infrastructure and Economic Development Bank ("I-Bank") administers a financing program to assist local governments with the financing of Public Development Facilities as described in Section 63000 *et seq.* of the California Government Code (the "Act"); and,

WHEREAS, the I-Bank has instituted an application process for financing under its Infrastructure State Revolving Fund Program ("ISRF Program"); and,

WHEREAS, the City of Capitola ("Applicant") desires to submit an application ("Financing Application") to the I-Bank from the ISRF Program for the financing of the Pacific Cove Parking Lot Project ("Project") in an amount not to exceed \$1,373,000; and,

WHEREAS, the Act requires the Applicant to certify by Resolution certain findings prior to a Project being selected for financing by the I-Bank; and,

WHEREAS, the Applicant expects to pay certain expenditures ("Reimbursement Expenditures") in connection with the Project prior to incurring indebtedness for the purpose of financing costs associated with the Project on a long-term basis; and

WHEREAS, the Applicant reasonably expects that a financing arrangement ("Obligation") in an amount not expected to exceed \$1,373,000 will be entered into and that certain of the proceeds of such Obligation will be used to reimburse the Reimbursement Expenditures; and

WHEREAS, the ISRF Program requires funding sources, other than the I-Bank financing, be identified and approved prior to Project financing approval by the I-Bank Board.

NOW, THEREFORE, the City of Capitola does resolve as follows:

Section 1. The City of Capitola hereby approves the filing of an ISRF Program Financing Application with the I-Bank for the Project; and in connection therewith certifies:

- a. The Project is consistent with the General Plan of both the City of Capitola and the County of Santa Cruz;
- b. The proposed financing is appropriate for the Project;
- c. The Project facilitates effective and efficient use of existing and future public resources so as to promote both economic development and conservation of natural resources;
- d. The Project develops and enhances public infrastructure in a manner that will attract, create, and sustain long-term employment opportunities; and
- e. The Project is consistent with the I-Bank's Criteria, Priorities and Guidelines for the ISRF Program.

Section 2. The Applicant hereby declares its official intent to use proceeds of the Obligation to reimburse itself for Reimbursement Expenditures. This declaration is made solely for purposes of establishing compliance with the requirements of Section 1.150-2 of the Treasury Regulations. This declaration does not bind the Applicant to make any expenditure, incur any indebtedness, or proceed with the Project.

Section 3. All of the Reimbursement Expenditures were made no earlier than 60 days prior to the date of this Declaration. The Applicant will allocate proceeds of the Obligation to pay Reimbursement Expenditures within eighteen (18) months of the later of the date the original expenditure is paid or the date the Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid.

Section 4. That the Applicant has available and commits not to exceed \$2,390,000 to the Project from debt proceeds received for the Pacific Cover Mobile Home Relocation phase of this project.

Section 5. Jamie Goldstein, City Manager, is hereby authorized and directed to act on behalf of the City of Capitola in all matters pertaining to this application.

Section 6. If the application is approved, City Manager Goldstein is authorized to enter into and sign the financing documents and any amendments thereto with the I-Bank for the purposes of this financing.

Section 7. This Resolution shall become effective immediately upon adoption.

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 28th day of March, 2013, by the following vote:

PASSED, APPROVED and ADOPTED this 28 day of March, 2013 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Stephanie Harlan, Mayor

ATTEST:

_____, CMC
Susan Sneddon, City Clerk



CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 28, 2013

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: APPROVE FOR A FIRST READING MODIFICATIONS TO THE ZONING ORDINANCE SECTION 17.39 REGARDING PLANNED DEVELOPMENTS

RECOMMENDED ACTION: Approve for a first reading the proposed amendments to Section 17.39 of the Zoning Ordinance regarding Planned Development.

BACKGROUND: At the City Council meeting on February 14, 2013, the City Council directed staff to move forward with modifications of the City's Planned Development Ordinance to allow Planned Development projects denied by the Planning Commission to be appealed to the City Council.

DISCUSSION: The Planning Commission held a noticed public hearing on March 7, 2013, to consider modifications drafted by the City Attorney to allow Planning Commission decisions related to Planned Developments to be appealed to the City Council. The Planning Commission unanimously recommended that the City Council adopt the proposed amendments to the Plan Development Ordinance.

If approved, this Ordinance will return to the Council April 11, 2013, for a second reading and authorization to submit the changes as an amendment to the City's Local Coastal Plan. The Ordinance will become effective in the areas not in the Coastal Zone on May 11, 2013. As 38th Avenue is not in the Coastal Zone, it is anticipated the applicant for the 38th Avenue Senior Housing Project will re-submit their project for a hearing at the Planning Commission on June 6. While this is a re-submittal of an application, no re-submittal fees are being charged for this project.

FISCAL IMPACT: N/A

ATTACHMENTS:

1. Ordinance showing the proposed modifications
2. Planning Commission Staff Report
3. Draft Minute excerpt from the March 7, 2013, Planning Commission meeting

Report Prepared By: Susan Westman
General Plan Coordinator

Reviewed and Forwarded
By City Manager

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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF CAPITOLA AMENDING SECTIONS 17.39.020, 17.39.030, 17.39.040, 17.39.050, 17.39.060 AND 17.39.080 OF THE CAPITOLA MUNICIPAL CODE AND ADDING SECTION 17.39.110 TO THE CAPITOLA MUNICIPAL CODE PERTAINING TO PLANNED DEVELOPMENT DISTRICT REGULATIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAPITOLA AS FOLLOWS:

Section 1. Section 17.39.020 of the Capitola Municipal Code is hereby amended to read as follows:

17.39.020 Standards and requirements.

The following provisions shall apply in a PD district:

A. A PD district may be established on parcels of land which are suitable for, and of sufficient size to be planned and developed in a manner consistent with the purposes of this chapter and the objectives of this title. No PD district shall include less than four acres of contiguous land unless the planning commission, ~~or and~~ the city council on appeal from the planning commission, finds that property of less than four acres is suitable as a PD district by virtue of its unique historical character, topography, land use or landscaping features.

B. No ordinance establishing a PD district shall be adopted by the city council unless there is on file with the city written consent of every property owner within such district at the time of adoption of the ordinance.

C. Standard for area, coverage, density, yard requirements, parking and screening for PD district uses shall be governed by the standards of the residential, commercial, or industrial zoning district(s) most similar in nature and function to the proposed PD district use(s), as determined by the planning commission, ~~or the city council on appeal from the planning commission~~. Standards for public improvements shall be governed by the applicable ordinances and laws of the city. Exceptions to these standards may be granted by the planning commission, or the city council on appeal from the planning commission, ~~and the city council are possible when these bodies find upon a finding~~ that such exceptions encourage a desirable living environment and are warranted in terms of the total proposed development or unit thereof. ~~(Ord. 388 § 13.02, 1975)~~

Section 2. Section 17.39.030 of the Capitola Municipal Code is hereby amended to read as follows:

17.39.030 Preliminary development plan approval.

The applicant shall submit a preliminary development plan to the planning commission for ~~an~~ approval in principle and the planning commission shall ~~so approve, following~~ consider the preliminary development plan at a public hearing, prior to the submission of a PD district rezoning application. The planning commission's decision to approve, conditionally approve or disapprove the preliminary development plan shall be appealable to the city council. The PD district rezoning application will not be considered absent a prior preliminary development plan approval. The filing fee for approval in principle shall be established by city council resolution. The tentative written consent of all property owners within the proposed PD district shall be on file with the city before staff study of a preliminary development plan is commenced. Approval in principle of the preliminary development plan shall be limited to general acceptability of the land uses proposed and their interrelationship, and shall not be construed to endorse precise location of uses, configuration of parcels, or engineering feasibility. Any preliminary development plan and text shall be prepared and endorsed by an architect, landscape architect or qualified urban planner and shall include the following information, as applicable, presented in a general, schematic method:

- A. Proposed land uses, population densities and building intensities;
- B. Proposed circulation pattern, indicating both public and private streets;
- C. Proposed parks, playgrounds, school sites, general landscaping and other open spaces;
- D. A market analysis or other acceptable data or statement of proposed commercial uses, if the property is not zoned for commercial purposes at the time of submittal of the preliminary development;
- E. Delineation of the units to be constructed in progression, if any;
- F. Relation to future land use in surrounding area and general plan.
(Ord. 388 § 13.03, 1975)

Section 3. Section 17.39.040 of the Capitola Municipal Code is hereby amended to read as follows:

17.39.040 General development plan and schedule approval.

- A. If from the facts presented, the planning commission, or the city council on appeal from the planning commission, is able to approve, in principle, the preliminary plan, with modifications as required by the planning commission, or the city council on appeal from the planning commission, the applicant may submit for rezoning classification. Otherwise, the preliminary development plan shall be denied.

B. Together with the application for rezoning classification, the applicant shall submit the following documents and supporting evidence, prepared and endorsed by the qualified professional team, which shall include an architect, civil engineer and landscape architect as appropriate:

1. A map with seven prints of a survey of the property showing existing features of the property, including specimen trees, structures, streets, easements, utility lines and land use;
2. A map with twelve prints of a general development plan which shall be in conformance with the approved preliminary development plan, showing, as appropriate, all the information required on the preliminary development plan, the approximate locations and proposed density of dwelling units, nonresidential building intensity; and the land use considered suitable in accordance with adjacent properties;
3. A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; estimated residential population by type of dwelling for each unit in of the PD district; estimated nonresidential population; proposed retail sales area and economic justification; anticipated timing for each unit; and standards for height, open space, building intensity, population density, and public improvements proposed for each unit of development;
4. Proposed type of construction, building height and area of each building or structure, and proposed distances between buildings and structures and distances to property lines shall be submitted in the general development plan;
5. Evidence that the applicant has sufficient control over the land to effectuate the proposed plan;
6. Site development and engineering feasibility studies as necessary. ~~(Ord. 388 § 13.04, 1975)~~

Section 4. Section 17.39.050 of the Capitola Municipal Code is hereby amended to read as follows:

17.39.050 Findings required.

The planning commission, after a public hearing, shall make a recommendation to approve, conditionally approve or deny ~~may recommend the~~ establishment of a PD district, ~~and the~~ The city council, after a public hearing, may by ordinance, establish a PD district, provided they city council finds that the facts submitted with the application and presented at the hearings establish that:

- A. The proposed PD district, or a given unit thereof, can be substantially completed within two years of the establishment of the PD district;
- B. That the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other zoning districts;
- C. That any exception from standard ordinance requirements is warranted by the design and amenities incorporated in the general development plan, ~~in accord with adopted policy of the planning commission and the city council~~;
- D. That the PD district and general development plan are compatible with the general plan of the city and the City's local coastal program. ~~(Ord. 685 § 4, 1989; Ord. 388 § 13.05, 1975)~~

In formulating its recommendation to the city council, the planning commission shall advise the city council with respect to each of the above-listed findings.

Section 5. Section 17.39.060 of the Capitola Municipal Code is hereby amended to read as follows:

17.39.060 Planning commission and city council action.

- A. If from the facts presented, the planning commission, or the city council on appeal from the planning commission, is unable to make the necessary findings, the application shall be denied.
- B. In taking action, the planning commission may deny-recommend denial of the general development plan and general development schedule as submitted, ~~or~~ may recommend approval of said plan ~~and schedule and schedule~~ subject to specific amendments, or may recommend approval.
- C. Major changes in the general development plan shall be considered the same as a change in the zoning map and shall be made in accordance with the provisions of this chapter.
- D. If no development has occurred to effectuate a PD district development within two years after the district is created, the planning commission shall review the PD approval action and determine whether or not the continuation of the subject a given PD district is in the public interest. The planning commission's determination may be appealed to the city council. Absent affirmative action by the planning commission, or the city council on appeal from the planning commission, the PD approval shall automatically expire.
- E. At the time of adopting any ordinance establishing a PD district, the city council shall make appropriate arrangements with the applicant;

~~to which will~~ insure the accomplishment, at the scheduled times, of the public improvements and grants of easement shown on the approved general development plan.

F. Fire zones shall be designated at the time of rezoning and such zones shall be delineated on the general development plan. (~~Ord. 388 § 13.06, 1975~~)

Section 6. Section 17.39.080 of the Capitola Municipal Code is hereby amended to read as follows:

17.39.080 Conditional uses.

All uses in a PD district are conditional uses, subject to the securing of a use permit as provided in Chapter 17.60. Use permit plans shall be prepared and endorsed by a qualified professional team, which shall include an architect, landscape architect and civil engineer, ~~as and~~ appropriate; ~~The use permit application~~ shall include but not necessarily be limited to the following:

A. Site plan, ~~;~~ showing buildings(s), various functional use areas, circulation, and their relationships;

B. Preliminary buildings plans including floor plans and exterior elevations;

C. Landscaping plans;

D. Engineering plans, ~~;~~ including site grading, street improvements, drainage and public utility extensions, ~~as necessary~~;

E. Minor changes may be approved by the planning commission, ~~or the city council on appeal from the planning commission,~~ ~~providing~~ the changes ~~are~~ ~~is~~ in accord with the intent expressed in the general development plan;

F. ~~Notation of a~~Any activity which includes any significant alteration of an historic feature;

~~G.~~ Within the coastal zone, any change in regulations concerning use or intensity of use for the planned development district shall require an LCAP amendment. (~~Ord. 685 § 5, 1989; Ord. 525 § 5 (part), 1982; Ord. 388 § 13.08, 1975~~)

Section 7. Section 17.39.110 ~~is~~ hereby added to the Capitola Municipal Code to read as follows:

"Section 17.39.110. Appeals.

All appeals to the city council taken pursuant to this chapter shall be subject to the requirements, and conducted in accordance with the procedures, set forth in Chapter 2.52 of this code.

Section 8. This ordinance shall take effect and be in full force on _____, 2013.

This ordinance was introduced on the ____ day of _____ 2013, and was passed and adopted by the City Council of the City of Capitola on the ____ day of _____, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Stephanie Harlan, Mayor

ATTEST:

_____, CMC
Susan Sneddon, City Clerk



STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: MARCH 7, 2013

SUBJECT: MODIFICATION TO THE PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW PLANNING COMMISSION DECISIONS TO BE APPEALED TO THE CITY COUNCIL.

PROPOSAL

The draft ordinance before you tonight was prepared by the City Attorney to allow Planning Commission decisions on Planned Development applications to be appealed to the City Council.

BACKGROUND

On September 6, 2012, the Planning Commission voted to deny an application for a 23 unit senior apartment complex on 38th Avenue. As a result of this denial, the City became aware that Planned Development applications cannot be appealed to the City Council if they receive a denial from the Planning Commission. The Planning Commission's decision is final on Planned Development applications if the decision is a denial of the application.

At the City Council meeting on February 14, 2013, the City Council directed staff to take an amended ordinance prepared by the City Attorney to the Planning Commission to start the process of amending the Planned Development ordinance to allow for appeals to the City Council when an application has been denied.

DISCUSSION

The City Attorney has provided a draft ordinance which would allow all Planning Commission decisions on Planned Development applications to be appealed to the City Council. The purpose of this change is to allow the project on 38th Avenue to be processed prior to the City completing its General Plan/Local Coastal Plan and Zoning Ordinance update. Under the proposed ordinance the 38th Avenue project would come back to the Planning Commission to be re-considered. If the Planning Commission repeated its denial of the project, the project could then go forward to the City Council on appeal.

The City Council indicated that they would like to see some additional modifications made to the Planned Development Ordinance as part of the zoning ordinance update which is being completed with the new General Plan. The Council indicated they would like to see the Planned Development Ordinance include a better set of findings for approving or denying an application. Planned Development applications are different from any other planning applications because they change the zoning on the property and create a unique set of zoning standards for that one

Item #: 9.C. Attach 2.pdf

PLANNING COMMISSION AGENDA REPORT: February 7, 2013 718 Capitola Avenue

parcel. They are the only planning applications where the standards for development are established by the Planning Commission and City Council as part of that application process. The lack of standards makes approvals of these kinds of projects more difficult because the application must be evaluated on its own merits. Findings must be made as to why this project should be approved even though it does not meet the requirements of the existing zoning district.

Amendments to the City's zoning ordinances become effective 30 days after the second reading of the City Council in the portions of Capitola which are not in the Coastal Zone. For properties within the Coastal Zone, the amendments do not become effective until approved by the California Coastal Commission. The property on 38th Avenue is not in the Coastal Zone. If the zoning ordinance amendment is approved, it is anticipated that the 38th Avenue project would be returning to the Planning Commission early in the summer.

The City's zoning language regarding amendments to the zoning ordinances are a bit antiquated.

"17.69.060 Decision and report.

Upon completion of the hearing the facts presented, the planning commission finds that public necessity, convenience, and general welfare or good zoning practices require the change or reclassification involved, or any portion thereof, the planning commission shall make a report on its findings and recommendations with respect to the proposed amendment, supplement, or change of regulations prescribed for such district or part thereof, and shall file with the city council an attested copy of such report within sixty days after the filing of the petition or the adoptions of the resolution as aforesaid."

Whatever recommendations or direction the Planning Commission feels is appropriate will be documented in the minutes and forwarded to City Council. Included with this report the Planning Commission needs to vote to either approve or deny the ordinance amendment. Submittal to the Coast Commission for a Local Coastal Plan amendment requires a vote of the Planning Commission.

RECOMMENDATION

Planning Commission to consider the draft amended ordinance, indicate any findings you want forwarded to the City Council and vote to either approve or deny the zoning ordinance amendment.

ATTACHMENTS

- A. Proposed modification to the Planned Development Ordinance prepared by the City Attorney.
- B. Staff Report presented to the City Council on February 14, 2013

**Report Prepared By: Susan Westman
General Plan Coordinator**

Excerpt of DRAFT Planning Commission Minutes of the March 7, 2013 meeting.

C. AMENDMENT TO CAPITOLA MUNICIPAL CODE CHAPTER 17.39 PERTAINING TO PLANNED DEVELOPMENT DISTRICT REGULATIONS

The Planning Commission will consider a Coastal Plan and Ordinance Amendment to the Capitola Municipal Code Chapter 17.39 amending Sections 17.39.020, 17.39.030, 17.39.040, 17.39.050, 17.39.060 and 17.39.080 of the Capitola Municipal Code and adding Section 17.39.110 to the Capitola Municipal Code pertaining to Planned Development District Regulations.

This project requires an amendment to the City's Local Coastal Plan.

Environmental Determination: Categorical Exemption

Applicant: City of Capitola

Representative: Susan Westman

This item was heard following item 5.A.

General Plan Coordinator Westman presented the staff report. Following the recent denial by the Planning Commission of a Planned Development District project on 38th Avenue, it came to the City's attention that Planned Development is the only major item in the zoning ordinance in which a Planning Commission denial is the final decision. This proposed zoning ordinance amendment addresses that appeal situation. She noted it does not add conditions nor eliminate the requirement for four acres or findings for smaller parcels.

Commissioner Graves expressed support for the required conditions and findings as currently outlined in the ordinance, saying they uphold the guiding principles of planned development. He said such requirements foster a discussion of the merits of a plan for the City and neighborhood.

Commissioner Welch asked if the commission should also consider other changes at this time, specifically the four-acre size requirement, given that few parcels in the city meet it.

Chairman Routh and Commissioner Graves expressed support for retaining the existing planned development size requirement and only addressing the appeal changes at this time.

Staff and commissioners noted that additional changes can be included in the upcoming General Plan revision.

Commissioner Smith supported the proposed changes as fair, but asked if when an item is appealed, the City Council sees modified plans rather than those denied. General Plan Coordinator Westman confirmed that the Council receives the full record of Planning Commission review, but noted that applicants have the right to make changes, often incorporating comments from the Planning Commission. City Council review is *de novo*, in essence a new hearing. She also clarified that the Planned Development request for 38th Avenue that resulted in the proposed amendment would have to come back to the Planning Commission as a new application under the amended ordinance should City Council make that change.

There was no public comment.

Chairperson Routh closed the public hearing.

A motion to recommend approval to the City Council of a Zoning Ordinance amendment to Capitola Municipal Code Chapter 17.39 pertaining to Planned Development District regulations as proposed by the City Attorney was made by Commissioner Graves and seconded by Commissioner Smith.

The motion carried by the following vote: Aye: Commissioners Graves, Ortiz, Smith, and Welch and Chairperson Routh. No: None. Abstain: None.

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Sneddon, Su


From: cheri boulware [luxmaxx@yahoo.com]
Sent: Friday, March 22, 2013 5:25 AM
To: City Council
Subject: Pacific Cove Parking Lot "project"

To the City Council of Capitola,

We both wanted to express our concern in the hopes that the future of the Pacific Cove Parking property would be saved for a city park following its purposed use.

It would be a SHAME if this was not kept for the future generations to enjoy and preserve the natural beauty it presents...Help save what God created...

Cheri and Jim Boulware
511 Burlingame Ave

Capitola, California 

28

MAR 22 2013

CITY OF CAPITOLA
CITY CLERK

Sneddon, Su

From: Ron Burke [rburke477@gmail.com]
Sent: Tuesday, March 26, 2013 11:29 PM
To: City Council
Subject: Lower Pacific Cove Temporary Parking Lot Proposal

MAR 26 2013**CITY OF CAPITOLA
CITY CLERK**

To the Council,

This letter is in consideration of the proposal to construct a temporary parking lot on the site of the Lower Pacific Cove MHP.

I am voicing my concern as to the ballooning cost of the parking lot being proposed at the site.

As a former member of the Parking & Traffic Commission and of the sub-committee for the construction of a parking garage on the site of the former Upper Pacific Cove MHP, I remind the Council that the Commission's recommendation was to construct a parking lot at this site to be temporary to 1) provide additional parking for the Village area as well as 2) to provide a temporary relocation of parking when the anticipated parking structure is being constructed on the upper lot (the currently active parking lot).

What was originally entertained as several hundred-thousand dollars in expense with the possibility of using gravel as a base for the lower Pac Cove lot has ballooned far out of the scope of the express interest of this lot being temporary. The now nearly \$1.4M in planned funding for construction is sucking the life out of the prospect of the parking structure for which this lot was intended to be a prelude to. The cost is so large that nearly 39 years would be required to amortize the expense of this 'temporary' parking lot if \$36K of revenue is gathered annually. The vast majority of this proposed expenditure should be prudently aimed toward construction of the parking structure on the upper Pacific Cove lot.

The parking structure is necessary and should be your primary focus for expenditures and the addition of any new debt incurred. As a reminder, the City is currently operating in a deficit condition in the eyes of the Coastal Commission to the tune of ~170 parking spaces. Not until that deficit is made up for can the prospect of a Village hotel be considered, assuming the reality that some (much) of the hotel's parking will need to be generated off-site, as in the parking structure.

As a current member of the General Plan Advisory Committee, it has been made clear in public workshops that the citizens of Capitola are interested in both having a parking structure and a Village hotel.

Is your prospect to pave over more of Capitola to make it Parkitola, or to plan for the future, including a much needed hotel anchor in the Village? I ask you to be prudent and visionary in your decision making process for the long term prospects of our City. Our City's long-term needs depend on you.

Ron Burke

Sneddon, Su

From: MMkinstler@aol.com
Sent: Tuesday, March 26, 2013 12:24 PM
To: City Council
Subject: temporary parking lot

MAR 26 2013
CITY OF CAPITOLA
CITY CLERK

Dear City Council,

Unfortunately I won't be able to make it to Thursday's meeting and I'd really like to speak about the temporary parking lot.

As a member of the Parking and Traffic Commission, I know that the commission carefully studied the situation of parking and traffic in Capitola and came to the conclusion that a temporary parking lot should be built in the previous Pacific Cove mobile home park. We felt temporary parking would be needed until we were able to add to the Pacific Cove parking structure and that temporary parking would be definitely be needed during construction of a bigger parking structure.

Parking and Traffic seems to be the number one concern of Capitola residents. Otherwise, as you know from your surveys, residents are generally happy with Capitola. The intrusion of visitor parking and employees into the neighborhoods is a major concern of residents and we hear about it all the time at CVRA. We hope that a temporary parking lot would help alleviate that situation.

So as an advocate for residents and a member of the Parking and Traffic Commission, I urge you to go ahead with the temporary parking lot.

Thank you for your attention.

Sincerely,

Margaret Kinstler
323 Riverview Avenue

Sneddon, Su

From: Molly Ording [mollyording@yahoo.com]
Sent: Wednesday, March 27, 2013 11:10 AM
To: City Council; Ortiz, Gayle
Subject: Lower Pac Cove TEMPORARY Parking Lot!

MAR 27 2013**CITY OF CAPITOLA
CITY CLERK**

Grateful Greetings CC Members!!!

(Lucky for you, I am so short on time!!! Will try to make this "short and sweet!")

For the past 13 years I have served on the former Village Committee and P & T Commission and have been bravely advocating for the closing the Esplanade, partially or seasonally or "whatever" way...i.e. "JUST DOING IT, " in some way, shape or form! My support, as a member of the T & P C, for either the parking structure or the "temporary" lot, was largely based on the opportunity that I, and many others, HOPE that this additional parking will finally afford us of closing our beautiful Esplanade to cars intermittently. I am HUGELY in favor of this...have always been..and I firmly believe that this will bring so many benefits to Capitola that we all will be asking ourselves "what took us long to dare to do this???" These car-free shopping and restaurant and walking/biking spaces are so amazingly popular and well supported - as I am SURE you must be aware!!!

Secondarily, I also think that the success of the "temporary" lot or a future parking structure will be, as your consultants have advised over and over again, directly related to the effective installation and addition of a "Smart Parking" system...i.e. sensors in parking spaces providing data to mobile apps and the option for peak time pricing variables. I realize this adds considerably to the already inflated cost, but what is the use of spending \$1.8 (yes, this is the true cost of LPC) and then not having these spaces be used to their maximum potential??? Very short sighted!!!! As my MOther used to say, "penny wise and pound foolish!!!!"

Hope you will listen and concur...I look forward, AS ALWAYS, to your wise and thoughtful comments and decision! Love you all...I truly do...and am SO appreciative of ALL your time and devotion to Capitola!

Cheers & Thanks!

Molly O

Sneddon, Su

From: John Martorella [captainmartorella@gmail.com]
Sent: Thursday, March 28, 2013 10:14 AM
To: City Council
Subject: Temporary parking lot

MAR 28 2013
CITY OF CAPITOLA
CITY CLERK

Hello all,

I am in full support of the temporary parking lot to be placed in the former mobile home lot and to be approved for the following reasons:

- This will have less impact on the surrounding neighborhoods during the summer and on weekends. I live on Riverview Dr. and know first hand where visitors and village employees park due to lack of additional available parking.
- This will generate revenue if visitors are allowed to stay longer and spend more then have to leave in 2 hours. Lets be creative on the amount of time folks can stay and possibly incorporate some of the fees for a trolley instead of a shuttle bus.
- The success of this project will have a clear indication on the next phase of parking recommendations that have been discussed.

Thank you,
John Martorella
831-359-9685

Sent from my iPad

Sneddon, Su

From: Tiffany Wise-West [twise99@yahoo.com]
Sent: Thursday, March 28, 2013 1:57 PM
To: City Council
Cc: Sullivan, Kristin
Subject: Lower Pacific Cover Temporary Parking

MAR 28 2013**CITY OF CAPITOLA
CITY CLERK**

Good Afternoon Capitola Council Members,

I am contacting you regarding the transformation of the Lower Pacific Cove space as I understand it is on today's Council meeting agenda, which I am unable to attend. As a resident of Capitola's Jewel Box neighborhood and a practicing environmental engineer, it is my personal and professional opinion that allowing the Lower Pacific Cove area be restored to natural green space is in the best interest of our community. The area is a rich habitat for diverse insects and avifauna and provides connectivity between other suburban habitat patches. A green space would also serve as an alternative to the beach for outdoor public space, an amenity for the City. Such use would require low to no maintenance. As you plan long term for parking in Capitola, please consider as equally important the environmental services and amenities the space provides. Collective preservation of such spaces brings us toward a more sustainable City. Thank you for consideration of my opinion on the matter.

Sincerely,

Tiffany Wise-West, P.E.

*Former Commissioner, Capitola Commission on the Environment
Commissioner, Santa Cruz County Commission on the Environment
Doctoral Candidate, UCSC Environmental Studies Department*

Sneddon, Su

From: Esther Sylvan [esther@ucsc.edu]
Sent: Thursday, March 28, 2013 2:29 PM
To: City Council
Cc: Esther Sylvan
Subject: INPUT ON PACIFIC COVER MOBILE HOME PARKING LOT

MAR 28 2013

CITY OF CAPITOLA
CITY CLERK

TO THE CAPITOLA CITY COUNCIL MEMBERS AND CITY ADMINISTRATION RE: PACIFIC COVER MOBILE HOME PARKING LOT:

My name is Esther Sylvan and I have been a resident of Capitola since 1989. I have attended several of the community GPAC meetings that were held over the past year plus. I am writing to express my serious concern about the current plans to spend more than one and a half million dollars to convert Pacific Cove Mobile Home Park into a parking lot.

I attended the May 12, 2012 GPAC meeting where the use of the Pacific Cove Mobile Home Park was discussed. Unfortunately, I can find no notes from the work groups at that meeting on any public site but, I can tell you that the consensus of the community members who attended that meeting was that the parking lot should only be allowed in that area as a temporary (nay rustic) measure. And, it is important to note that the only reason that was even agreed to (in my work group) was in connection with the additional parking needs that would result if a hotel was built in the village before a parking structure could be completed. I was under the impression that there would need to be further movement towards finalization of the hotel plans and a parking structure before Capitola would even consider temporary parking in the Mobile Home Park.

On May 12th, 2012, the citizens that you represent, had a lively and active discussion about the possibilities for using the Mobile Home Park land as a park/recreational area that could serve both visitors and the residents of Capitola. It would be/could be a natural corridor that would enhance our reputation as an environmentally and ecologically identified destination spot for individuals and families. We were delighted to explore the possibilities, e.g., a playground, a volleyball court, a waterway, picnic areas, a nature path, etc.

Therefore, it baffles me that the City and Council are now considering spending almost 2 million dollars to create what certainly appears to be a permanent parking lot. You could argue that it is being called 'temporary' but, if that is the case, does it make sense to pave, install restrooms, and pay stations to the tune of almost 2 million dollars for something that is 'temporary'?

One of the hardest parts of this whole scenario for me is that I, and my fellow residents, attended that GPAC meeting and presumed that, by doing so, our feedback would have an impact. After all, this was the consensus of the group, not a minority opinion. I have to say that the way this issue has progressed makes me feel like those feedback sessions were nothing more than a ruse .. a way for the City and the consultants to 'say' that they had reached out to the community .. but the reality was/is that you never really intended that the feedback would be considered ...you already had a plan .. one that is now being implemented regardless of the community input.

Prove me wrong ... please reconsider this plan. As anyone will tell you, and I'm sure many have, you can walk through the current parking lot behind city hall any day of the week, Monday through Friday and find empty spaces .. it changes during the summer weekend days but, that just does not justify the expense you are considering to 'pave over our prospective paradise' at Pacific Cove.

Thank you for your consideration.

Sincerely,

Esther Sylvan
506 Oak Drive

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