

# City of Capitola Agenda



Mayor: Michael Termini  
Vice Mayor: Stephanie Harlan  
Council Members: Kirby Nicol  
Dennis Norton  
Sam Storey  
Treasurer: Jacques Bertrand

## **CAPITOLA CITY COUNCIL REGULAR MEETING THURSDAY, MAY 24, 2012 CLOSED SESSION – 5:30 PM CITY MANAGER’S OFFICE**

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

### **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (b) of GC §54956.9: Two cases:

1. City of Capitola Insurance Coverage Claim Against Lexington Insurance (Noble Gulch Storm Drain Failure);
2. Pacific Cove Mobile Home Park Pipe Failure and Closure.

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

1. Kevin Calvert, D.D.S. and Pamela Calvert vs. City of Capitola, et al. [Superior Court of the State of California for County of Santa Cruz, Case #CV 172804];
2. Katie Saldana vs. City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case #CV 172324];
3. Foremost Insurance Company vs. the City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case #CV 173228];
4. Truck Insurance vs. the City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case #CV173071];
5. David Ross; Carousel Taffy Morro Bay, Inc.; Village Mouse dba; The Thomas Kinkade Gallery Capitola; Judith Ferro vs. the City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case #CV 173642];
6. American Alternative Insurance Corporation; Central Fire Protection District of Santa Cruz County vs. the City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case #CV173926].

### **CONFERENCE WITH LABOR NEGOTIATOR (Govt. Code §54957.6)**

Negotiator: Jamie Goldstein, City Manager

Employee Organizations: Association of Capitola Employees, Capitola Police Captains, Capitola Police Officers Association, Confidential Employees, Mid-Management Group, and Department Head Group.

Negotiator: John Barisone, City Manager  
City Manager’s Contract

### **LIABILITY CLAIMS (Govt. Code §54956.95)**

Claimant: Bay Federal Credit Union

Claimant: Ann Schroedel

Agency claimed against: City of Capitola

**REGULAR MEETING OF THE CAPITOLA CITY COUNCIL – 7:00 PM****1. ROLL CALL AND PLEDGE OF ALLEGIANCE**

Council Members Stephanie Harlan, Dennis Norton, Kirby Nicol, Sam Storey, and Mayor Michael Termini

**2. PRESENTATIONS**

**A. Presentation by New Brighton Middle School Environmental Club.**

**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. COMMITTEE APPOINTMENTS**

A. Appointment/Reappointment to the Capitola Historical Museum Board to fill the unexpired terms ending June 2012.

**ALL MATTERS LISTED ON THE REGULAR MEETING OF THE CAPITOLA CITY COUNCIL AGENDA SHALL BE CONSIDERED AS PUBLIC HEARINGS.****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 and Resolutions which appear on the public agenda shall be determined to have been read by title and further reading waived.*

A. Approval of City Check Register Reports dated April 20, April 27, May 4 and May 11, 2012.

RECOMMENDED ACTION: Approve the City Check Register Reports.

B. Consideration of an amendment to the City of Capitola amending Chapter 17.50 Floodplain District in the Capitola Municipal Code as required by the Federal Emergency Management Agency (FEMA) for the community to participate in the National Flood Insurance Program (NFIP) [2nd reading].

RECOMMENDED ACTION: Adopt Ordinance.

## 8. CONSENT CALENDAR (continued)

- C. Consideration of an Ordinance amending Title 8 Chapter 6 (Recycling) of the Capitola Municipal Code regarding mandatory commercial recycling [2nd reading].  
RECOMMENDED ACTION: Adopt Ordinance.
- D. Confirmation of the City's Investment Policy, Administrative Policy Number III-1.  
RECOMMENDED ACTION: Confirm Investment Policy.
- E. Consideration of declaring a wheelchair as surplus property and direct the City Manager's Department to donate the property to Shriners Hospital.  
RECOMMENDED ACTION: Donate the property.
- F. Deny liability claims and forward to the City's liability insurance carrier:  
1. Bay Federal Credit Union, in the amount of \$82,500, and forward to the City's liability insurance carrier;  
2. Ann Schroedel in the amount of \$136,000 and forward to the City's liability insurance carrier.  
RECOMMENDED ACTION: Deny Liability Claims

## 9. GENERAL GOVERNMENT/PUBLIC HEARINGS

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

- A. 700 Escalona Drive – Project Application # 12-019  
Appeal of Planning Commission decision to deny a Coastal Permit and Design Permit to construct a new two-story single-family residence in the R-1 (Single-Family Residence) Zoning District [APN 036-141-20]. Filed 2/14/12. Property Owner: Lori Perpich & Alberto Munoz. Representative: Derek Van Alstine.  
RECOMMENDED ACTION: Approve project.
- B. 115 San Jose Avenue – Project Application #11-100  
Appeal of Planning Commission decision to deny a Conditional Use Permit for a take-out restaurant with the sale and dispensing of alcohol in the CV (Central Village) Zoning District [APN 035-221-27]. Filed 9/15/11. Property Owner: Peter Dwares. Representative: Ron Hirsch.  
RECOMMENDED ACTION: Deny project.
- C. Progress report on the City's General Plan Update.  
RECOMMENDED ACTION: Receive report.

## 9. GENERAL GOVERNMENT/PUBLIC HEARINGS (continued)

- D. Presentation regarding streaming web video services of City Council and Planning Commission meetings; authorize the City Manager to execute a two-year agreement with SIRE Technologies in the amount not to exceed \$25,000; and reaffirm the implementation of action minutes as the City's formal record of City Council Minutes.  
RECOMMENDED ACTION: Receive presentation, authorize the City Manager to execute a two-year contract, and reaffirm City Council action minutes.
- E. Proposal for July 4, 2012, Police Department Public Safety Operation for Capitola Beach.  
RECOMMENDED ACTION: Approve program for Capitola Beach public safety during operations on July 4, 2012.

AT THIS POINT, ITEMS REMOVED FROM CONSENT CALENDAR WILL BE CONSIDERED

## 10. COUNCIL/STAFF COMMUNICATIONS

- A. Staff Comments
- B. 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.*

## 11. ADJOURNMENT

Adjourn to the next Special Budget Study Session of the City Council to be held on Thursday, May 31, 2012, at 6:00 p.m., 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](http://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](http://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.



Item #: 7.A.

## CITY COUNCIL AGENDA REPORT

MEETING OF MAY 24, 2012

FROM: CITY CLERK'S OFFICE

SUBJECT: APPOINTMENTS/REAPPOINTMENTS TO THE CAPITOLA HISTORICAL MUSEUM BOARD

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**RECOMMENDED ACTION:** By motion accept the recommendation of the Capitola Historical Museum Board to reappoint Linda Smith and David Shoaf to fill two of the three expiring terms on the Board. The recommended appointments are for three-year terms expiring in June 2015.

**DISCUSSION:** Pursuant to Capitola Municipal Code Section 2.28.020(D), the terms of three Capitola Historical Museum Board members expire on June 21, 2012. Those board members are Topsy Smalley, Linda Smith and David Shoaf. The required notice regarding the term expirations was posted on the City's website, placed on the Charter Community Channel 8 scroll, noticed at City Hall and the Capitola Branch Library, and press releases were issued to local publications.

At the close of the application period (April 23, 2012), no new applications were received. Email communications were received by Linda Smith and David Shoaf requesting reappointment and by Topsy Smalley who resigned. At its meeting on May 3, 2012, the Museum Board voted to recommend both Linda Smith and David Shoaf to be re-appointed.

As of April 25, 2012, a new notice for recruitment was posted to reflect an application deadline date of "Ongoing until filled."

**FISCAL IMPACT** - None

### **ATTACHMENTS**

1. Letter of Recommendation from Carolyn Swift, Capitola Museum Director
2. List of Current Board Members
3. Vacancy Notice
4. Email messages from Linda Smith, David Shoaf and Topsy Smalley

Report Prepared By: Michele Deiter, CMC  
Records Coordinator

Reviewed and Forwarded  
By City Manager: 

Capitola Historical Museum  
Memo

Date: May 4, 2012

To: Mayor Mike Termini and Capitola City Council

From: Carolyn Swift, Capitola Museum Director

RE: Capitola Historical Museum Board of Trustees Reappointment/Appointment Recommendations

Mayor Termini and City Council Members:

The Capitola Historical Museum Board of Trustees recommends the re-appointment of Linda Smith and David Shoaf.

Both have proven to be tremendous assets to the board. Linda serves as board president and David Shoaf is a past president.

No other applications for these positions were submitted for consideration at the Board's meeting held May 3, 2012.



CITY OF CAPITOLA  
 420 Capitola Avenue  
 Capitola, CA 95010  
 (831) 475-7300  
 FAX (831) 479-8879

## CAPITOLA HISTORICAL MUSEUM BOARD CURRENT MEMBERS

<u>NAME</u>	<u>ADDRESS AND PHONE NUMBER</u>	<u>DATE APPOINTED</u>	<u>TERM EXPIRES*</u>
Anderson, Bob	360 Bay Avenue Capitola, CA 95010 (H) 475-6248 (W) 408-735-2755 Email: <a href="mailto:bobnliz@cruzio.com">bobnliz@cruzio.com</a>	4/26/07 6/28/07 7/08/10	6/27/13
Kisling, Niels	1820 Wharf Road Capitola, CA 95010 (H) 476-7532 (W) 332-7454 Email: <a href="mailto:nkisling@pacbell.net">nkisling@pacbell.net</a>	9/27/07 7/08/10	6/27/13
McGranahan, Thomas	2435 Felt Street #45 Santa Cruz, CA 95062 (H) 475-1015 Email: <a href="mailto:Maryjanemcg@yahoo.com">Maryjanemcg@yahoo.com</a>	6/23/94 6/25/98 6/28/01 6/24/04 6/28/07 7/08/10	6/27/13
Shoaf, David	1580 Lincoln Avenue Capitola, CA 95010 (H) 462-4605 (C) 706-7650 Email: <a href="mailto:david.m.shoaf@gmail.com">david.m.shoaf@gmail.com</a>	6/24/04 6/28/07 12/09/10	6/28/12
Smalley, Topsy N.	3400 Paul Sweet Road B-12 Santa Cruz, CA 95065 (H) 688-1266 (W) 479-6552 Email: <a href="mailto:tosmalle@cabrillo.edu">tosmalle@cabrillo.edu</a>	7/23/92 6/23/94 7/10/97 6/22/00 6/26/03 6/22/06 6/25/09	6/28/12
Smith, Linda	1587 Prospect Avenue Capitola, CA 95010 (H) 475-6494 (C) 818-3049 Email: <a href="mailto:capitolalinda2@gmail.com">capitolalinda2@gmail.com</a>	2/08/07 6/25/09	6/28/12

<u>NAME</u>	<u>ADDRESS AND PHONE NUMBER</u>	<u>DATE APPOINTED</u>	<u>TERM EXPIRES*</u>
van Zuiden, Gordon	206 Fanmar Way Capitola, CA 95010 (H) (408) 205-5440 (C) 205-5440 Email: <a href="mailto:gordon@cybermanor.com">gordon@cybermanor.com</a> Mailing address: 17573 Eaton Lane, Monte Sereno, CA 95030	6/24/04 6/28/07 7/08/10	6/27/13

**Museum Coordinator:**

Swift, Carolyn

Museum

410 Capitola Ave, Capitola, CA 95010

464-0322

Email: [cswift@ci.capitola.ca.us](mailto:cswift@ci.capitola.ca.us)

Swift, Carolyn

Home

208 Halton Lane, Watsonville, CA 95076

662-8106

Email: [carolyn.swift@gmail.com](mailto:carolyn.swift@gmail.com)

\* Second Thursday in June (Pursuant to Municipal Code §2.28.020 D.)



CITY OF CAPITOLA  
 420 Capitola Avenue  
 Capitola, CA 95010  
 (831) 475-7300  
 FAX (831) 479-8879

APPLICATIONS FOR APPOINTMENT TO:  
**Capitola Historical Museum Board**

**NOTICE IS HEREBY GIVEN**, that three (3) seats on the Capitola Historical Museum Board are up for reappointment/appointment in June of 2012. The term of Office shall be for three (3) years. Current members may submit a letter of intent to continue to serve, and others interested in applying to serve may do so at this time. The City Council is seeking applications from persons who are preferably Capitola residents, 18 years of age or older, with a general interest in local history and in becoming involved in local government. Duties of the board are specified in the attached Municipal Code Chapter 2.28. The board meets on the first Thursday of each month in the Museum at 410 Capitola Avenue, at 5:30 p.m. Specific questions regarding duties or other information regarding the Capitola Historical Museum Board can be directed to Carolyn Swift, Museum Director, at (831) 464-0322 or by email at [cswift@ci.capitola.ca.us](mailto:cswift@ci.capitola.ca.us).

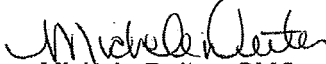
Pursuant to the board's bylaws, applications to serve as a Museum Board member will be received by the City and forwarded to the President of the Museum Board. Applicants will be interviewed by the Chair and Members of the Museum Board at their May 3, 2012, regular meeting. The President will forward the Board's recommendations for approval to the City Clerk and Mayor. An appointment to the Museum Board shall be made by the Mayor, subject to the approval of three (3) Council Members (one of whom can be the Mayor) at the Council's Regular Meeting to be held on Thursday, May 24, 2012.

**Application Deadline: Monday, April 23, 2012**

Applications may be obtained from the Receptionist at Capitola City Hall, 420 Capitola Avenue, or by calling (831) 475-7300 and requesting an application be sent to you. In addition, a notice with an application form is available in the foyer at City Hall, at the Capitola Branch Library, 2005 Wharf Road, and on the City's Website (for printing) by clicking on **current vacancies** at <http://www.ci.capitola.ca.us/capcity.nsf/CtyCnclComm.html>

I, Michele Deiter, Records Coordinator of the City of Capitola, California, hereby certify that the above Notice was posted on March 23, 2012.

Dated: March 23, 2012

  
 Michele Deiter, CMC  
 Records Coordinator

**Deiter, Michele****ATTACHMENT 4**

**From:** Linda Smith [capitolalinda2@gmail.com]  
**Sent:** Monday, March 26, 2012 7:18 PM  
**To:** Deiter, Michele  
**Cc:** Shoaf, David; Smalley, Topsy N; Sneddon, Su; Swift, Carolyn  
**Subject:** Re: Capitola Historical Museum Board Expiration of Term

I would like to be considered for reappointment to another term on the Museum Board.

Linda Smith

Life is short - Break the rules!  
Forgive quickly.. Kiss slowly..  
Love truly.. Laugh uncontrollably...  
And never regret anything that made you smile!

On Mar 23, 2012, at 7:55 AM, "Deiter, Michele" <[MDeiter@ci.capitola.ca.us](mailto:MDeiter@ci.capitola.ca.us)> wrote:

David, Topsy and Linda,

Your term on the Capitola Historical Museum Board expires in June 2012. Pursuant Municipal Code Section 2.28.020 C., "Terms shall expire on the second Thursday of June in the year of expiration." In accordance with provisions of the Maddy Act (Government Code Section 54972), staff is conducting the required recruitment for reappointment/appointment of the expiring terms. Attached is a copy of the posted recruitment notice and application for your information.

As a current member on the Museum Board, you are not required to submit a new application. However, if you are interested in continuing to serve on the Board you will need to either submit a letter or an email message, informing me of your interest to be considered for reappointment. In order to be considered by the City Council for reappointment at its meeting on May 24, your request for reappointment to the Museum Board must be received by Monday, April 23, 2012, the date of the application deadline.

If you have any questions regarding this information, please contact me.

Michele Deiter, CMC  
Records Coordinator  
**CITY OF CAPITOLA**  
420 Capitola Avenue  
Capitola, CA 95010

(831) 475-7300 Ext. 220  
(831) 464-8879 Fax  
[mdeiter@ci.capitola.ca.us](mailto:mdeiter@ci.capitola.ca.us)

<Museum Recruitment 2012.pdf>

5/16/2012

**Deiter, Michele**

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**From:** David Shoaf [david.m.shoaf@gmail.com]  
**Sent:** Tuesday, March 27, 2012 8:38 AM  
**To:** Deiter, Michele; Smalley, Topsy N; Smith, Linda  
**Cc:** Sneddon, Su; Swift, Carolyn  
**Subject:** RE: Capitola Historical Museum Board Expiration of Term  
 Hi Michele,

Please add my name to the list of candidates to be considered for reappointment to the Capitola Historical Museum Board.

Cheers,

David Shoaf  
 Mobile: 831-706-7650

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**From:** Deiter, Michele [mailto:MDeiter@ci.capitola.ca.us]  
**Sent:** Friday, March 23, 2012 7:56 AM  
**To:** Shoaf, David; Smalley, Topsy N; Smith, Linda  
**Cc:** Sneddon, Su; Swift, Carolyn  
**Subject:** Capitola Historical Museum Board Expiration of Term

David, Topsy and Linda,

Your term on the Capitola Historical Museum Board expires in June 2012. Pursuant Municipal Code Section 2.28.020 C., "Terms shall expire on the second Thursday of June in the year of expiration." In accordance with provisions of the Maddy Act (Government Code Section 54972), staff is conducting the required recruitment for reappointment/appointment of the expiring terms. Attached is a copy of the posted recruitment notice and application for your information.

As a current member on the Museum Board, you are not required to submit a new application. However, if you are interested in continuing to serve on the Board you will need to either submit a letter or an email message, informing me of your interest to be considered for reappointment. In order to be considered by the City Council for reappointment at its meeting on May 24, your request for reappointment to the Museum Board must be received by Monday, April 23, 2012, the date of the application deadline.

If you have any questions regarding this information, please contact me.

Michele Deiter, CMC  
 Records Coordinator  
**CITY OF CAPITOLA**  
 420 Capitola Avenue  
 Capitola, CA 95010

(831) 475-7300 Ext. 220  
 (831) 464-8879 Fax  
[mdeiter@ci.capitola.ca.us](mailto:mdeiter@ci.capitola.ca.us)



**Deiter, Michele**

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**From:** Topsy Smalley [tosmalle@cabrillo.edu]  
**Sent:** Monday, April 16, 2012 1:31 PM  
**To:** Deiter, Michele; Shoaf, David; Smith, Linda  
**Cc:** Sneddon, Su; Swift, Carolyn  
**Subject:** Re: Capitola Historical Museum Board Expiration of Term

Dear all:

I have served on the Capitola Historical Museum Board since the early 1990s, and all those years as Secretary.

I have greatly enjoyed my association with the Museum and with Board activities.

However, at this point, I think it is best to resign and let others bring new energy and ideas.

Thanks to all for the opportunity to has served all these years.

Best,

Topsy

Topsy N. Smalley

On Fri, 23 Mar 2012 07:55:52 -0700

"Deiter, Michele" <MDeiter@ci.capitola.ca.us> wrote:

> David, Topsy and Linda,

>

> Your term on the Capitola Historical Museum Board expires in June  
> 2012.

> Pursuant Municipal Code Section 2.28.020 C., "Terms shall expire on  
> the second Thursday of June in the year of expiration." In accordance  
> with provisions of the Maddy Act (Government Code Section 54972),  
> staff is conducting the required recruitment for  
> reappointment/appointment of the expiring terms. Attached is a copy  
> of the posted recruitment notice and application for your information.

>

> As a current member on the Museum Board, you are not required to  
> submit a new application. However, if you are interested in continuing  
> to serve on the Board you will need to either submit a letter or an  
> email message, informing me of your interest to be considered for  
> reappointment. In order to be considered by the City Council for  
> reappointment at its meeting on May 24, your request for reappointment  
> to the Museum Board must be received by Monday, April 23, 2012, the  
> date of the application deadline.

>

> If you have any questions regarding this information, please contact  
> me.

>

> Michele Deiter, CMC

> Records Coordinator

> CITY OF CAPITOLA

> 420 Capitola Avenue

> Capitola, CA 95010

>

> (831) 475-7300 Ext. 220

> (831) 464-8879 Fax

> mdeiter@ci.capitola.ca.us

>

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## CITY COUNCIL AGENDA REPORT

### MEETING OF MAY 24, 2012

FROM: FINANCE DEPARTMENT  
SUBJECT: CITY CHECK REGISTER REPORT

**RECOMMENDED ACTION:** Receive the attached Check Register Reports for April 20, April 27, May 4 and May 11, 2012.

**DISCUSSION:** Check Registers are attached for:

Date	Starting Check #	Ending Check #	Total Checks	Amount
4/20/12	69451	69504	54	\$85,723.38
4/27/12	69505	69562	58	\$320,386.64
5/4/12	69563	69616	54	\$65,817.69
5/11/12	69617	69671	55	\$86,702.46

The check register of April 13, 2012 ended with check #69450.

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
69453	Atchison, Barisone et al	CM	March 2012 Legal Services	\$12,041.00
69467	Gumbiner & Eskridge LLP	CM	Legal Services, Insurance Loss	\$17,600.00
69488	SCC Conf & Visitor Council	Fin	3 <sup>rd</sup> Qtr TMD Pass Thru	\$19,486.16
69508	CalPERS Health Ins	CM	Employee Funded Ins Premium	\$50,956.63
69515	Design, Comm, & Environ.	CDD	Gen Plan & CDBG Grants	\$23,320.35
69537	PG&E	PW	Monthly Gas & Electric	\$12,018.56
69547	SC Regional 911	PD	Q4 Opr Exp & Debt Service	\$81,213.70
69550	Stewart Title	CM	Coach Purch, Pac Cove	\$98,294.00
69599	SCC Conf & Visitor Council	CM	FY11/12 Funding	\$21,836.00
69643	New World	Fin	Annual Maint, Finance System	\$13,490.00
69665	Pat Cox & Bill Coble	PW	Pac Cove Settlement	\$14,225.00

**ATTACHMENTS:**

1. Check Register for April 20, 2012
2. Check Register for April 27, 2012
3. Check Register for May 4, 2012
4. Check Register for May 11, 2012

Report Prepared By: Linda Benko  
AP Clerk

Reviewed and Forwarded  
by City Manager: 

## City Checks Issued 4/20/2012

ATTACHMENT 1

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
69451	04/20/2012 Invoice 43257	Open	Date 03/01/2012	Description Lock Work, City Hall	ALLSAFE LOCK COMPANY	\$68.24
69452	04/20/2012 Invoice 674-Apr2012 624-Apr2012	Open	Date 04/01/2012 04/01/2012	Description Long Distance Service-PD Long Distance Service, City Hall	AT&T	\$15.37
69453	04/20/2012 Invoice Mar2012	Open	Date 04/13/2012	Description March 2012 Legal Services	ATCHISON, BARISONE, & CONDOTTI	\$12,041.00
69454	04/20/2012 Invoice 38583 38584	Open	Date 04/22/2012 04/22/2012	Description April 2012 Meter reading - Wharf fund April 2012 Meter Reading - Pac Cove MHP	AUTOMATED TEST ASSOCIATES	\$92.00
69455	04/20/2012 Invoice CC-Mar2012	Open	Date 04/07/2012	Description Credit Card Charges, March 2012 Fund 1000, Gen Fund=\$3389.89 Fund 1314, Green Bldg Fund=\$150.00 Fund 1320, PEG=\$1629.99 Fund 2210, Stores=\$246.96 Fund 2211, IT=\$500.96	BANK OF AMERICA	\$5,917.80
69456	04/20/2012 Invoice 2012-00000705	Open	Date 04/16/2012	Description Instructor Payments, Early Spring	BARTLETT, GERRY	\$37.70
69457	04/20/2012 Invoice 453	Open	Date 03/27/2012	Description Uniform - Mendoza	CALIFORNIA COAST UNIFORM CO.	\$101.54
69458	04/20/2012 Invoice Apr2012	Open	Date 04/19/2012	Description POA Dues, Employee Funded	CAPITOLA PEACE OFFICERS ASSOC.	\$761.00
69459	04/20/2012 Invoice MARCH2012	Open	Date 04/11/2012	Description Internet Access Fund 2211, IT	Charter Communications	\$129.99
69460	04/20/2012 Invoice 174859	Open	Date 04/10/2012	Description auto parts	CHEVROLET OF WATSONVILLE	\$114.25
69461	04/20/2012 Invoice 2012-00000706	Open	Date 04/16/2012	Description Instructor Payments-Rec	CLARK, DAVE	\$293.15

# City Checks Issued 4/20/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
69462	04/20/2012	Open			CLEAN SOURCE	\$1,122.00
	Invoice		Date	Description		Amount
	1188082		03/27/2012	Cleaning supplies		\$1,122.00
69463	04/20/2012	Open			CRYSTAL SPRINGS WATER CO.	\$93.75
	Invoice		Date	Description		Amount
	Mar2012		03/31/2012	Mar2012 Drinking Water		\$93.75
69464	04/20/2012	Open			EWING IRRIGATION	\$74.56
	Invoice		Date	Description		Amount
	4547949		04/04/2012	Irrigation parts		\$74.56
69465	04/20/2012	Open			FLYERS ENERGY, LLC	\$2,574.24
	Invoice		Date	Description		Amount
	12-716036		04/06/2012	fuel		\$2,158.79
	12-716037		04/06/2012	Fuel		\$415.45
69466	04/20/2012	Open			Geo. H. Wilson, Inc.	\$1,138.50
	Invoice		Date	Description		Amount
	100207		04/02/2012	Lawn Way pump		\$1,138.50
69467	04/20/2012	Open			GUMBINER & ESKRIDGE LLP	\$17,600.00
	Invoice		Date	Description		Amount
	11194		04/10/2012	Legal Services, Insurance Loss		\$17,600.00
69468	04/20/2012	Open			HAINES & COMPANY, INC.	\$1,018.75
	Invoice		Date	Description		Amount
	312902		04/04/2012	Real Estate Network, 5 users access Fund 2211, IT		\$1,018.75
69469	04/20/2012	Open			HOWARD, CHARLIE	\$1,450.00
	Invoice		Date	Description		Amount
	04/02-04/06/12		04/16/2012	Mechanic		\$740.00
	04/09-04/13/12		04/16/2012	Mechanic		\$710.00
69470	04/20/2012	Open			HOWELLS, NANCY	\$226.20
	Invoice		Date	Description		Amount
	2012-00000707		04/16/2012	Instructor Payments-Rec		\$226.20
69471	04/20/2012	Open			ICMA RETIREMENT TRUST 457	\$4,794.54
	Invoice		Date	Description		Amount
	ICMA4-14-12		04/19/2012	Retirement Plan Contributions, Employee ft		\$4,794.54
69472	04/20/2012	Open			INTERSTATE BATTERY SYS OF SAN J	\$107.11
	Invoice		Date	Description		Amount
	50225199		04/03/2012	Auto Parts		\$107.11
69473	04/20/2012	Open			KING'S PAINT AND PAPER, INC.	\$158.94
	Invoice		Date	Description		Amount
	A156685		03/29/2012	Painting supplies		\$158.94

# City Checks Issued 4/20/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
69474	04/20/2012	Open			LABOR READY SOUTHWEST INC.	\$948.74
	Invoice		Date	Description		Amount
	69351559		03/30/2012	FY 11/12 Seasonal Temp Labor		\$948.74
69475	04/20/2012	Open			LLOYD'S TIRE SERVICE INC.	\$44.00
	Invoice		Date	Description		Amount
	226046		04/13/2012	Auto Parts		\$44.00
69476	04/20/2012	Open			Mainstreet Media dba GOODTIMES	\$200.00
	Invoice		Date	Description		Amount
	69482		03/01/2012	BIA Advertising Fund 1321, BIA		\$200.00
69477	04/20/2012	Open			MANPOWER	\$523.20
	Invoice		Date	Description		Amount
	23872583		04/08/2012	Temp Receptionist		\$523.20
69478	04/20/2012	Open			MEGAPATH COVAD COMMUNICATIONS	\$643.86
	Invoice		Date	Description		Amount
	47873254		03/28/2012	Internet Access Fund 2211, IT		\$643.86
69479	04/20/2012	Open			MID-COUNTY AUTO SUPPLY	\$1,598.21
	Invoice		Date	Description		Amount
	296673		03/21/2012	Credit - Hardware Kit		(\$16.33)
	296648		03/21/2012	Credit - Hsng Bolt		(\$14.98)
	296890		03/22/2012	AUTO PARTS		\$7.04
	296803		03/22/2012	AUTO SUPPLIES		\$7.53
	296889		03/22/2012	AUTO PARTS		\$7.78
	296672		03/21/2012	AUTO PARTS		\$25.53
	296930		03/23/2012	AUTO PARTS		\$37.86
	297188		03/26/2012	AUTO PARTS		\$4.74
	297218		03/26/2012	AUTO PARTS		\$18.74
	297317		03/27/2012	AUTO PARTS		\$60.52
	298085		04/03/2012	Misc.		\$5.18
	297964		04/02/2012	AUTO PARTS		\$597.36
	297944		04/02/2012	AUTO PARTS		\$14.26
	297995		04/02/2012	AUTO PARTS		\$30.75
	298020		04/02/2012	AUTO PARTS		\$15.01
	298183		04/03/2012	AUTO PARTS		\$4.95
	298166		04/03/2012	AUTO PARTS		\$29.31
	298090		04/03/2012	AUTO PARTS		\$12.52
	298163		04/03/2012	AUTO PARTS		\$22.69
	298099		04/03/2012	AUTO PARTS		\$184.98
	298100		04/03/2012	AUTO PARTS		\$5.83
	298219		04/04/2012	AUTO PARTS		\$37.35
	298365		04/05/2012	AUTO PARTS		\$4.84
	298388		04/05/2012	AUTO PARTS		\$431.92
	298384		04/05/2012	AUTO PARTS		\$4.03
	298699		04/09/2012	AUTO PARTS		\$2.60
	298743		04/09/2012	AUTO PARTS		\$6.11
	298838		04/10/2012	AUTO PARTS		\$37.28
	298945		04/11/2012	AUTO PARTS		\$12.81

## City Checks Issued 4/20/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
69480	04/20/2012 Invoice Mar2012	Open	Date 04/02/2012	Description Mar2012 Mat & Uniform Cleaning Services	MISSION LINEN SUPPLY	\$903.28
69481	04/20/2012 Invoice 21107812	Open	Date 04/04/2012	Description AUTO PARTS	NIXON-EGLI EQUIPMENT CO.	\$1,002.14
69482	04/20/2012 Invoice FOCS73902	Open	Date 04/02/2012	Description AUTO PARTS	NORTH BAY FORD	\$537.70
69483	04/20/2012 Invoice 6009-3698387 6011-4791628 6011-4791732 6009-3698842 6009-3698858 4816 2000	Open	Date 04/02/2012 04/04/2012 04/04/2012 04/04/2012 04/04/2012 03/15/2012 04/05/2012	Description Misc. Maint Supplies Carb cleaner Grinder Misc. Maint Supplies Brush Electrical Supplies, IT-Fund 2211 AUTO PARTS	ORCHARD SUPPLY HARDWARE	\$312.56
69484	04/20/2012 Invoice 952424 C-952424 951935	Open	Date 04/05/2012 04/06/2012 04/02/2012	Description Office Supplies, PD Return Office Supplies, PD Office Supplies, City Hall-Fund 2210, Store	PALACE ART & OFFICE SUPPLIES	\$41.70
69485	04/20/2012 Invoice Acct #2	Open	Date 04/05/2012	Description Sept - March billing K-9 supplies	PET PALS DISCOUNT PET SUPPLIES	\$588.51
69486	04/20/2012 Invoice 598781	Open	Date 04/17/2012	Description Postage meter supplies	PITNEY BOWES INC.	\$161.15
69487	04/20/2012 Invoice 11137.00-01	Open	Date 03/22/2012	Description Rispin Mansion Phase I Exterior Lighting	PRIME DESIGN GROUP, INC.	\$1,050.00
69488	04/20/2012 Invoice Q3FY11/12	Open	Date 03/31/2012	Description 3rd Qtr FY11/12 TMD Pass-through	SCC CONFERENCE & VISITORS COUN	\$19,486.16
69489	04/20/2012 Invoice 472506-Mar12	Open	Date 03/31/2012	Description Employment ad-Rec	SANTA CRUZ SENTINEL	\$261.30
69490	04/20/2012 Invoice 2012-00000708	Open	Date 04/16/2012	Description Early Spring Last Payments	SEE-CABARGA, DIANE	\$31.20

# City Checks Issued 4/20/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
69491	04/20/2012 Invoice 2207	Open	Date 04/08/2012	Description IT Coverage Fund 2211, IT	SERVICSYS, LLC	\$550.00
69492	04/20/2012 Invoice Q1-2, CY2011	Open	Date 04/02/2012	Description Coplink, Jan thru June 2011	SOUTH BAY INFORMATION SHARING S	\$150.48
69493	04/20/2012 Invoice 4233	Open	Date 03/21/2012	Description Environmental Club TShirts, NB Middle Sch	SPORT ABOUT	\$377.57
69494	04/20/2012 Invoice 51161 73981	Open	Date 03/26/2012 03/26/2012	Description Copier Toner Printer Toner Fund 2211, IT	STAPLES	\$86.39
69495	04/20/2012 Invoice 45637 45644	Open	Date 03/26/2012 03/27/2012	Description Uniform - Steve Anderson Uniform - Chief Escalante	SUMMIT UNIFORM CORP	\$1,888.96
69496	04/20/2012 Invoice PARS4-14-12	Open	Date 04/19/2012	Description Retirement Plan Contribution, Employee Fu	UNION BANK OF CALIFORNIA	\$297.58
69497	04/20/2012 Invoice Apr2012	Open	Date 04/19/2012	Description Employee Contributions	UNITED WAY OF SANTA CRUZ COUNT	\$20.00
69498	04/20/2012 Invoice Apr2012	Open	Date 04/19/2012	Description Union Dues Employee Funded	UPEC LIUNA LOCAL 792	\$1,817.00
69499	04/20/2012 Invoice 200712529	Open	Date 04/04/2012	Description Copier Lease, Canon2525, Rec	US BANCORP EQUIPMENT FINANCE	\$91.95
69500	04/20/2012 Invoice 198620	Open	Date 01/25/2012	Description Handheld repair-PD	WAV Inc.	\$195.00
69501	04/20/2012 Invoice 127447	Open	Date 02/28/2012	Description Tow Detective car to corp yard 5MOA393	City Towing, Inc.	\$182.00
69502	04/20/2012 Invoice 2012-00000709	Open	Date 04/17/2012	Description Class refund	Merritt, Dan	\$52.00



# City Checks Issued 4/20/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
69503	04/20/2012 Invoice 2012-00000710	Open	Date 04/11/2012	Description overpayment on cite 241858	Valles, Lesa	\$96.00 \$96.00
69504	04/20/2012 Invoice IDR4-20-12	Open	Date 04/19/2012	Description Advance Disability Pymt Pending IDR	GROGAN, JASON	\$1,654.11 \$1,654.11
Check Totals:				Count	54	Total \$85,723.38

## City Checks Issued 4/27/2012

ATTACHMENT 2

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
69505	04/27/2012 Invoice 2012-00000716	Open	Date 04/23/2012	Description Softball Futsal Officials April 2012	BEYERS, FRED, C	\$165.00 \$165.00
69506	04/27/2012 Invoice 2012-00000717	Open	Date 04/23/2012	Description Softball Futsal Officials April 2012	BUMGARNER, ERIC, D	\$162.00 \$162.00
69507	04/27/2012 Invoice 456	Open	Date 03/28/2012	Description Uniform - Escalante	CALIFORNIA COAST UNIFORM CO.	\$530.38 \$530.38
69508	04/27/2012 Invoice May2012	Open	Date 04/20/2012	Description Employee Health Ins, Employee Funded	CalPERS Health Insurance	\$50,956.63 \$50,956.63
69509	04/27/2012 Invoice G015906	Open	Date 02/17/2012	Description Computer Supplies Fund 2211, Info Technology	CDW GOVERNMENT INC.	\$62.51 \$62.51
69510	04/27/2012 Invoice Feb2012	Open	Date 04/20/2012	Description Internet Access Fund 2211, Info Technology	Charter Communications	\$129.99 \$129.99
69511	04/27/2012 Invoice Handbook 2012	Open	Date 04/20/2012	Description Clerk's Handbook, 2012	CITY CLERKS ASSOC. OF CALIF.	\$40.00 \$40.00
69512	04/27/2012 Invoice 9535	Open	Date 03/31/2012	Description March 2012 Cleaning Service, all sites	CLEAN BUILDING MAINTENANCE	\$3,542.00 \$3,542.00
69513	04/27/2012 Invoice 51	Open	Date 04/05/2012	Description Donation for Fellowship participation Fund 2211, Info Technology	CODE FOR AMERICA	\$2,500.00 \$2,500.00
69514	04/27/2012 Invoice 2989-128	Open	Date 04/24/2012	Description Web hosting	CRUZIO THE INTERNET STORE INC.	\$65.70 \$65.70
69515	04/27/2012 Invoice 48221 48212 48456	Open	Date 01/31/2012 02/29/2012 03/31/2012	Description Professional Services 1/1/12-1/31/12 Professional Services 2/1/12-2/29/12 Professional Services 3/1/12-3/31/12 Fund 1313, Gen Plan Update=\$9649.53 Fund 1350, CDBG Grants=\$13670.82	DESIGN, COMMUNITY & ENVIRONMEN	\$23,320.35 \$7,676.00 \$8,638.65 \$7,005.70

## City Checks Issued 4/27/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
69516	04/27/2012	Open			EARTHWORKS PAVING CONTRACTOR	\$8,564.00
	Invoice		Date	Description		Amount
	Retention		03/08/2012	Retention Release, Cherry Ave Rehab		\$8,564.00
				Fund 1200, CIP		
69517	04/27/2012	Open			ESA Industries, Inc.	\$6,402.00
	Invoice		Date	Description		Amount
	12-1904		04/19/2012	Floating Dock Final Progress Pymt		\$6,402.00
				Fund 1311, Wharf Fund		
69518	04/27/2012	Open			EWING IRRIGATION	\$18.32
	Invoice		Date	Description		Amount
	4569694		04/07/2012	Topsoil		\$18.32
69519	04/27/2012	Open			FLYERS ENERGY, LLC	\$2,331.76
	Invoice		Date	Description		Amount
	12-718275		04/12/2012	100 Gal Diesel		\$417.64
	12-718274		04/12/2012	450 Gal Ethanol		\$1,914.12
69520	04/27/2012	Open			FRANK MAY & ASSOCIATES	\$4,000.00
	Invoice		Date	Description		Amount
	20120316		03/16/2012	Completed appraisal for city hall		\$4,000.00
				Fund 1420, Cove Bond Fund		
69521	04/27/2012	Open			HUB INTERNATIONAL OF CA INS SVCS	\$100.21
	Invoice		Date	Description		Amount
	April 2012		04/23/2012	Insurance for renters of Community Center		\$100.21
69522	04/27/2012	Open			JAMES P ALLEN & ASSOC	\$1,388.00
	Invoice		Date	Description		Amount
	042412		04/24/2012	Tree Appaisal reference materials per ordi		\$83.00
	042312		04/23/2012	Arborist Services for City Hall parking lot		\$1,305.00
69523	04/27/2012	Open			KEANE, CHAD	\$267.00
	Invoice		Date	Description		Amount
	20120222		02/22/2012	Reimburse Education Exp, Sep-Nov 2010		\$267.00
69524	04/27/2012	Open			KING'S PAINT AND PAPER, INC.	\$245.60
	Invoice		Date	Description		Amount
	A157183		04/09/2012	Painting supplies		\$217.79
	A157656		04/18/2012	Primer-Fund 1311, Wharf Fund		\$27.81
69525	04/27/2012	Open			LABOR READY SOUTHWEST INC.	\$1,909.05
	Invoice		Date	Description		Amount
	69581559		04/06/2012	FY 11/12 Seasonal Temp Labor		\$948.74
	69851559		04/13/2012	FY 11/12 Seasonal Temp Labor		\$960.31
69526	04/27/2012	Open			LAW ENFORCEMENT PSYCH. SVS, INC	\$500.00
	Invoice		Date	Description		Amount
	0412744		04/02/2012	Psych Assessment, new hire		\$500.00
69527	04/27/2012	Open			LIUNA PENSION FUND	\$484.00
	Invoice		Date	Description		Amount
	Apr2012		04/20/2012	Pension Contribution, Employee Funded		\$484.00

# City Checks Issued 4/27/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
69528	04/27/2012 Invoice 20120501	Open	Date 04/19/2012	Description Beach Shuttle Parking Lot Lease 2012	LOMAK PROPERTY GROUP, INC.	\$4,778.00
69529	04/27/2012 Invoice 11035504	Open	Date 03/31/2012	Description Mar-Apr 2012 armored car svc	LOOMIS	\$1,270.95
69530	04/27/2012 Invoice 2012-00000713	Open	Date 04/23/2012	Description Softball Futsal Officials April 2012	LUICH, JAY	\$66.00
69531	04/27/2012 Invoice 297433 297560 297622 297689 297803	Open	Date 03/28/2012 03/29/2012 03/29/2012 03/30/2012 03/30/2012	Description Auto Parts Auto Parts Auto Parts Auto Parts Auto Part	MID-COUNTY AUTO SUPPLY	\$106.57
69532	04/27/2012 Invoice 2012-00000692	Open	Date 04/02/2012	Description APR12 STORAGE/MAR12 HANDLING	MILLER'S TRANSFER & STORAGE CO.	\$312.90
69533	04/27/2012 Invoice 43312	Open	Date 04/03/2012	Description Volunteer Dinner Invitations	MISSION PRINTERS	\$307.87
69534	04/27/2012 Invoice 134337	Open	Date 03/29/2012	Description Copier Maint, PD	MONTEREY BAY SYSTEMS	\$692.62
69535	04/27/2012 Invoice FOCB273806	Open	Date 03/27/2012	Description Auto Parts	NORTH BAY FORD	\$342.49
69536	04/27/2012 Invoice 6012-2431294 6011-3693172 6007-3529631 6012-3172025 6009-2430273 6007-3460725	Open	Date 04/06/2012 04/11/2012 04/11/2012 04/12/2012 04/12/2012 04/17/2012	Description Sand Misc. Hardware Misc. Hardware SS grab bar Misc. Maint Supplies-Fund 1311, Wharf fu Misc. Maint Supplies	ORCHARD SUPPLY HARDWARE	\$213.86
69537	04/27/2012 Invoice 2012-00000721	Open	Date 04/13/2012	Description Monthly Elec	PACIFIC GAS & ELECTRIC	\$12,018.56

# City Checks Issued 4/27/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
69538	04/27/2012 Invoice 2012-00000722	Open	Date 04/13/2012	Description Pac Cove MHP Elec and Gas Fund 1000, Gen Fund=\$3732.05 Fund 1300, SLESF=\$66.18 Fund 1310, Gas Tx Fund=\$6767.87 Fund 1311, Wharf Fund=\$1452.46	PACIFIC GAS & ELECTRIC	\$685.31
69539	04/27/2012 Invoice 953714	Open	Date 04/13/2012	Description Office Supplies, City Hall Fund 2210, Stores Fund	PALACE ART & OFFICE SUPPLIES	\$279.80
69540	04/27/2012 Invoice 16772 16773	Open	Date 04/11/2012 04/11/2012	Description CPD evidence room exhaust fan CPD-Evidence Room Refrigerator	PHIL ALLEGRI ELECTRIC, INC.	\$388.88
69541	04/27/2012 Invoice 429686 347421	Open	Date 04/01/2012 04/03/2012	Description Postage Meter Service Charges Postage Meter Rental Charges Fund 2210, Stores	PITNEY BOWES INC.	\$666.77
69542	04/27/2012 Invoice CM2011-26	Open	Date 04/05/2012	Description Municipal Code Supplemental Service	QUALITY CODE PUBLISHING LLC	\$1,007.07
69543	04/27/2012 Invoice 2012-00000715	Open	Date 04/23/2012	Description Softball Futsal Officials April 2012	QUARTARARO, ROD, V.	\$132.00
69544	04/27/2012 Invoice 2012-00000714	Open	Date 04/23/2012	Description Softball Futsal Officials April 2012	REED, DANIEL, H.	\$165.00
69545	04/27/2012 Invoice 2012-00000712	Open	Date 04/23/2012	Description Softball Futsal Officials April 2012	ROM, HILLEL	\$112.50
69546	04/27/2012 Invoice 1-5640	Open	Date 03/31/2012	Description New Employee Physical	SC OCCUPATIONAL MEDICAL CTR	\$900.00
69547	04/27/2012 Invoice FY11-12Opr-Q4 FY11/12Debt#2	Open	Date 03/15/2012 03/15/2012	Description 4th Qrt 11/12 Operating Exp FY11/12 debt service, 2nd Half	SANTA CRUZ REGIONAL 911	\$81,213.70
69548	04/27/2012 Invoice Mar2012	Open	Date 04/13/2012	Description March 2012 Advertising & Legal Notices	SANTA CRUZ SENTINEL	\$644.60

# City Checks Issued 4/27/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
69549	04/27/2012 Invoice 2214	Open	Date 04/15/2012	Description IT Services - On Call Fund 2211, Info Technology	SERVICESYS, LLC	\$100.00
69550	04/27/2012 Invoice Escrow #454880	Open	Date 04/25/2012	Description Pac Cove #83 Coach Purchase & Purchas Fund 1420, Cove Bond Fund	STEWART TITLE OF CALIFORNIA, INC	\$98,294.00
69551	04/27/2012 Invoice 45721	Open	Date 03/30/2012	Description Motor Helmet - Minium	SUMMIT UNIFORM CORP	\$431.92
69552	04/27/2012 Invoice 5861081-7	Open	Date 04/20/2012	Description May 2012 Employee Life and Disability Ins	THE HARTFORD -PRIORITY ACCOUNT	\$1,770.66
69553	04/27/2012 Invoice 2012-00000686	Open	Date 03/29/2012	Description Website Hositing 4/1/12 - 4/30/12	THE INTERNET CONNECTION INC.	\$150.00
69554	04/27/2012 Invoice CNIN022034	Open	Date 03/30/2012	Description Maintenance Contract Fund 2210, Stores Fund	TRI-COUNTY BUSINESS SYSTEMS INC	\$1,126.93
69555	04/27/2012 Invoice 254606574	Open	Date 04/13/2012	Description Annual Rent 5/1/12-4/30/13	UNION PACIFIC RAILROAD CO.	\$474.88
69556	04/27/2012 Invoice 6546	Open	Date 04/09/2012	Description Emergency tree services, City Hall Pkg Lo	WILLIAMS TREE SERVICE, INC.	\$1,277.50
69557	04/27/2012 Invoice T9161	Open	Date 04/01/2012	Description K-9 training March 2012	WITMER-TYSON IMPORTS INC.	\$500.00
69558	04/27/2012 Invoice 11-070	Open	Date 04/23/2012	Description Tree Deposit Refund #11-070	Beck, Scott and Patience	\$500.00
69559	04/27/2012 Invoice 2012-00000718	Open	Date 04/23/2012	Description Canceled class	Dahl, Barbara	\$82.80
69560	04/27/2012 Invoice 2001292-002	Open	Date 04/23/2012	Description Canceled class	Dichek, Daryl	\$98.00

# City Checks Issued 4/27/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
69561	04/27/2012	Open			Humjanthuk, Chamnong	\$1,500.00
	Invoice		Date	Description		Amount
	PacCove MHP #67		04/25/2012	Moving Assistance PacCove MHP #67		\$1,500.00
				Fund 1420, Cove Bond Fund		
69562	04/27/2012	Open			Murphy, Ann	\$90.00
	Invoice		Date	Description		Amount
	2012-00000720		04/23/2012	Canceled class		\$90.00
Check Totals:				Count	58	Total \$320,386.64

**Payment Register****ATTACHMENT 3**

City Checks Issued 5/4/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
69563	05/04/2012 Invoice 778818	Open	Date 04/25/2012	Description Supplemental Health Ins, Employee Funde	AFLAC	\$251.74
69564	05/04/2012 Invoice 43254	Open	Date 03/01/2012	Description 7 keys for patrol cars	ALLSAFE LOCK COMPANY	\$17.01
69565	05/04/2012 Invoice 331055 331060 331073	Open	Date 04/26/2012 04/26/2012 04/26/2012	Description Wood chips Wood chips Wood chips	APTOS LANDSCAPE SUPPLY, INC.	\$139.54
69566	05/04/2012 Invoice 2905	Open	Date 04/18/2012	Description Apr2012 Pac Cove Landscape services	BACK TO EDEN LANDSCAPING INC.	\$575.00
69567	05/04/2012 Invoice 0278239	Open	Date 02/17/2012	Description Channelizers Fund 1310, Gas Tax	BAY AREA BARRICADE SERVICE, INC	\$773.32
69568	05/04/2012 Invoice 2971372	Open	Date 04/23/2012	Description Wood Fund 1311, Wharf Fund	BIG CREEK LUMBER	\$31.07
69569	05/04/2012 Invoice 2104	Open	Date 04/26/2012	Description E-Waste Banners	CADILLAC DESIGNS	\$599.04
69570	05/04/2012 Invoice POA5-4-12	Open	Date 05/04/2012	Description POA Dues, Employee Funded	CAPITOLA PEACE OFFICERS ASSOC.	\$749.50
69571	05/04/2012 Invoice 545	Open	Date 04/10/2012	Description Dryer Repair, Space 65, Pac Cove MHP	CHESHIRE RIO PROPERTY MGMT	\$85.00
69572	05/04/2012 Invoice 175062	Open	Date 04/17/2012	Description Auto parts	CHEVROLET OF WATSONVILLE	\$6.70
69573	05/04/2012 Invoice 0681	Open	Date 04/13/2012	Description Cleaning supplies for parking office-PD	CVS PHARMACY INC.	\$59.22
69574	05/04/2012 Invoice 13440013	Open	Date 04/21/2012	Description Copier Lease Payment Fund 2210, Stores	DE LAGE LANDEN FINANCIAL SVCS	\$334.07



City of Capitola  
**Payment Register**

City Checks Issued 5/4/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
69575	05/04/2012	Open			ENTENMANN-ROVIN	\$166.76
	Invoice		Date	Description		Amount
	0079348-IN		04/04/2012	Detective flat badge		\$91.58
	0078427-in		02/29/2012	Records Manager badge		\$75.18
69576	05/04/2012	Open			FABRICATION EFFECTS, INC.	\$1,661.35
	Invoice		Date	Description		Amount
	050103		04/25/2012	Welding, Gangplank repair Fund 1311, Wharf Fund		\$1,661.35
69577	05/04/2012	Open			FEDERAL EXPRESS	\$53.87
	Invoice		Date	Description		Amount
	7-861-68789		04/20/2012	Shipping		\$53.87
69578	05/04/2012	Open			FLYERS ENERGY, LLC	\$2,331.17
	Invoice		Date	Description		Amount
	12-720361		04/20/2012	475 Gal Ethanol		\$1,898.15
	12-720362		04/20/2012	100 Gal Diesel		\$433.02
69579	05/04/2012	Open			Geo. H. Wilson, Inc.	\$285.00
	Invoice		Date	Description		Amount
	100376		04/25/2012	PD HVAC Quarterly Maintenance		\$285.00
69580	05/04/2012	Open			GOLDFARB & LIPMAN, LLP	\$240.00
	Invoice		Date	Description		Amount
	104685		04/17/2012	Pac Cove Closure Legal Services Fund 1420, The Cove Bond		\$240.00
69581	05/04/2012	Open			GRAHAM-GARCIA, BARBARA	\$1,150.00
	Invoice		Date	Description		Amount
	134		04/07/2012	Two ergonomic evaluations		\$1,150.00
69582	05/04/2012	Open			HOSE SHOP	\$349.01
	Invoice		Date	Description		Amount
	113011		11/30/2011	Auto parts-Bobcat		\$82.84
	8686c		12/08/2011	Credit for duplicate payment inv		(\$85.86)
	347086		04/25/2012	Auto parts-Bobcat Loader		\$352.03
69583	05/04/2012	Open			HOWARD, CHARLIE	\$1,420.00
	Invoice		Date	Description		Amount
	04/16-04/20/12		04/30/2012	Mechanic		\$730.00
	04/23-04/27/12		04/30/2012	Mechanic		\$690.00
69584	05/04/2012	Open			ICMA RETIREMENT TRUST 457	\$4,894.90
	Invoice		Date	Description		Amount
	ICMA5-4-12		05/04/2012	Retirement Plan Contr, Employee Funded		\$4,894.90
69585	05/04/2012	Open			INTERNATIONAL CODE COUNCIL	\$300.00
	Invoice		Date	Description		Amount
	20120712		04/30/2012	UL training-Building Dept		\$300.00
69586	05/04/2012	Open			JIMMIE SMITH PLUMBING, INC.	\$708.32
	Invoice		Date	Description		Amount
	W04018		04/09/2012	Plumbing repair, Pac Cove		\$708.32

City of Capitola  
**Payment Register**

City Checks Issued 5/4/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
69587	05/04/2012	Open			LABOR READY SOUTHWEST INC.	\$948.74
	Invoice		Date	Description	Amount	
	70031559		04/20/2012	FY 11/12 Seasonal Temp Labor	\$948.74	
69588	05/04/2012	Open			MID-COUNTY AUTO SUPPLY	\$160.92
	Invoice		Date	Description	Amount	
	299468		04/16/2012	Auto parts-PW 1999 F-250	\$64.91	
	299457		04/16/2012	Auto parts-John Deere Loader	\$4.53	
	299749		04/18/2012	Auto parts-shop use	\$91.48	
69589	05/04/2012	Open			MORRISON, EDWARD	\$3,000.00
	Invoice		Date	Description	Amount	
	4		05/01/2012	PW Insp. Services Contract FY 11/12	\$3,000.00	
69590	05/04/2012	Open			NORTH BAY FORD	\$325.50
	Invoice		Date	Description	Amount	
	227690		04/26/2012	Auto parts	\$325.50	
69591	05/04/2012	Open			ORCHARD SUPPLY HARDWARE	\$159.48
	Invoice		Date	Description	Amount	
	6011-4763422		04/12/2012	Maint Supplies-Fund 1311, Wharf fund	\$74.41	
	6007-3521143		04/19/2012	Plumbing supplies	\$13.69	
	6007-3521146		04/19/2012	Sand	\$12.96	
	6007-2431225		04/19/2012	Paint supplies-Fund 1311, Wharf fund	\$8.61	
	Faded		04/21/2012	Carb cleaner	\$13.93	
	6007-3527679		04/02/2012	Gloves	\$24.88	
	6011-3522984		04/10/2012	Lag screws	\$11.00	
69592	05/04/2012	Open			PACIFIC VETERINARY SPECIALISTS	\$213.86
	Invoice		Date	Description	Amount	
	214738		04/10/2012	Animal Control Expense-PD	\$213.86	
69593	05/04/2012	Open			PALACE ART & OFFICE SUPPLIES	\$467.48
	Invoice		Date	Description	Amount	
	954471		04/19/2012	Office Supplies, City hall-Fund 2210, Store	\$105.59	
	954366		04/18/2012	Office supplies-PD	\$21.94	
	954794		04/20/2012	Paper, City Hall-Fund 2210, Stores	\$19.03	
	954693		04/20/2012	Office supplies-Rec	\$240.70	
	954821		04/23/2012	Office Supplies, City hall-Fund 2210, Store	\$80.22	
69594	05/04/2012	Open			PARTSMASER	\$54.54
	Invoice		Date	Description	Amount	
	20564931		04/03/2012	Auto parts	\$54.54	
69595	05/04/2012	Open			PRINTING SYSTEMS, INC.	\$15.77
	Invoice		Date	Description	Amount	
	73622		04/10/2012	Tax Forms, Finance Dept	\$15.77	

City of Capitola  
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City Checks Issued 5/4/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
69596	05/04/2012	Open			ProBUILD COMPANY LLC	\$379.88
	Invoice		Date	Description		Amount
	5616291		04/19/2012	Dock hardware		\$293.49
	5616211		04/19/2012	Wharf spikes		\$86.39
				Fund 1311, Wharf Fund		
69597	05/04/2012	Open			REPUBLIC ITS INC.	\$903.52
	Invoice		Date	Description		Amount
	RR-129582		04/12/2012	FY 11/12 Traffic Signal Maintenance		\$698.24
	RR-129583		04/12/2012	FY 11/12 Traffic Signal Maintenance		\$205.28
				Fund 1310, Gas Tax		
69598	05/04/2012	Open			SCC AUDITOR-CONTROLLER	\$8,926.00
	Invoice		Date	Description		Amount
	Cites-Mar12		04/13/2012	Citation Surcharges, March 2012		\$8,926.00
69599	05/04/2012	Open			SCC CONF & VISITORS COUNCIL	\$21,836.00
	Invoice		Date	Description		Amount
	9995		04/18/2012	Funding FY 2011/2012		\$21,836.00
69600	05/04/2012	Open			SAVE OUR SHORES	\$1,000.00
	Invoice		Date	Description		Amount
	20120423		04/23/2012	Polystyrene & Plastic Bag Ban		\$1,000.00
69601	05/04/2012	Open			SENTINEL PRINTERS, INC.	\$971.08
	Invoice		Date	Description		Amount
	293465		04/30/2012	Temp NO PARKING signs		\$971.08
69602	05/04/2012	Open			STATLER, WILLIAM, C.	\$2,344.89
	Invoice		Date	Description		Amount
	Feb12		04/16/2012	Financial Consulting-Feb2012		\$2,344.89
69603	05/04/2012	Open			THILL, WENDY	\$160.00
	Invoice		Date	Description		Amount
	2012-00000724		04/30/2012	Volleyball Officials March to April 2012		\$160.00
69604	05/04/2012	Open			UNION BANK OF CALIFORNIA	\$417.98
	Invoice		Date	Description		Amount
	PARS5-4-12		04/26/2012	PARS Contribution, Employee Funded		\$417.98
69605	05/04/2012	Open			UNITED PARCEL SERVICE	\$20.78
	Invoice		Date	Description		Amount
	954791132		03/31/2012	Weekly Shipping, PD		\$19.06
	954791122		03/24/2012	Late fee, Feb Inv		\$1.72
69606	05/04/2012	Open			VAZQUEZ, GUILLERMO	\$102.60
	Invoice		Date	Description		Amount
	Apr12		04/26/2012	Reimb Travel Exp, DUI Class		\$102.60
69607	05/04/2012	Open			ZEE MEDICAL SERVICE CO.	\$32.42
	Invoice		Date	Description		Amount
	66577545		04/26/2012	Medical supplies		\$32.42

City of Capitola  
**Payment Register**

City Checks Issued 5/4/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount	
69608	05/04/2012	Open			ZEP SALES & SERVICE	\$403.25	
	Invoice		Date	Description		Amount	
	53493577		04/10/2012	Cleaning supplies		\$403.25	
69609	05/04/2012	Open			Byington, Gay	\$45.00	
	Invoice		Date	Description		Amount	
	2012-00000700		04/10/2012	Class refund		\$45.00	
69610	05/04/2012	Open			Double Tree Hilton Hotel Sacramento	\$286.24	
	Invoice		Date	Description		Amount	
	Res# 84111363		04/26/2012	POST reimb. Tng Exp, Eller, May2012		\$286.24	
69611	05/04/2012	Open			Happee, Joy	\$216.00	
	Invoice		Date	Description		Amount	
	2012-00000727		05/01/2012	Class refund		\$216.00	
69612	05/04/2012	Open			Jackson, Sidney	\$1,231.50	
	Invoice		Date	Description		Amount	
	Jackson-Apr12		04/30/2012	Pac Cove MHP #83 Jackson/Escrow Fees Fund 1420 The Cove Bond		\$1,231.50	
69613	05/04/2012	Open			Lecklitner, Mary	\$1,500.00	
	Invoice		Date	Description		Amount	
	Lecklitner-Sp#81		04/30/2012	Pac Cove MHP #81-Early Move Out Incent Fund 1420 The Cove Bond		\$1,500.00	
69614	05/04/2012	Open			Residence Inn Sacramento	\$730.40	
	Invoice		Date	Description		Amount	
	Res# 80591822		04/26/2012	Neighborhood Watch/POST Tng, Moreno		\$730.40	
69615	05/04/2012	Open			GROGAN, JASON	\$1,654.11	
	Invoice		Date	Description		Amount	
	20120504		05/04/2012	Advance Disability Payments pending IDR		\$1,654.11	
69616	05/04/2012	Open			MARTIN & CHAPMAN CO.	\$128.16	
	Invoice		Date	Description		Amount	
	2012015		02/06/2012	Elections Materials		\$128.16	
Check Totals:				Count	54	Total	\$65,817.69

## City Checks Issued 5/11/2012

ATTACHMENT 4

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
69617	05/11/2012	Open			E. G. ROOFING	\$25.00
	Licensee Type		Date	Business License Refund		
	Business		05/09/2012	2101	Over-Payment	
69618	05/11/2012	Open			ROXANNE STANLEY	\$35.00
	Licensee Type		Date	Business License Refund		
	Business		05/09/2012	1522	Over-Payment	
69619	05/11/2012	Open			ACCURATE RUBBER STAMP	\$89.13
	Invoice		Date	Description		Amount
	781300		04/17/2012	Rubber stamp-PD		\$89.13
69620	05/11/2012	Open			ALLSAFE LOCK COMPANY	\$19.98
	Invoice		Date	Description		Amount
	43384		04/26/2012	Keys for parking meter trailer		\$10.80
	43368		04/12/2012	Keys for Bldg Dept		\$4.86
	43457		05/02/2012	Keys, Records Clerk		\$4.32
69621	05/11/2012	Open			ANDERSON BRULE ARCHITECTS, INC	\$4,221.43
	Invoice		Date	Description		Amount
	3		10/12/2011	Library design services thorough 9/30/11		\$4,221.43
69622	05/11/2012	Open			AT&T/CALNET 2	\$4,002.29
	Invoice		Date	Description		Amount
	Mar2012		04/13/2012	Telephone Service, Mar 2012		\$2,049.56
	Prior Bal		03/01/2012	Monthly Phone Service		\$1,952.73
				Fund 1000, Gen Fund=\$3380.70		
				Fund 2211, Info Tech=\$621.59		
69623	05/11/2012	Open			AUTOTEMP INC.	\$9,637.50
	Invoice		Date	Description		Amount
	20120430		04/30/2012	Professional Services Apr2012-Pac Cove		\$9,637.50
				Fund 1420, The Cove Bond		
69624	05/11/2012	Open			BEN'S MOTORCYCLE WORKS	\$52.82
	Invoice		Date	Description		Amount
	0541		04/05/2012	Kickstand for Harley		\$52.82
69625	05/11/2012	Open			BOWMAN & WILLIAMS, INC.	\$836.25
	Invoice		Date	Description		Amount
	7041		05/02/2012	Hill St Retaining Wall review, Apr2012		\$836.25
69626	05/11/2012	Open			BRINKS AWARDS & SIGNS	\$197.47
	Invoice		Date	Description		Amount
	67589		05/02/2012	Plaque for officer of the year-PD		\$197.47
69627	05/11/2012	Open			CA DEPARTMENT OF TRANS.	\$915.83
	Invoice		Date	Description		Amount
	SL1212771		04/30/2012	Signals & Lighting Jan 2012 - March 2012		\$915.83
				Fund 1310, Gas Tax		

## City Checks Issued 5/11/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
69628	05/11/2012	Open			CALIF. LAW ENFORCEMENT ASSOC.	\$465.50
	Invoice		Date	Description		Amount
	May2012		04/26/2012	Long Term Disability Ins, PD, May 2012		\$465.50
69629	05/11/2012	Open			CHANTICLEER VET HOSPITAL	\$414.50
	Invoice		Date	Description		Amount
	Apr2012		04/30/2012	Apr2012 Animal Control Expense-PD		\$414.50
69630	05/11/2012	Open			EDGAR, MARIA V.	\$50.00
	Invoice		Date	Description		Amount
	3988		04/25/2012	Reimb Environmental Club Exp, NBMS		\$50.00
69631	05/11/2012	Open			ENVIRONMENTAL INNOVATIONS	\$225.00
	Invoice		Date	Description		Amount
	1266		04/30/2012	Green Business Coordination, Apr 2012		\$225.00
69632	05/11/2012	Open			EXTRA SPACE STORAGE OF SC INC.	\$282.00
	Invoice		Date	Description		Amount
	B-120-Apr12		04/26/2012	Evidence storage-PD		\$282.00
69633	05/11/2012	Open			FERRASCI-HARP, AMY	\$1,425.00
	Invoice		Date	Description		Amount
	9		04/06/2012	BIA Communications Manager		\$700.00
	10		05/03/2012	BIA Communications Manager		\$725.00
				Fund 1321, BIA		
69634	05/11/2012	Open			FLYERS ENERGY, LLC	\$2,683.47
	Invoice		Date	Description		Amount
	12-722955		04/27/2012	515 Gal Ethanol		\$2,238.36
	12-722956		04/27/2012	100 Gal Diesel		\$445.11
69635	05/11/2012	Open			FLYNN, CAROLYN	\$4,050.00
	Invoice		Date	Description		Amount
	CBF-4-2012-G		05/02/2012	Professional Services 4/1-4/30/12		\$500.00
	CBF-4-2012		05/02/2012	Professional Services 4/1-4/30/12 Prop 84		\$100.00
	CBF-4-2012 DRI		05/02/2012	Professional Services 4/1-4/30/12 DRI		\$3,450.00
				Fund 1313, Gen Plan Update=\$100.00		
				Fund 1350, CDBG Grants=\$3450.00		
				Fund 1351, CDBG Programs=\$500.00		
69636	05/11/2012	Open			GILBARCO INC.	\$107.17
	Invoice		Date	Description		Amount
	04254461		04/16/2012	Software-Fund 2211, Info Tech		\$107.17
69637	05/11/2012	Open			JOHNSON, ROBERTS, & ASSOCIATES	\$34.00
	Invoice		Date	Description		Amount
	116515		12/15/2011	Background Check Expense		\$17.00
	116538		12/20/2011	Background Check, New Hire		\$17.00
69638	05/11/2012	Open			KING'S CLEANERS	\$771.00
	Invoice		Date	Description		Amount
	Apr2012		04/21/2012	Uniform cleaning-PD		\$771.00

# City Checks Issued 5/11/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
69639	05/11/2012	Open			LAURENT, LARRY	\$47.60
	Invoice		Date	Description		Amount
	20120301		05/03/2012	Reimb travel exp, RSA Conference & VDI		\$47.60
69640	05/11/2012	Open			MID-COUNTY AUTO SUPPLY	\$129.98
	Invoice		Date	Description		Amount
	299513		04/16/2012	auto parts-all city vehicles		\$11.78
	299701		04/18/2012	auto parts-PD ESO-II		\$10.28
	299710		04/18/2012	auto parts-Shop Use		\$16.98
	299683		04/18/2012	auto parts-John Deere Loader		\$35.49
	299830		04/19/2012	auto parts-PW John Deere Loader		\$11.18
	299812		04/19/2012	auto parts-John Deere Loader		\$2.27
	299889		04/19/2012	auto parts-Shop Use		\$19.68
	299980		04/20/2012	auto parts-Parks John Deere Mower		\$10.82
	299942		04/20/2012	auto parts-John Deere Mower		\$11.50
69641	05/11/2012	Open			MONTEREY BAY AREA SELF INS AUTI	\$244.30
	Invoice		Date	Description		Amount
	20120426		04/26/2012	Claim MBA10-0501, Surf & Sand LLC Fund 2213, Self Ins Liability		\$244.30
69642	05/11/2012	Open			MONTEREY BAY SYSTEMS	\$419.72
	Invoice		Date	Description		Amount
	135928		04/16/2012	Copier Maintenance - PD		\$299.19
	136187		04/17/2012	Q1 CY2012 Copier Maint-Fund 2211 Info 1		\$120.53
69643	05/11/2012	Open			NEW WORLD SYSTEMS	\$13,490.00
	Invoice		Date	Description		Amount
	18527		04/15/2012	Finance System Maint Contract, May12-Apr Fund 2211, Info Tech		\$13,490.00
69644	05/11/2012	Open			NORTH BAY FORD	\$46.49
	Invoice		Date	Description		Amount
	227476		04/18/2012	auto parts		\$46.49
69645	05/11/2012	Open			OFFUTT, MELISSA	\$236.60
	Invoice		Date	Description		Amount
	2012-00000556		02/07/2012	Winter Inst.Payments 2012		\$236.60
69646	05/11/2012	Open			ORCHARD SUPPLY HARDWARE	\$136.34
	Invoice		Date	Description		Amount
	6013-1234819		04/23/2012	Auto parts-Shop Use		\$26.75
	6009-3693140		04/25/2012	Shop Office Exp		\$28.11
	6014-1133477		04/27/2012	Parking supplies		\$81.48

City of Capitola  
**City Checks Issued 5/11/2012**

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
69647	05/11/2012	Open			PALACE ART & OFFICE SUPPLIES	\$808.40
	Invoice		Date	Description		Amount
	954855		04/23/2012	Paper-PD		\$46.44
	954763		04/20/2012	Office supplies		\$427.54
	954858		04/23/2012	Office Supplies, City Hall		\$63.87
	955031		04/24/2012	Office Supplies, City Hall		\$21.04
	955543		04/26/2012	Office Supplies, City Hall		\$67.10
	955015		04/24/2012	Office supplies		\$7.57
	955543-1		04/27/2012	Office Supplies, City Hall		\$7.31
	955865		04/30/2012	Office Supplies, City Hall		\$67.20
	955826		04/30/2012	Office Supplies, City hall		\$100.33
				Fund 1000, Gen Fund=\$481.55		
				Fund 2210, Stores=\$326.85		
69648	05/11/2012	Open			PARTSMASTER	\$11.14
	Invoice		Date	Description		Amount
	20568857		04/17/2012	auto parts		\$11.14
69649	05/11/2012	Open			PRAXAIR DISTRIBUTION INC.	\$55.13
	Invoice		Date	Description		Amount
	42679576		04/17/2012	Gases, Corp Yard		\$55.13
69650	05/11/2012	Open			ProBUILD COMPANY LLC	\$783.30
	Invoice		Date	Description		Amount
	5615632		04/17/2012	Paint		\$18.11
	5617296		04/24/2012	Paint		\$12.07
	5617664		04/25/2012	Misc.		\$71.41
	5616310		04/19/2012	Sports Field Supplies		\$681.71
				Fund 1000, Gen Fund=\$681.71		
				Fund 1311, Wharf Fund=\$101.59		
69651	05/11/2012	Open			RBF CONSULTING	\$2,637.50
	Invoice		Date	Description		Amount
	12030882		04/27/2012	Reposa Ave Traffice Study, Mar 2012		\$2,637.50
69652	05/11/2012	Open			RED SHIFT INTERNET SERVICES	\$115.11
	Invoice		Date	Description		Amount
	1506280		04/01/2012	April 2012 Internet Access-Fund 2211, IT		\$65.17
	1506281		04/01/2012	April 2012 Internet Access		\$49.94
69653	05/11/2012	Open			ROBERT SEELEY & ASSOCIATES	\$105.00
	Invoice		Date	Description		Amount
	Q1-2012		05/01/2012	Q1 2012 Admin Hearings, Pkg Citations		\$105.00
69654	05/11/2012	Open			SCC CONFERENCE & VISITORS COUN	\$7,700.00
	Invoice		Date	Description		Amount
	9981		02/28/2012	Spring 2012 Marketing Campaign		\$4,200.00
	9858		09/27/2011	2012 Travel Guide, Full Page Ad		\$2,525.00
	9724-5		07/01/2011	Balance on 2012 Co-Op Visitors Guide		\$975.00
				Fund 1321, BIA		



## City Checks Issued 5/11/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
69655	05/11/2012	Open			SANTA CRUZ MUNICIPAL UTILITIES	\$571.10
	Invoice		Date	Description		Amount
	Mar-Apr2012		04/24/2012	WATER BILLS FOR STREET MEDIANS		\$571.10
69656	05/11/2012	Open			SLOMA, CLIFF	\$600.00
	Invoice		Date	Description		Amount
	20120424		04/24/2012	Education Reimbursement		\$600.00
69657	05/11/2012	Open			SPRINT	\$2,695.73
	Invoice		Date	Description		Amount
	974855313-124		04/12/2012	Cell Phones, PD & PW		\$2,695.73
69658	05/11/2012	Open			SUMMIT UNIFORM CORP	\$1,410.50
	Invoice		Date	Description		Amount
	45921		04/11/2012	Uniforms-Anderson		\$456.82
	45996		04/14/2012	Uniform Exp, Vazquez		\$207.84
	45745		04/03/2012	Anderson Body armor		\$745.84
69659	05/11/2012	Open			THE INTERNET CONNECTION INC.	\$150.00
	Invoice		Date	Description		Amount
	3917-15792		05/01/2012	May 2012 Website Hosting		\$150.00
69660	05/11/2012	Open			The URBAN EXPLORER, Inc.	\$4,100.00
	Invoice		Date	Description		Amount
	2012 GIS		05/05/2012	2012 GIS Annual License & Webhosting		\$4,100.00
69661	05/11/2012	Open			TLC ADMINISTRATORS, INC.	\$175.00
	Invoice		Date	Description		Amount
	16085		05/03/2012	May 2012 Admin Fee		\$175.00
69662	05/11/2012	Open			TLC ADMINISTRATORS, INC.	\$383.00
	Invoice		Date	Description		Amount
	93030-May 2012		05/01/2012	Dental & Vision Insurance, Employee Func		\$383.00
69663	05/11/2012	Open			US BANCORP EQUIPMENT FINANCE	\$330.18
	Invoice		Date	Description		Amount
	201954468		04/23/2012	Monthly Copier Lease, Rec		\$80.12
	200987543		04/07/2012	C4540 copier lease, PD		\$250.06
69664	05/11/2012	Open			Beltramo, Mario and Linda	\$780.00
	Invoice		Date	Description		Amount
	2012-00000732		05/07/2012	Planner Cost Recovery fee refund #11-05E		\$780.00
69665	05/11/2012	Open			Cox and Bill Coble, Patricia	\$14,225.00
	Invoice		Date	Description		Amount
	2012-00000740		05/09/2012	Pac Cove MHP #50 Cox/Coble Settlement		\$14,225.00
				Fund 1420, The Cove Bond		
69666	05/11/2012	Open			Hanna, Carin & Glenn	\$500.00
	Invoice		Date	Description		Amount
	2012-00000737		05/07/2012	Tree Replacement Deposit Refund #11-10		\$500.00

# City Checks Issued 5/11/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
69667	05/11/2012 Invoice 2012-00000733	Open	Date 05/07/2012	Description Planner Cost Recovery fee refund #12-007	Marlatt, Eric and Monica	\$360.00
69668	05/11/2012 Invoice 2012-00000731	Open	Date 05/07/2012	Description Pac Cove MHP #65 - moving expenses Fund 1420, The Cove Bond	Rector, Keith	\$1,500.00
69669	05/11/2012 Invoice 2012-00000734	Open	Date 05/07/2012	Description Planner Cost Recovery fee refund #10-08E	St. Joseph's Church	\$1,320.00
69670	05/11/2012 Invoice ABE9634	Open	Date 05/10/2012	Description Mobile Home Purchase, Ser No. 5610616 Fund 1420, The Cove Bond	DEPT OF HOUSING AND COMM DEV (HCD)	\$60.00
69671	05/11/2012 Invoice LAA6967	Open	Date 05/10/2012	Description Mobile Home Purchase, Ser No 4564A & E Fund 1420, The Cove Bond	DEPT OF HOUSING AND COMM DEV (HCD)	\$35.00
Check Totals:				Count	55	Total \$86,702.46



Item #: 8.B.

## CITY COUNCIL AGENDA REPORT

MEETING OF MAY 24, 2012

FROM: DEPARTMENT OF PUBLIC WORKS

SUBJECT: AN ORDINANCE OF THE CITY OF CAPITOLA AMENDING CHAPTER 17.50 FLOODPLAIN DISTRICT IN THE CAPITOLA MUNICIPAL CODE AS REQUIRED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR THE COMMUNITY TO PARTICIPATE IN THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP) [2ND READING]

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**RECOMMENDED ACTION:** By motion adopt the proposed Ordinance amending the municipal code regarding commercial vehicle traffic.

**BACKGROUND:** At its meeting of May 10, 2012, the Capitola City Council considered an amendment Chapter 17.50 Floodplain District in the Capitola Municipal Code as required by the Federal Emergency Management Agency (FEMA) for the community to participate in the National Flood Insurance Program (NFIP).

**DISCUSSION:** The City Council approved the first reading of this ordinance at the Council meeting held on May 10, 2012.

The proposed Ordinance is before the City Council for its second reading and final adoption. If adopted, the ordinance will take effect in thirty (30) days, or following the posting of signs by the Public Works Department, whichever occurs last.

**FISCAL IMPACT:** None

### **ATTACHMENTS**

1. May 10, 2012 City Council meeting minute excerpt.
2. Draft Ordinance

Report Prepared By: Steven Jesberg  
Public Works Director

Reviewed and Forwarded  
By City Manager: 

NOT OFFICIAL UNTIL APPROVED BY COUNCIL

CITY OF CAPITOLA  
CITY COUNCIL

May 10, 2012  
Capitola, California

**DRAFT MINUTE EXCERPT OF A REGULAR MEETING**

**9. GENERAL GOVERNMENT/PUBLIC HEARINGS**

- B. Consideration of an Ordinance amending Title 17 Chapter 50 (Floodplain District) of the Capitola Municipal Code as required by the Federal Emergency Management Agency (FEMA) for the community to participate in the National Flood Insurance Program (NFIP), and consideration of a Resolution authorizing the City Manager to submit a Local Coastal Program Amendment to the California Coastal Commission for certification. (Introduce Ordinance) [740-30]**

**Public Works Director Jesberg** introduced this item.

**Mayor Termini** opened the public hearing.

There was no public comment.

**Mayor Termini** closed the public hearing.

***ACTION: Motion by Council Member Nicol, seconded by Council Member Harlan, approving an Ordinance amending Title 17 Chapter 50 (Floodplain District) of the Capitola Municipal Code as required by the Federal Emergency Management Agency (FEMA) for the community to participate in the National Flood Insurance Program (NFIP), and consideration of a Resolution authorizing the City Manager to submit a Local Coastal Program Amendment to the California Coastal Commission for certification [1st reading]. The motion carried unanimously with the following vote: AYES: Council Members Harlan, Norton, Nicol, Storey, and Mayor Termini. NOES: None. ABSENT: None. ABSTAIN: None.***

**Council Member Norton** stated concerns regarding the proposed ordinance affecting the City's Commercial Zoning District. He requested that Building Inspector Wheeler attend the May 24, 2012 City Council meeting to interpret this proposed ordinance.

ORDINANCE NO. 970

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA AMENDING TITLE 17.50 OF THE CAPITOLA MUNICIPAL CODE PERTAINING TO THE FLOODPLAIN DISTRICT

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

Section 1. Title 17.50 is hereby added to the Capitola Municipal Code to read as follows:

"Chapter 17.50

FLOODPLAIN DISTRICT

Sections:

- 17.50.010 Statutory authorization.
- 17.50.020 Findings of fact.
- 17.50.030 Statement of purpose.
- 17.50.040 Methods of reducing flood losses.
- 17.50.050 Abrogation and greater restrictions.
- 17.50.060 Interpretation.
- 17.50.070 Warning and disclaimer of liability.
- 17.50.080 Severability.
- 17.50.090 Basis for establishing the areas of special flood hazard.
- 17.50.100 Definitions.
- 17.50.110 Designation of the floodplain administrator.
- 17.50.120 Duties and responsibilities of the floodplain administrator.
- 17.50.130 Combining district.
- 17.50.140 Compliance.
- 17.50.150 Principal permitted uses.
- 17.50.160 Accessory uses.
- 17.50.170 Conditional uses.
- 17.50.180 Development standards.
- 17.50.190 Development permit.
- 17.50.200 Appeals.
- 17.50.210 Standards of construction.
- 17.50.220 Standards for utilities
- 17.50.230 Standards for subdivisions.
- 17.50.240 Standards for manufactured homes.
- 17.50.250 Standards for recreational vehicles.
- 17.50.260 Standards within floodways.
- 17.50.270 Coastal high hazard areas.
- 17.50.280 Variance procedure.
- 17.50.290 Conditions of variances.
- 17.50.300 Approval of variances.
- 17.50.310 Nonconforming structures in flood plain.
- 17.50.320 Appeal procedure.
- 17.50.330 Disclosure requirement.

**17.50.010 Statutory authorization.**

The Legislature of the State of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local governments the authority to adopt regulations designed to promote *the public health, safety, and general welfare of its citizenry*. Therefore, the City of Capitola does hereby adopt the following floodplain management regulations.

**17.50.020 Findings of fact.**

The flood hazard areas of City of Capitola are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

These flood losses are caused by uses that are inadequately elevated, flood proofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contributes to flood losses.

**17.50.030 Statement of purpose.**

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by legally enforceable regulations applied uniformly throughout the community to all publicly and privately owned land within flood prone, mudslide (i.e. mudflow) or flood related erosion areas. These regulations are designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;
- F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
- G. Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

**17.50.040 Methods of reducing flood losses.**

In order to accomplish its purposes, this ordinance includes regulations to:

- A. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
- D. Control filling, grading, dredging, and other development which may increase flood damage;
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas; and

**17.50.050 Abrogation and greater restrictions.**

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.



**17.50.060 Interpretation.**

In the interpretation and application of this ordinance, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

**17.50.070 Warning and disclaimer of liability.**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Capitola any officer or employee thereof, the State of California, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

**17.50.080 Severability.**

This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

**17.50.090 Basis for establishing the areas of special flood hazard.**

The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of, the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) dated June 3, 1986 and accompanying Flood Insurance Rate Maps (FIRM's) and Flood Boundary and Floodway Maps (FBFM's) dated June 3, 1986, and all subsequent amendments and/or revisions, are adopted by reference and declared to be a part of this chapter. The FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the city by the floodplain administrator. The study, FIRMS and FBFMs are on file at 420 Capitola Avenue, city of Capitola. (Ord. 755 § 2, 1993)

**17.50.100 Definitions.**

For the purposes of this chapter, the following words, phrases and terms shall have the meanings ascribed to them by this section:

"**A zone**" - see "Special flood hazard area".

"**Accessory structure**" means a structure that is either:

1. Solely for the parking of no more than 2 cars; or
2. A small, low cost shed for limited storage, less than 150 square feet and \$1,500 in value.

"**Accessory use**" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

"**Alluvial fan**" means a geomorphologic feature characterized by cone or fan-shaped deposit of boulders, gravel and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

"**Apex**" means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

"**Appeal**" means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

**"Area of shallow flooding"** means a designation A or AH Zone on the Flood Insurance Rate Map (FIRM) where: the base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow."Area of special flood hazard" - See "Special flood hazard area."

**"Area of special flood related erosion hazard"** is the land within a community which is most likely to be subject to severe flood related erosion losses. The area may be designated a Zone E on the Flood Insurance Rate Map (FIRM)

**"Base flood"** means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100 year flood"). Base flood is the term used throughout this ordinance.

**"Base flood elevation"** (BFE) means the elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-30, VE and V1-V30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

**"Basement"** means any area of the building having its floor subgrade - i.e., below ground level - on all sides.

**"Breakaway walls"** are any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part of the structural support of the building and which is designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters. A breakaway wall shall have a safe design loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:

1. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
2. The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

**"Building"** - see "Structure".

**"Coastal high hazard area"** means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. It is an area subject to high velocity waters, including coastal and tidal inundation or tsunamis. The area is designated on a Flood Insurance Rate Map (FIRM) as Zone V1-V30, VE, or V.

**"Development"** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**"Encroachment"** means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

**"Existing manufactured home park or subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before August 14, 1984.

**"Expansion to an existing manufactured home park or subdivision"** means the preparation of additional sites by construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).



**"Flood," "flooding" or "flood water"** means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e. mudflows); and
2. The condition resulting from flood related erosion.

**"Flood Boundary and Floodway Map (FBFM)"** means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

**"Flood Hazard Boundary Map"** means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazards.

**"Flood Insurance Rate Map (FIRM)"** means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**"Flood Insurance Study"** means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map and the water surface elevation of the base flood.

**"Floodplain or flood-prone area"** means any land area susceptible to being inundated by water from any source - see "Flooding."

**"Floodplain administrator"** is the individual appointed to administer and enforce the floodplain management regulations.

**"Floodplain area"** means the land on either side of a creek or other watercourse which may be subject to flooding. "Floodplain area" includes the one-hundred-year floodplain as determined by the Federal Flood Insurance Program and shown on both the Flood Insurance Rate Map and Flood Boundary and Floodway map, each dated June 3, 1986.

**"Floodplain management"** means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, when possible natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations and open space plans.

**"Floodplain management regulations"** means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

**"Floodproofing"** means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. For guidelines on dry and wet floodproofing, see FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93.

**"Floodway"** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "Regulatory Floodway."

**"Flood-related erosion"** means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

**"Flood-related erosion area"** means a land area adjoining the shore of a lake or other body of water which, due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood related erosion damage.

**"Flood-related erosion area management"** means the operation of an overall program of corrective and preventive measures for reducing flood related erosion damage including, but not limited to, emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

**"Floodway encroachment lines"** means the lines marking the limits of floodways on federal, state and local floodplain maps.

**"Floodway fringe"** is the area of the floodplain on either side of the "regulatory floodway" where encroachment may be permitted.

**"Fraud and victimization"** means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the City of Capitola will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

**"Functionally dependent use"** means a use, the intended purpose of which cannot be performed unless the use is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo and passengers, and ship-building and ship-repair facilities, but does not include long-term storage or related manufacturing facilities.

**"Habitable floor"** means floors usable for living purposes, which includes working, sleeping, eating or recreation, or combination thereof. A floor used only for storage purposes is not a habitable floor.

**"Hardship"** means the exceptional hardship that would result from a failure to grant the requested variance. The City of Capitola requires that the variance must be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbor likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

**"Highest adjacent grade"** means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

**"Historic structure"** means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

**"Levee"** means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

**"Levee system"** means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

**"Lowest floor"** means the lowest floor of the lowest enclosed area, including basement (see "Basement" definition).

1. An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided it conforms to applicable non-elevation design requirements, including, but not limited to:

- a. The flood openings standard in Section 17.50.210.C.3;
- b. The anchoring standards in Section 17.50.210.A;
- c. The construction materials and methods standards in Section 17.50.210.B; and
- d. The standards for utilities in Section 17.50.220

2. For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see "Basement" definition). This prohibition includes below-grade garages and storage areas.

**"Manufactured home"** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

**"Manufactured home park or subdivision"** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**"Market value"** is defined in the City of Capitola substantial damage/improvement procedures. See Section 17.50.120.B.1.

**"Mean sea level"** means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**"Mudslide"** describes a condition where there is river, flow or inundation of liquid mud down a hillside, usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground, preceded by a period of unusually heavy or sustained rain.

**"Mudslide prone area"** means an area with land surfaces and slopes of unconsolidated material where the history, geology and climate indicate a potential for mudflow.

**"New construction"**, for floodplain management purposes, means structures for which the "start of construction" commenced on or after August 14, 1984, and includes any subsequent improvements to such structures.

**"New manufactured home park or subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after August 14, 1984.

**"Obstruction"** includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protective, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

**"One-hundred-year flood"** or "100-year flood" - see "Base flood."

**"Primary frontal dune"** means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively mild slope.

**"Program deficiency"** means a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations.

**"Public safety and nuisance"** as related to Section 17.50.280 means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or

neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

**"Regulatory floodway"** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing water surface elevation more than one foot.

**"Sand dunes"** means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

**"Sheet flow area"** - see **"Area of shallow flooding."**

**"Special flood hazard area (SFHA)"** means an area having special flood, mudslide or flood-related erosion hazards and shown on the FHBM or FIRM as Zone A, AO, AI—A30, AE, A99, AH, E. M. V1—V30, VE or V.

**"Start of construction"** includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**"Structure"** means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

**"Substantial damage"** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**"Substantial improvement"** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**"V zone"** - see **"Coastal high hazard area."**

**"Variance"** means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

**"Violation"** means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

**"Watercourse"** means a lake, river creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

**"Water surface elevation"** means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and



frequencies in the floodplain or coastal or riverine areas. (Ord. 755 § 1, 1993; Ord. 656 § 1, 1988; Ord. 647 § 1, 1988; Ord. 619 § 1, 1987; Ord. 609 § 1, 1986; Ord. 575 § 2 (part), 1984)

**17.50.110 Designation of the floodplain administrator.**

The Building Official is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accord with its provisions.

**17.50.120 Duties and responsibilities of the floodplain administrator.**

The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:

- A. Permit Review. Review all development permits to determine:
  - 1. Permit requirements of this ordinance have been satisfied, including determination of substantial improvement and substantial damage of existing structures;
  - 2. All other required state and federal permits have been obtained;
  - 3. The site is reasonably safe from flooding;
  - 4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than 1 foot at any point within the City of Capitola; and
  - 5. All Letters of Map Revision (LOMR's) for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.
- B. Development of Substantial Improvement and Substantial Damage Procedures.
  - 1. Using FEMA publication FEMA 213, "Answers to Questions About Substantially Damaged Buildings," develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining "Market Value."
  - 2. Assure procedures are coordinated with other departments/divisions and implemented by community staff.
- C. Review, Use and Development of Other Base Flood Data.

When base flood elevation data has not been provided in accordance with Section 17.50.090, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Sections 17.50.210-17.50.270.

NOTE: A base flood elevation may be obtained using one of two methods from the FEMA publication, FEMA 265, "Managing Floodplain Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base (100-year) Flood Elevations" dated July 1995.

- D. Notification of Other Agencies.
  - 1. Alteration or relocation of a watercourse:
    - a. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;
    - b. Submit evidence of such notification to the Federal Emergency Management Agency; and
    - c. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.
  - 2. Base Flood Elevation changes due to physical alterations:
    - a. Within 6 months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit

applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).

- b. All LOMR's for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

3. Changes in corporate boundaries:

Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

E. Documentation of Floodplain Development.

Obtain and maintain for public inspection and make available as needed the following:

1. Certification required by Section 17.50.210.C.1 and Section 17.50.240 (lowest floor elevations);
2. Certification required by Section 17.50.210.C.2 (elevation or floodproofing of nonresidential structures);
3. Certification required by Sections 17.50.210.C.3 (wet floodproofing standard);
4. Certification of elevation required by Section 17.50.230.A.3 (subdivisions and other proposed development standards);
5. Certification required by Section 17.50.260.B (floodway encroachments);
6. Information required by Section 17.50.270.F (coastal construction standards); and
7. Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

F. Map Determination.

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 17.50.200.

G. Remedial Action.

Take action to remedy violations of this ordinance as specified in Section 17.50.140.

H. Biennial Report.

Complete and submit Biennial Report to FEMA.

I. Planning.

Assure community's General Plan is consistent with floodplain management objectives herein.

**17.50.130 Combining district.**

Land classified FP shall also have a basic classification as set forth elsewhere in this title. For example, R-1-FP means that the R-1 district regulations apply as well as the FP regulations. (Ord. 575 § 2 (part), 1984)

**17.50.140 Compliance.**

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with

conditions) shall constitute a misdemeanor. Nothing herein shall prevent the city from taking such lawful action as is necessary to prevent or remedy any violation. (Ord. 755 § 3, 1993)

**17.50.150 Principal permitted uses.**

The following are principal permitted uses in the FP district: All uses permitted in the basic zoning district. (Ord. 575 § 2 (part), 1984)

**17.50.160 Accessory uses.**

The following are accessory uses permitted in the FP district: All accessory uses permitted in the basic zoning district. (Ord. 575 § 2 (part), 1984)

**17.50.170 Conditional uses.**

The following are conditional uses in the FP district: All conditional uses in the basic zoning district. (Ord. 572 § 2 (part), 1984)

**17.50.180 Development standards.**

The development standards shall be the same as the basic zoning district except in those instances when more restrictive standards are necessary to provide assurance of conforming with this chapter. (Ord. 575 § 2 (part), 1984)

**17.50.190 Development permit.**

A development permit shall be obtained before any construction or other development, including manufactured homes, within any area of special flood hazard established in Section 17.50.090. Application for a development permit shall be made on forms furnished by the City of Capitola. The applicant shall provide the following minimum information:

A. Plans in duplicate, drawn to scale, showing:

1. Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location;
2. Proposed locations of water supply, sanitary sewer, and other utilities;
3. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;
4. Location of the regulatory floodway when applicable;
5. Base flood elevation information as specified in Section 17.50.090 or Section 17.50.120.C;
6. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and
7. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in Section 17.50.210.C.2 of this ordinance and detailed in FEMA Technical Bulletin TB 3-93.

B. Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria in Section 17.50.210.C2.

C. For a crawl-space foundation, location and total net area of foundation openings as required in Section 17.50.210.C.3 of this ordinance and detailed in FEMA Technical Bulletins 1-93 and 7-93.

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

E. All appropriate certifications listed in Section 17.50.120.E of this ordinance.

**17.50.200 Appeals.**

The City of Capitola shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

**17.50.210 Standards of construction.**

In all areas of special flood hazards the following standards are required:

**A. Anchoring.**

All new construction and substantial improvements of structures, including manufactured homes, shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

**B. Construction Materials and Methods.**

All new construction and substantial improvements of structures, including manufactured homes, shall be constructed:

1. With flood resistant materials, and utility equipment resistant to flood damage for areas below the base flood elevation;
2. Using methods and practices that minimize flood damage;
3. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and
4. Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

**C. Elevation and Floodproofing.****1. Residential construction.**

All new construction or substantial improvements of residential structures shall have the lowest floor, including basement:

- a. In AE, AH, A1-30 Zones, elevated to or above the base flood elevation.
- b. In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least 2 feet above the highest adjacent grade if no depth number is specified.
- c. In an A zone, without BFE's specified on the FIRM [unnumbered A zone], elevated to or above the base flood elevation; as determined under Section 17.50.120.C.

Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

**2. Nonresidential Construction.**

All new construction or substantial improvements of nonresidential structures shall either be elevated to conform with Section 17.50.210.C.1 or:

- a. Be floodproofed, together with attendant utility and sanitary facilities, below the elevation recommended under Section 17.50.210.C.1, so that the structure is watertight with walls substantially impermeable to the passage of water;
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- c. Be certified by a registered civil engineer or architect that the standards of Section 17.50.210.C.2.a & b are satisfied. Such certification shall be provided to the Floodplain Administrator.

**3. Flood openings.**

All new construction and substantial improvements of structures with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be



designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must meet the following minimum criteria:

- a. For non-engineered openings:
    1. Have a minimum of two openings on different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
    2. The bottom of all openings shall be no higher than one foot above grade;
    3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; and
    4. Buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood water to directly enter; or
  - b. Be certified by a registered civil engineer or architect.
4. Manufactured homes.
    - a. See Section 17.50.240.
  5. Garages and low cost accessory structures.
    - a. Attached garages.
      1. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of flood waters. See Section 17.50.210.C.3. Areas of the garage below the BFE must be constructed with flood resistant materials. See Section 17.50.210.B.
      2. A garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed. For guidance on below grade parking areas, see FEMA Technical Bulletin TB-6.
    - b. Detached garages and accessory structures.
      1. "Accessory structures" used solely for parking (2 car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in Section 17.50.100, may be constructed such that its floor is below the base flood elevation (BFE), provided the structure is designed and constructed in accordance with the following requirements:
        - a) Use of the accessory structure must be limited to parking or limited storage;
        - b) The portions of the accessory structure located below the BFE must be built using flood-resistant materials;
        - c) The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;
        - d) Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;
        - e) The accessory structure must comply with floodplain encroachment provisions in Section 17.50.260; and
        - f) The accessory structure must be designed to allow for the automatic entry of flood waters in accordance with Section 17.50.210.C.3.
      2. Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 17.50.210-17.50.270

#### **17.50.220 Standards for utilities.**

- A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:
  1. Infiltration of flood waters into the systems; and
  2. Discharge from the systems into flood waters.
- B. On-site waste disposal systems are prohibited per CMC 13.040.

**17.50.230 Standards for subdivisions.**

- A. All new subdivisions proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than 50 lots or 5 acres, whichever is the lesser, shall:
  - 1. Identify the Special Flood Hazard Areas (SFHA) and Base Flood Elevations (BFE).
  - 2. Identify the elevations of lowest floors of all proposed structures and pads on the final plans.
  - 3. If the site is filled above the base flood elevation, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a Letter of Map Revision based on Fill (LOMR-F) to the Floodplain Administrator:
    - a. Lowest floor elevation.
    - b. Pad elevation.
    - c. Lowest adjacent grade.
- B. All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.
- C. All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- D. All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.

**17.50.240 Development standards for manufactured homes and manufactured home parks and subdivisions in floodplain area.**

- A. All manufactured homes that are placed or substantially improved, on sites located: (1) outside of a manufactured home park or subdivision; (2) in a new manufactured home park or subdivision; (3) in an expansion to an existing manufactured home park or subdivision; or (4) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall:
  - 1. Within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
  - 2. Within Zones V1-30, V, and VE on the community's Flood Insurance Rate Map, meet the requirements of Section 17.50.270.
- B. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, AE, V1-30, V, and VE on the community's Flood Insurance Rate Map that are not subject to the provisions of Section 17.50.240.A will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:
  - 1. Lowest floor of the manufactured home is at or above the base flood elevation; or
  - 2. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

**17.50.250 Standards for Recreational Vehicles.**

- A. All recreational vehicles placed in Zones A1-30, AH, AE, V1-30 and VE will either:
  - 1. Be on the site for fewer than 180 consecutive days; or
  - 2. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
  - 3. Meet the permit requirements of Section 17.50.190 of this ordinance and the elevation and anchoring requirements for manufactured homes in Section 17.50.240.
- B. Recreational vehicles placed on sites within Zones V1-30, V, and VE on the community's Flood Insurance Rate Map will meet the requirements of Section 17.50.250.A and Section 17.50.270.

**17.50.260 Standards within floodways.**

Since floodways are an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A. Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than 1 foot at any point within the City of Capitola.
- B. Within an adopted regulatory floodway, the City of Capitola shall prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- C. If Sections 17.50.260.A & B are satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Section 17.50.210-17.50.270.

**17.50.270 Coastal high hazard areas.**

Within coastal high hazard areas, Zones V, V1-30, and VE, as established under Section 17.50.090, the following standards shall apply:

- A. All new residential and non-residential construction, including substantial improvement/damage, shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards.
- B. All new construction and other development shall be located on the landward side of the reach of mean high tide.
- C. All new construction and substantial improvement shall have the space below the lowest floor free of obstructions or constructed with breakaway walls as defined in Section 17.50.100 of this ordinance. Such enclosed space shall not be used for human habitation and will be usable solely for parking of vehicles, building access or storage.
- D. Fill shall not be used for structural support of buildings.
- E. Man-made alteration of sand dunes which would increase potential flood damage is

prohibited.

- F. The Floodplain Administrator shall obtain and maintain the following records:
1. Certification by a registered engineer or architect that a proposed structure complies with Section 17.50.270.A; and
  2. The elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) of all new and substantially improved structures, and whether such structures contain a basement.

**17.50.280 Variance procedure.**

The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.

The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the City of Capitola to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

**17.50.290 Conditions for variances.**

- A. Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Sections 17.50.110-17.50.200 and 17.50.210-17.50.270 of this ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- B. Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in Section 17.50.100 of this ordinance) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- C. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
- D. Variances shall only be issued upon a determination that the variance is the "minimum necessary" considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this ordinance. For example, in the case of variances to an elevation requirement, this means the City of Capitola need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the City of Capitola believes will both provide relief and preserve the integrity of the local ordinance.
- E. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:
  1. The issuance of a variance to construct a structure below the base flood level will result

- in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and
2. Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Santa Cruz County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
- F. The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

**17.50.300 Approval of variances.**

- A. In passing upon requests for variances, the City of Capitola shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and the:
1. Danger that materials may be swept onto other lands to the injury of others;
  2. Danger of life and property due to flooding or erosion damage;
  3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
  4. Importance of the services provided by the proposed facility to the community;
  5. Necessity to the facility of a waterfront location, where applicable;
  6. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  7. Compatibility of the proposed use with existing and anticipated development;
  8. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  9. Safety of access to the property in time of flood for ordinary and emergency vehicles;
  10. Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
  11. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.
- B. Variances shall only be issued upon a:
1. Showing of good and sufficient cause;
  2. Determination that failure to grant the variance would result in exceptional "hardship" to the applicant; and
  3. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (see "Public safety and nuisance"), cause "fraud and victimization" of the public, or conflict with existing local laws or ordinances.
- C. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Sections 17.50.300.A through 17.50.300.D are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.
- D. Upon consideration of the factors of Section 17.50.290.A and the purposes of this ordinance, the City of Capitola may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.



**17.50.310 Nonconforming structures in flood plain.**

A structure which was lawful before enactment of this chapter, but which is not in conformity with the provisions of this chapter, may be continued as a nonconforming structure subject to the following condition: If any nonconforming structure is destroyed by flood, earthquake, tsunami or, for another cause to the extent of fifty percent or more of its fair market value immediately prior to the destruction, it shall not be reconstructed except in conformity with the provisions of this chapter. (Ord. 575 § 2 (part), 1984).

**17.50.320 Variance appeal procedure.**

A. Appeal procedure for all decisions made under this chapter shall be in conformance with standard appeal procedures of Chapter 2.52 of this code.

B. The director of public works shall maintain the records of all appeal actions and report any variances to the federal insurance administration upon request.

C. Any applicant to whom a variance is granted should be given written notice that the structure will be permitted to be built in variance with these rules and that the cost of flood insurance will be commensurate with the increased risk resulting from such variance. (Ord. 575 § 2 (part), 1984)

**17.50.330 Disclosure requirement.**

A person, who is acting as an agent for a seller of real property which is located within a FP district or the seller if he or she is acting without an agent, shall disclose to any prospective purchaser the fact that the property is located within a FP district. The community development director may adopt methods of informing owners and real estate sales persons of this requirement. (Ord. 575 § 2 (part), 1984)

**Section 2.** Severability. If any provision of this ordinance or the application thereof, to any person or circumstance is held invalid, that invalidity shall not affect any other provision or application of this ordinance, which can be given effect without the invalid provision or application, and to this end, the provisions or applications of this ordinance are severable.

**Section 3.** This ordinance shall take effect and be in full force thirty (30) days after its final adoption outside the Coastal Zone, and upon approval and certification by the California Coastal Commission in the Coastal Zone.

This ordinance was introduced on the 10<sup>th</sup> day of May, 2012, and was passed and adopted by the City Council of the City of Capitola on the 24<sup>th</sup> day of May, 2012, by the following vote:

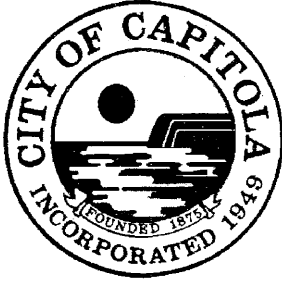
- AYES:
- NOES:
- ABSENT:
- ABSTAIN:
- DISQUALIFIED:

APPROVED:

\_\_\_\_\_  
Michael Termini, Mayor

ATTEST:

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



Item #: 8.C.

## CITY COUNCIL AGENDA REPORT

MEETING OF MAY 24, 2012

FROM: CITY MANAGER'S DEPARTMENT

SUBJECT: AN ORDINANCE OF THE CITY OF CAPITOLA AMENDING TITLE 8 CHAPTER 6 (RECYCLING) OF THE CAPITOLA MUNICIPAL CODE REGARDING MANDATORY COMMERCIAL RECYCLING [2ND READING]

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**RECOMMENDED ACTION:** By motion adopt the proposed Ordinance amending the municipal code regarding mandatory commercial recycling.

**BACKGROUND:** At its meeting of May 10, 2012, the Capitola City Council considered an amendment to Title 8 Chapter 6 (recycling) of the Capitola Municipal Code regarding mandatory commercial recycling.

**DISCUSSION:** The City Council approved the first reading of this ordinance at the Council meeting held on May 10, 2012.


The proposed Ordinance is before the City Council for its second reading and final adoption. If adopted, the ordinance will take effect in thirty (30) days, or following the posting of signs by the Public Works Department, whichever occurs last.

**FISCAL IMPACT:** None

### **ATTACHMENTS**

1. May 10, 2012 City Council meeting minute excerpt.
2. Draft Ordinance

Report Prepared By: Susan Sneddon, CMC  
City Clerk

Reviewed and Forwarded  
By City Manager: 

NOT OFFICIAL UNTIL APPROVED BY COUNCIL

CITY OF CAPITOLA  
CITY COUNCIL

May 10, 2012  
Capitola, California

**DRAFT MINUTE EXCERPT OF A REGULAR MEETING**

**9. GENERAL GOVERNMENT/PUBLIC HEARINGS**

- C. Consideration of an Ordinance amending Title 8 Chapter 6 (Recycling) of the Capitola Municipal Code regarding mandatory commercial recycling. (Introduce Ordinance) [930-30]

Administrative Director Murphy introduced this item.

***ACTION: Motion by Council Member Norton, seconded by Council Member Storey, approving an Ordinance amending Title 8 Chapter 6 (Recycling) of the Capitola Municipal Code regarding mandatory commercial recycling [1st reading]. The motion carried unanimously with the following vote: AYES: Council Members Harlan, Norton, Nicol, Storey, and Mayor Termini. NOES: None. ABSENT: None. ABSTAIN: None.***



## ORDINANCE NO. 971

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA  
AMENDING SECTIONS 8.06.010, 8.06.020, 8.36.030, AND ADDING 8.36.070 OF THE CAPITOLA  
MUNICIPAL CODE PERTAINING TO  
MANDATORY COMMERCIAL AND RESIDENTIAL RECYCLING**

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

Section 1: That Chapter 8.06 is hereby amended to the City of Capitola Municipal Code Title 8, Health and Safety, to read as follows:

Chapter 8.06

**8.06.010 Findings and purpose.**

The health, welfare and safety of the people in the city are promoted by the curbside collection of recyclable waste materials. To insure the existence and continuance of a recycling program, the city council finds that city-authorized recycling contractors must be able to collect recyclable materials without interference. The purpose of this chapter is to require recycling while also discouraging unauthorized scavenging of recyclable materials from a designated collection location. (ord. 704 (part), 1990)

**8.06.020 Definitions.**

In this chapter, unless the context otherwise requires:

- A. "Recycling program" means an arrangement whereby a person or business entity ("recycling contractor"), so authorized by a franchise agreement, permit or license duly issued by the city, arranges to pick up and remove recyclable materials at designated collection locations during set time frames.
- B. "Recyclable materials" mean materials (segregated from solid waste into distinctive recycling containers approved of, or provided by, a recycling contractor) which have been placed at a designated collection location including, but not limited to, the following materials: newspapers, glass, old corrugated cartons, graded or sorted waste paper, waste motor oil (residential), cardboard, mixed waste paper (including junk mail, catalogues, paperboard, phone books, brown paper, grocery bags, colored paper, envelopes, food boxes, magazines) milk & juice cartons, aluminum cans, trays and foil, steel cans, and mixed plastic containers (numbers 1 through 4), and dry cell batteries. (Ord. 704 (part), 1990)

**8.06.030 Recycling activity authorized.**

Notwithstanding any contrary prohibitions in chapter 8.04 of this title, collecting recyclable materials and placing them at designated collection locations is allowed. (Ord. 704 (part), 1990)

**8.06.035 Recycling required.**

A. Commercial Recycling Required: As of July 1, 2012 all commercial establishments that generate 4 cubic yards or more of commercial solid waste per week and multifamily residential dwellings with 5 or more units shall separate recyclable materials for recycling, and no recyclable materials shall be deposited in garbage cans or bins, "roll-off" containers, or drop boxes.

1. Enforcement:

a. As of September 1, 2012 educational notice tags will be placed on garbage cans and bins, "roll-off" containers and drop boxes with appreciable amounts of recyclable materials.

b. As of September 1, 2013, any violation of this section may result in refusal of curbside garbage collection services. Customers shall be required to remove these items from garbage containers before it will be collected.

2. Exceptions: the owner of an existing commercial structure or multifamily structure which does not have adequate storage space for recyclable materials may apply to the City Manager for a full or partial exemption from the requirements of this ordinance. The City Manager, in cases where space constraints are determined to exist, shall evaluate the feasibility of shared recycling containers by contiguous businesses or multifamily structures before granting a full or partial exemption.

**8.06.040 Ownership of recyclable waste material.**

Upon the placement of recyclable waste materials at a designated recycling collection location for collection by an authorized recycling contractor, the recyclable waste material becomes the property of the authorized recycling contractor. (Ord. 704 (part), 1990)

**8.06.050 Unauthorized collection prohibited.**

During the twenty-four-hour period beginning at six p.m. preceding the day designated for collection of recyclable waste material, no person other than the pertinent authorized recycling contractor shall remove recyclable waste material which has been placed at a designated recycling collection locations during the twenty-four-hour period shall constitute a separate and distinct offense punishable as provided in section 1.01.090 and title 4 of this code. (Ord. 955 & 4, 2011; Ord. 704 (part), 1990)

**8.06.060 Right of individual to dispose of recyclable material.**

This chapter does not limit the right of a person to donate, sell or otherwise dispose of recyclable waste material so long as the disposal complies with this chapter. (Ord. 704 (part), 1990)

**8.06.070 Civil action by authorized recycling contractor.**

This chapter does not limit the right of an authorized recycling contractor to bring a civil action against a person who violates section 8.06.050. A conviction for such violation does not exempt a person from a civil action brought by an authorized recycling contractor. (Ord. 704 (part), 1990)

Section 8. This ordinance shall take effect and be in full force on July 1, 2012.

This ordinance was introduced on the 10th day of May, 2012, and was passed and adopted by the City Council of the City of Capitola on the 24th day of May, 2012, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

APPROVED: \_\_\_\_\_  
Michael Termini, Mayor

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



## CITY COUNCIL AGENDA REPORT

MEETING OF MAY 24, 2011

FROM: FINANCE DEPARTMENT

SUBJECT: CONFIRMATION OF CITY'S INVESTMENT POLICY

---

**RECOMMENDED ACTION:** Motion to confirm the City's Investment Policy (Administrative Policy Number III-1; Revised August 9, 2001), or provide direction to staff regarding any recommended changes.

**BACKGROUND:** California Government Code §53630 et seq contains State requirements for the deposit of City funds. Section 53635 requires that all money belonging to, or in the custody of, a local agency be deposited in certain allowable instruments. The current Investment Policy was approved by the City Council on August 9, 2001, by adoption of Resolution No. 3149 Affirming the City's Investment Policy, and was incorporated into the City's Administrative Policies. A copy of the Investment Policy, which was confirmed by the City Council on May 26, 2011, is attached.

**DISCUSSION:** The California Government Code requires cities to review its Investment Policy on an annual basis. The purpose of this item is to provide the City Council with an opportunity to review its policy and either reaffirm its Investment Policy or provide direction to staff for recommended changes. The City's current investment policy and investment portfolio comply with all applicable state law requirements.

**FISCAL IMPACT:** None

**ATTACHMENTS**

1. Administrative Policy III-1: Investment Policy (Confirmed 5/26/11)

Report Prepared By: Lonnie Wagner  
Accountant II

Reviewed and Forwarded  
By City Manager: 



**ADMINISTRATIVE POLICY**

Number: III-1

Issued: May 9, 1996

Revised: August 9, 2001

Confirmed: May 26, 2011

Jurisdiction: City Council

INVESTMENT POLICY

The policy for the investment of public funds shall at all times conform, by law, to Section 53601, et seq., of the California Government Code. In order of importance, the investment policy shall:

1. Provide for the safety of the funds
2. Assure the liquidity of the funds
3. Acquire earnings of the funds

This investment policy, or any modification thereof, shall be formulated by the City Treasurer and approved by the City Council and copies made available upon request.

The Treasurer's investment portfolio contains pooled investments of funds by both the City and of benefit assessment districts within the City. The earnings from pooled investments are shared proportionately with each investor.

City investment funds shall only be invested in the following permitted investments:

1. State of California Local Agency Investment Fund
2. U.S. Treasury T-Bills
3. Negotiable Certificates of Deposit
4. Guaranteed Investment Contracts (GIC) of AAA quality, for a term not to exceed fifteen (15) months\*

The following limitations shall apply to permitted investments:

T-Bills: Total dollar investment not to exceed 60% of total portfolio at time of investment.

Certificates of Deposit:

- A. Total dollar investment not to exceed 20% of total portfolio at time of investment.
- B. Maturity date of securities shall not be more than 365 days from date of purchase.
- C. Issuer must be one of top 20 national or state chartered banks, one of top 20 state or federal savings associations, or one of top 10 state licensed foreign banks as compiled by American Banker from Merrill Lynch.
- D. CD's may be purchased only from the issuer, a federal or state chartered bank, a federal or state association, or a brokerage firm designated as a primary dealer by the Federal Reserve Bank.
- E. The deposit shall not exceed the total of the paid-up capital and the surplus of any depository bank, nor shall the deposit exceed the net worth of any depository association.

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Jacques Bertrand, City Treasurer

[City Council Resolution No. 2788, 5/9/96; Amended 3/22/01 by Resolution No. 3120 and 8/9/01 by Resolution No. 3149; Confirmed: 6/12/03; 6/10/04; 6/9/05; 5/25/06; 5/24/07; 6/12/08; 5/28/09; 5/13/10; 5/26/11]



Item #: 8.E.

## CITY COUNCIL AGENDA REPORT

MEETING OF MAY 24, 2012

FROM: CITY MANAGER'S DEPARTMENT

SUBJECT: DECLARATION OF SURPLUS PROPERTY – WHEELCHAIR

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**RECOMMENDED ACTION:** Declare an electric wheelchair as surplus property and direct the City Managers' Department to donate it to Shriners Hospital for Children.

**BACKGROUND:** In early 2011, with the use of insurance funds, the City purchased an electric wheelchair on behalf of one of its employees. The individual left City employment and therefore the wheelchair remained City property.

**DISCUSSION:** The wheelchair was purchased for approximately \$17,000 through the City's insurance program and has never been used. The members of the Association of Capitola Employee's Union (Union) requested staff to consider donating the unused chair. The Union researched local and state non-profit organizations to determine which organization could benefit most from receiving the chair. After careful consideration, the Union recommends donating the chair to Shriners Hospital for Children and staff agrees that this would be a worthy organization to donate to.

Alternatively, the City Council could try to sell the wheelchair.

**FISCAL IMPACT:** If the City donated the wheelchair, there would be no fiscal impact. If the City Council decides to sell the chair, the City could receive between \$10,000 and \$15,000.

**ATTACHMENT:** None

Report Prepared By: Lisa Murphy  
Administrative Services Director

Reviewed and Forwarded  
By City Manager: 



Item #: 8.F.

## CITY COUNCIL AGENDA REPORT

MEETING OF MAY 24, 2012

FROM: CITY MANAGER'S DEPARTMENT

SUBJECT: LIABILITY CLAIMS

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**RECOMMENDED ACTION:** Deny liability claims and forward to the City's liability insurance carrier.

**DISCUSSION:**

The following claimants have filed liability claims against the City of Capitola:

1. Bay Federal Credit Union: \$82,500
2. Ann Schroedel: \$136,000

**ATTACHMENTS:** None

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

Reviewed and Forwarded  
by City Manager: 





## CITY COUNCIL AGENDA REPORT

MEETING OF MAY 24, 2012

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: 700 ESCALONA DRIVE – PROJECT APPLICATION # 12-019  
APPEAL OF PLANNING COMMISSION DECISION TO DENY A COASTAL PERMIT AND DESIGN PERMIT TO CONSTRUCT A NEW TWO-STORY SINGLE-FAMILY RESIDENCE IN THE R-1 (SINGLE-FAMILY RESIDENCE) ZONING DISTRICT [APN 036-141-20]. FILED 2/14/12. PROPERTY OWNER: LORI PERPICH & ALBERTO MUNOZ. REPRESENTATIVE: DEREK VAN ALSTINE.

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**RECOMMENDED ACTION:** That the City Council overturn the Planning Commission denial and approve application #12-019.

**BACKGROUND:** On April 19, 2012, the Planning Commission considered an application proposing to demolish an 882 square foot single-family residence currently located on two legal lots of record, and then construct two new two-story single-family residences, one on each lot. The Commission unanimously approved the house located on the standard 4,000 square foot parcel (APN 036-141-005), but denied the house located on the smaller 1,800 square foot parcel (APN 036-141-020) on a 2-1 vote. The two commissioners that opposed the house on the smaller lot objected to the two variances being requested, a second floor side yard variance, and a driveway landscape strip variance.

The applicant has appealed the application (Attachment 1). The appeal letter, Planning Commission report and corresponding minutes from the hearing are attached as Attachments 1 through 3. In addition, the applicant has revised the floor plans to eliminate the requested side yard setback variances. The revised plans are included as Attachment 4.

**PROJECT DESCRIPTION:** The subject site is a fairly flat pair of parcels containing an 882 square foot single-family residence within a developed single-family neighborhood. With the existing home proposed for demolition, the application is to construct two new single-family homes, one on each legal lot of record. As previously mentioned, the Planning Commission approved the larger home on the standard 4,000 square foot parcel. The house conforms to the R-1 single-family development standards, including height, setbacks, parking, and floor area ratio (FAR).

The smaller of the two lots (APN 036-141-020) is only 18' in width, totaling 1,800 square feet. The new two-story home is proposed to be 1,044 square feet with no garage. The smaller house will match the larger home, using the same architecture and materials. A color and materials board will be available for review at the City Council meeting.

Two turf block parking spaces will be located in front of the home, with a concrete entry path and new landscaping to match the adjacent parcel. The parcel is located in a curb, gutter, and sidewalk exempt area, therefore no street improvements are proposed. Utilities will be required to be undergrounded. The proposed house conforms to most of the R-1 single-family development

standards; however, two variances were requested of the Planning Commission. As previously mentioned, the applicant has revised the floor plans to eliminate the requested side yard setback variance.

### Variances

As part of the Planning Commission consideration, two variances were being requested for the smaller lot:

1. Second Floor Side Yard Setback - As per the R-1 zoning requirements, the required side yard setback for the second floor is 4'-6". The structure is proposed to encroach 1 ½" into the side yard setback along the left side, maintaining a 4'-4 ½" setback.
2. Reduction in Landscaping – Section 17.51.130(10) requires that "Two feet of landscape planting is required in the front yard setback between the parking area and the side property line." Due to the 18' width of the lot, and the fact that the minimum width for the two combined parking spaces is 18', there is no room to meet the two foot landscape strip requirement.

Since the denial by the Planning Commission, the applicant has revised the drawings and has been able to eliminate the need for the second floor side yard setback variance. The only variance necessary at this time is for the reduction in landscaping.

Per Code Section 17.66.090, a variance permit may be granted if the City Council finds:

1. That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;
2. That the grant of a variance permit would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.

**DISCUSSION:** The applicant has eliminated the need for the second floor side yard setback, and has made an effort to add greenery to the front yard by incorporating turf block into the required parking areas. Staff can support the requested landscape reduction variance, specifying the constraints associated with the extremely narrow width of the lot, as well as the small size of the lot.

### ATTACHMENTS

1. Appeal letter from applicant Derek Van Alstine, dated April 23, 2012
2. April 19, 2012 Planning Commission Staff Report
3. April 19, 2012 Planning Commission Minutes
4. Revised plans submitted May 9, 2012
5. Conditions and Findings

Report Prepared By: Ryan Bane  
Senior Planner

Reviewed and Forwarded  
By City Manager: 



D E R E K V A N A L S T I N E  
R E S I D E N T I A L D E S I G N , I N C .

April 23, 2012

RECEIVED

APR 24 2012

CITY OF CAPITOLA

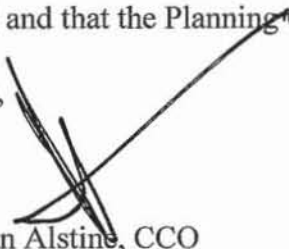
City of Capitola  
Community Development Department  
420 Capitola Avenue  
Capitola, CA 95010

Re: Munoz Residence  
700 Escalona Drive  
APN: 036-141-05, 20  
App#: 12-019

To Whom It May Concern:

On behalf of our clients Lori and Alberto Munoz we would like to appeal the Planning Commissions April 19, 2012 decision to deny a portion of their project at 700 Escalona Drive, Capitola, CA 95010. We believe that Planning Staff was correct in supporting the variances as requested and that the Planning Commission denied the request for variances in err.

Sincerely,



Derek Van Alstine, CCO  
Derek Van Alstine Residential Design, Inc.

716 SOQUEL AVE., STE A, SANTA CRUZ, CA 95062  
phone 831-426-8400 • 831-426-8446 fax  
derek@vanalstine.com



**STAFF REPORT**

TO: PLANNING COMMISSION  
 FROM: COMMUNITY DEVELOPMENT DEPARTMENT  
 DATE: APRIL 19, 2012

SUBJECT: **700 ESCALONA DRIVE #12-019 APN: 036-141-05, 20**  
 Coastal Permit and Design Permit to demolish an existing one-story single-family residence located on two legal lots of record, and construct two new two-story single-family residences in the R-1 (Single-Family Residence) Zoning District. A variance for a second floor setback and reduction in landscaping is requested for the house located on APN 036-141-020. This project requires a Coastal Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.  
 Environmental Determination: Categorical Exemption  
 Property Owner: Lori Perpich & Alberto Munoz, filed 2/14/12  
 Representative: Derek Van Alstine

**APPLICANT'S PROPOSAL**

The applicant is proposing to demolish an 882 square foot single-family residence currently located on two legal lots of record, and then construct two new two-story single-family residences, one on each lot. The project is located at 700 Escalona in the R-1 (Single Family Residence) zoning district. The use is consistent with the General Plan, Zoning Ordinance and Local Coastal Plan.

<b><u>STRUCTURAL DATA – APN 036-141-05</u></b>			
<b><u>SETBACKS</u></b>		<b>Required</b>	<b>Proposed</b>
<b>Front Yard</b>			
	Garage	18'	36'
	1 <sup>st</sup> Story	15'	16'
	2 <sup>nd</sup> Story	20'	43'
<b>Rear Yard</b>			
	1 <sup>st</sup> Story	20'	20'
	2 <sup>nd</sup> Story	20'	24'
<b>Side Yard</b>			
	1 <sup>st</sup> Story	4' (l) & (r)	7' (l) & 4' (r)
	2 <sup>nd</sup> Story	6' (l) & (r)	9' (l) & 6' (r)
<b>HEIGHT</b>		25'	24'-9"

<b>FLOOR AREA RATIO</b>		<b>Lot Size</b>	<b>MAX (54%)</b>	<b>Proposed (54%)</b>	
		4,000 sq. ft.	2,160 sq. ft.	2,158 sq. ft.	
	<b>Habitable Space</b>	<b>First Floor Deck or Porch</b>	<b>Second Floor Deck</b>	<b>Garage</b>	<b>Total</b>
Proposed First Story	1,298 sq. ft.	108 sq. ft.*	n/a	200 sq. ft.	1,498 sq. ft.
Proposed Second Story	660 sq. ft.	-	n/a	n/a	660 sq. ft.
Proposed TOTAL	1,958 sq. ft.	108 sq. ft.*	n/a	200 sq. ft.	2,158 sq. ft.
<b>PARKING</b>		<b>Required</b>	<b>Proposed</b>		
		3 spaces, one of which must be covered	1 covered space 2 uncovered		
Total		3 spaces	3 spaces		

\* There is a credit of 150 sq. ft. for first floor covered porches.

<b>STRUCTURAL DATA – APN 036-141-20</b>					
<b>SETBACKS</b>		<b>Required</b>	<b>Proposed</b>		
<b>Front Yard</b>					
	Garage	18'	n/a		
	1 <sup>st</sup> Story	15'	19'-6"		
	2 <sup>nd</sup> Story	20'	41'		
<b>Rear Yard</b>					
	1 <sup>st</sup> Story	20'	20'		
	2 <sup>nd</sup> Story	20'	20'		
<b>Side Yard</b>					
	1 <sup>st</sup> Story	3' (l) & (r)	3'-1" (l) & (r)		
	2 <sup>nd</sup> Story	4'-6" (l) & (r)	4'-4 1/2" (l) & 4'-6" (r)		
<b>HEIGHT</b>		25'	21'-2 1/2"		
<b>FLOOR AREA RATIO</b>		<b>Lot Size</b>	<b>MAX (58%)</b>	<b>Proposed (58%)</b>	
		1,800 sq. ft.	1,044 sq. ft.	1,044 sq. ft.	
	<b>Habitable Space</b>	<b>First Floor Deck or Porch</b>	<b>Second Floor Deck</b>	<b>Garage</b>	<b>Total</b>
Proposed First Story	639 sq. ft.	139 sq. ft.*	n/a	n/a.	639 sq. ft.
Proposed Second Story	405 sq. ft.	-	n/a	n/a	405 sq. ft.
Proposed TOTAL	1,044 sq. ft.	139 sq. ft.*	n/a	n/a	1,044 sq. ft.
<b>PARKING</b>		<b>Required</b>	<b>Proposed</b>		
		2 spaces, neither of which must be covered	2 uncovered		
Total		2 spaces	2 spaces		

\* There is a credit of 150 sq. ft. for first floor covered porches.

### **ARCHITECTURAL AND SITE REVIEW COMMITTEE**

On June 14, 2012, the Architectural and Site Review Committee reviewed the application.

- City Landscape Architect Susan Suddjian complimented the planting strip in the driveway and thought the planting plan looked great.
- Public Works Director Steve Jesberg conditioned that a drainage plan be developed and that the development implement at least one low impact development BMP from the *Slow it. Spread it. Sink it. Homeowner's Guide to Greening Stormwater Runoff* by the Resource Conservation District of Santa Cruz County.
- Historian Carolyn Swift explained that the house is not historic.
- Senior Planner Bane noted that utilities would need to be undergrounded, and that the applicant should contact PG&E and the Soquel Creek Water District to begin approvals through those entities.

### **DISCUSSION**

The subject site is a fairly flat pair of parcels containing an 882 square foot single-family residence within a developed single-family neighborhood. With the existing home proposed for demolition, the application is to construct two new single-family homes, one on each legal lot of record.

#### **APN 036-141-05**

The larger of the two lots is a standard 4,000 square foot parcel. The new two-story home will consist of 1,958 square feet of living space and a 200 square foot one-car garage. The proposed house is a traditional vernacular style, employing shed roof dormers and a mix of materials including horizontal wood siding for the first floor, wood shingle exterior for the second floor, aluminum clad wood windows and doors, wood trim and asphalt shingle roof. A color and materials board will be available for review at the Planning Commission meeting.

All new landscaping is proposed for the front of the home, including a courtyard enclosed by a white picket fence as indicated on the landscape plan provided, with all trees proposed for removal. The project is located in a curb, gutter, and sidewalk exempt area, therefore no street improvements are proposed. Utilities will be required to be undergrounded. The proposed house conforms to the R-1 single-family development standards, including height, setbacks, parking, and floor area ratio (FAR).

#### **APN 036-141-20**

The smaller of the two lots is only 18' in width, totaling 1,800 square feet. The new two-story home will be 1,044 square feet with no garage. The cottage sized house will match the larger home, using the same architecture and materials. A color and materials board will be available for review at the Planning Commission meeting.

Two turf block parking spaces will be located in front of the homes, with a concrete entry path and new landscaping to match the adjacent parcel. The parcel is located in a curb, gutter, and sidewalk exempt area, therefore no street improvements are proposed. Utilities will be required

to be undergrounded. The proposed house conforms to most of the R-1 single-family development standards; however, two variances are being requested.

### Variances

Two variances are being requested for the smaller lot (APN 036-141-020):

1. Second Floor Side Yard Setback - As per the R-1 zoning requirements, the required side yard setback for the second floor is 4'-6". The structure is proposed to encroach 1 ½" into the side yard setback along the left side, maintaining a 4'-4 ½" setback.
2. Reduction in Landscaping – Section 17.51.130(10) requires that "Two feet of landscape planting is required in the front yard setback between the parking area and the side property line." Due to the 18' width of the lot, and the fact that the minimum width for the two combined parking spaces is 18', there is no room to meet the two foot landscape requirement.

Per Code Section 17.66.090, a variance permit may be granted when the Planning Commission finds:

1. That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;
2. That the grant of a variance permit would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.

Staff can support the requested variances, specifying the constraints associated with the extremely narrow width of the lot, as well as the small size of the lot.

### RECOMMENDATION

Staff recommends that the Planning Commission **approve** project application #12-019 based on the following Conditions and Findings for Approval.

### CONDITIONS

1. The project approval consists of demolition of an 882 square foot single-family residence currently located on two legal lots of record, and construction of two new two-story single-family residences, one on each lot at 700 Escalona Drive.
2. Any significant modifications to the size or exterior appearance of the structure must be approved by the Planning Commission.
3. Hours of construction shall be Monday to Friday 7:30 a.m. – 9:00 p.m., and Saturday 9:00 a.m. – 4:00 p.m., per city ordinance.
4. The utilities shall be underground to the nearest utility pole in accordance with PG&E and Public Works Department requirements. A note shall be placed on the final building plans indicating this requirement.



5. An encroachment permit shall be acquired for any work performed in the right-of-way.
6. The project shall implement Low Impact Development BMP's outlined in the *Slow it. Spread it. Sink it. Homeowner's Guide to Greening Stormwater Runoff* by the Resource Conservation District of Santa Cruz County. The applicant shall provide details on the bmp's implemented and with a goal of not allowing more than 25% of total impervious area from discharging directly from the site.
7. The final landscape plan shall be submitted with the building permit application and will include the specific number of plants of each type and their size, as well as the irrigation system to be utilized. Front yard landscaping shall be installed prior to final building occupancy.
8. Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance. Any appropriate fees shall be paid prior to building permit issuance.
9. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.

### **FINDINGS**

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

Planning Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project generally conforms to the development standards of the R-1 (Single Family Residence) Zoning District. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

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

Planning Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project generally conforms to the development standards of the R-1 (Single Family Residence) Zoning District. Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood.

- C. The variance to the side setback and landscape reduction will better serve the intent of the Zoning Ordinance than will the literal enforcement of the requirements of the Ordinance.**

The extremely narrow width and small size of the parcel are special circumstances that exist, which makes it difficult to develop and provide the required landscaping and setbacks. This strict application of the Zoning Ordinance would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The granting of a variance would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity.

- D. This project is categorically exempt under Section 15303(a) of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**

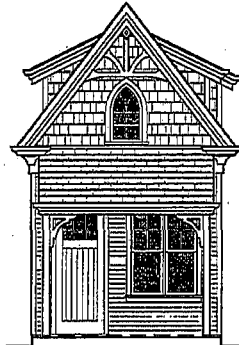
This project involves construction of two new single-family residences in the R-1 (single family residence) Zoning District. Section 15303 of the CEQA Guidelines exempts the construction of up to three single-family residences in an urbanized area.

**Report Prepared By:** Ryan Bane  
Senior Planner

Attachment A - Project Plans (Munoz Residence)  
Attachment B – Project Plans (Munoz Cottage)



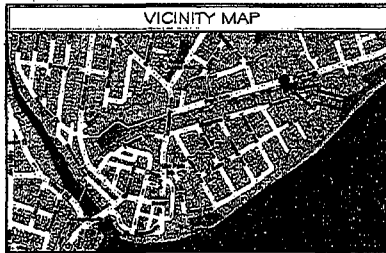
# MUNOZ RESIDENCE



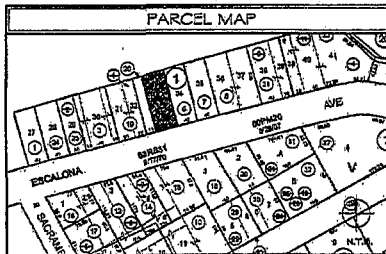
MUNOZ COTTAGE  
APN: 036-141-020



MUNOZ HOUSE  
APN: 036-141-005



VICINITY MAP



PARCEL MAP

## BUILDING INFORMATION SUMMARY

<b>PROJECT DESCRIPTION:</b>	DEMOLITION OF AN EXISTING 686 SQ.FT. SINGLE FAMILY DWELLING AND CONSTRUCTION OF NEW 2,150 SQ.FT. TWO STORY SINGLE FAMILY DWELLING.		
<b>PROJECT ADDRESS:</b>	700 ESCALONA DRIVE CAPITOLA, CA 95010		
<b>PARCEL NUMBER:</b>	036-141-020		
<b>OCCUPANCY TYPE:</b>	R-3		
<b>SETBACK INFORMATION:</b>	FRONT YARD 15'-0"	SIDE YARD 4'-0" (FIRST FLOOR) 6'-0" (SECOND FLOOR)	REAR YARD 20'-0"
<b>LOT AREA:</b>	4,000 SQ.FT.		
<b>PROPOSED FLOOR AREA:</b>			
FIRST FLOOR AREA:	1,430 SQ.FT.		
SECOND FLOOR AREA:	620 SQ.FT.		
<b>TOTAL FLOOR AREA:</b>	2,150 SQ.FT.		
<b>FLOOR AREA RATIO:</b>	2,150 / 4,000 = .54		
<b>F.A.R. PERMITTED:</b>	54%		
<b>PARKING PROVIDED:</b>	1 COVERED AND 2 UNCOVERED		
<b>CODE NOTE:</b>	THESE PLANS CONFORM TO THE 2010 CALIFORNIA RESIDENTIAL BUILDING, MECHANICAL, PLUMBING, ELECTRICAL AND ENERGY CODES (S.E., 2009 IBC, IBC, LIRC, UFGC, AND 2009 NEC) AS AMENDED BY THE STATE OF CALIFORNIA.		

## CONTACTS

**OWNER:**  
LORI PERPICH & ALBERTO MUNOZ  
700 ESCALONA DRIVE  
CAPITOLA, CA 95010  
(831) 303-2912

**PROJECT DESIGNER:**  
DEREK VAN ALSTINE RESIDENTIAL DESIGN, INC.  
DEREK VAN ALSTINE  
715 SOCLAS AVENUE SUITE A  
SANTA CRUZ, CA 95062  
PH: (831) 426-2400  
FAX: (831) 426-2416  
derek@vanalstine.com

**LANDSCAPE ARCHITECT:**  
ELLEN COOPER & ASSOCIATES  
ELLEN COOPER  
512 WINGBOUR STREET  
SANTA CRUZ, CA 95062  
PH: (831) 426-2445  
FAX: (831) 426-2445

## DRAWING INDEX

**BUILDING DESIGN**

T1 TITLE SHEET  
T2 STREETScape  
A1 SITE PLAN  
A2 FIRST & SECOND FLOOR PLANS  
A3 EXTERIOR ELEVATIONS  
L1 LANDSCAPE PLAN

DEREK VAN ALSTINE  
RESIDENTIAL DESIGN INC.  
1450 S. GARDEN AVENUE SUITE 100  
SANTA CRUZ, CALIFORNIA 95062  
(831) 426-2400 FAX

DVRD  
DEREK VAN ALSTINE  
RESIDENTIAL DESIGN INC.

MUNOZ RESIDENCE  
700 ESCALONA DRIVE  
CAPITOLA, CA 95010

DATE: 08-28-12	08-28-12
ISSUE DESCRIPTION:	
SCHEMATIC DESIGN:	03 FEB 12
DESIGN DEVELOPMENT:	03 FEB 12
PLANNED PERMITTING:	03 FEB 12
BUILDING SUBMITTAL:	
REVISIONS:	
08-28-12	
PLANNED REVISIONS:	

TITLE SHEET  
MODIFIED

11

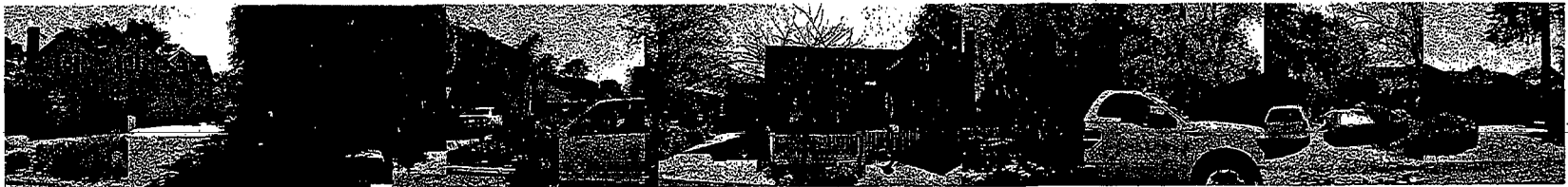
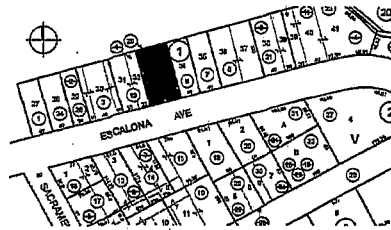
ATTACHMENT A

SUBJECT  
PROPERTY



700 ESCALONA DR

① ESCALONA DRIVE - NORTH  
ESCALONIA



② ESCALONA DRIVE - SOUTH  
ESCALONIA

DEREK VAN ALSTINE  
RESIDENTIAL DESIGN INC.  
115 BOGHE AVENUE SUITE A SANTA CRUZ, CALIFORNIA  
95060-5078 TEL: 531-440-5724 FAX: 531-440-5724

DVRD

MUNOZ RESIDENCE  
700 ESCALONA DRIVE  
CAPITOLA, CA 95010

REV 02/04-14-12/09

ISSUE DESCRIPTION

SCHEMATIC DESIGN

CD FED 12

TRUCK DEVELOPMENT

PLANNING PERMITAL

CD FED 12

BUILDING PERMITAL

REVISION

REVISION

REVISION

REVISION

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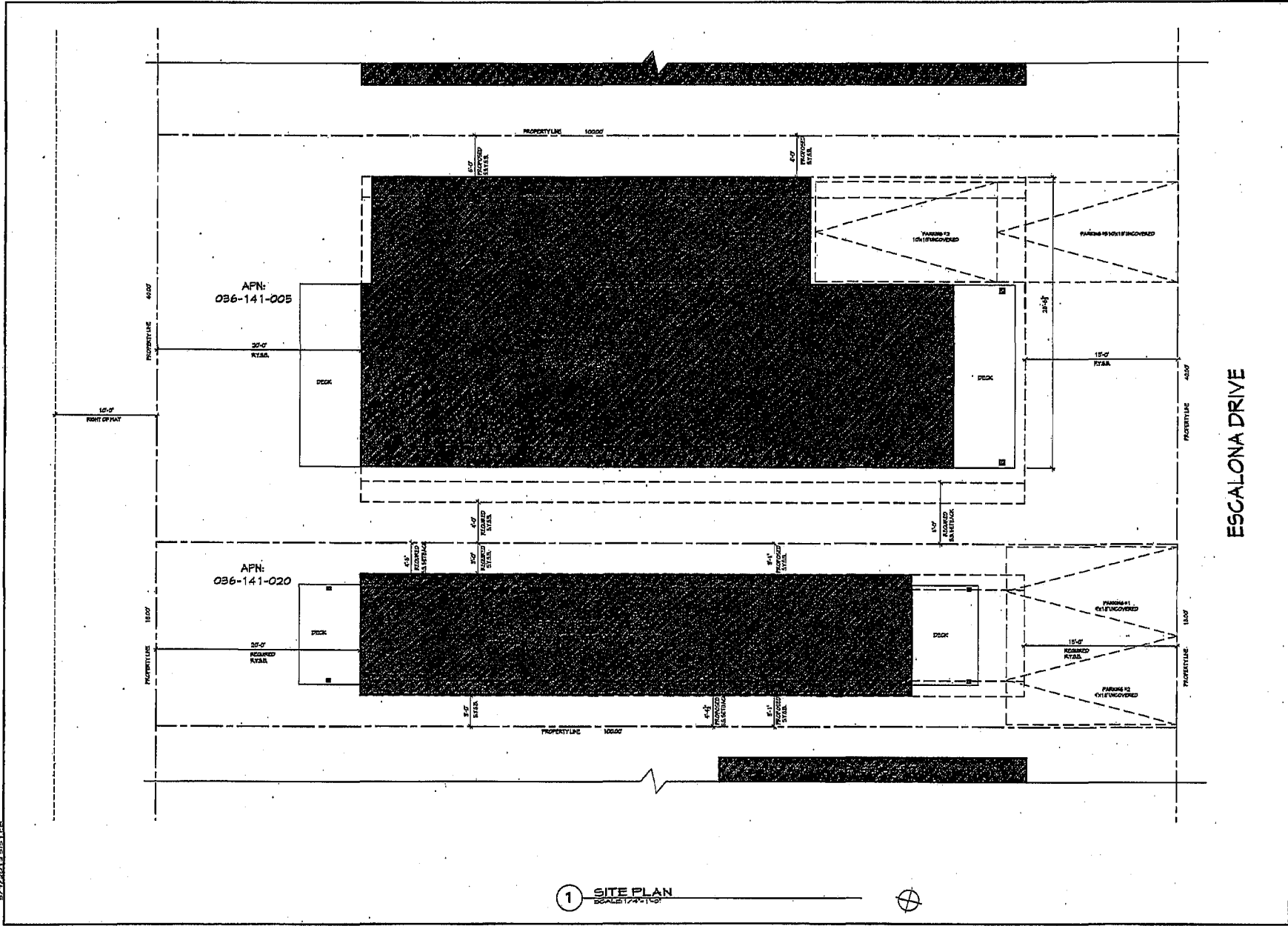
REVISION

REVISION

REVISION

STREETSCAPE

T2



1 SITE PLAN  
SCALE: 1/4" = 1'-0"



ESCALONA DRIVE

**DEREK VAN ALSTINE**  
RESIDENTIAL DESIGN INC.  
REGISTERED ARCHITECT AND LANDSCAPE ARCHITECT  
CALIFORNIA LICENSE NO. 14500  
LANDSCAPE ARCHITECTURE LICENSE NO. 14500

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**DVRD**  
DESIGN REVIEW BOARD  
APPROVED FOR RECORDATION  
DATE: 05-08-12

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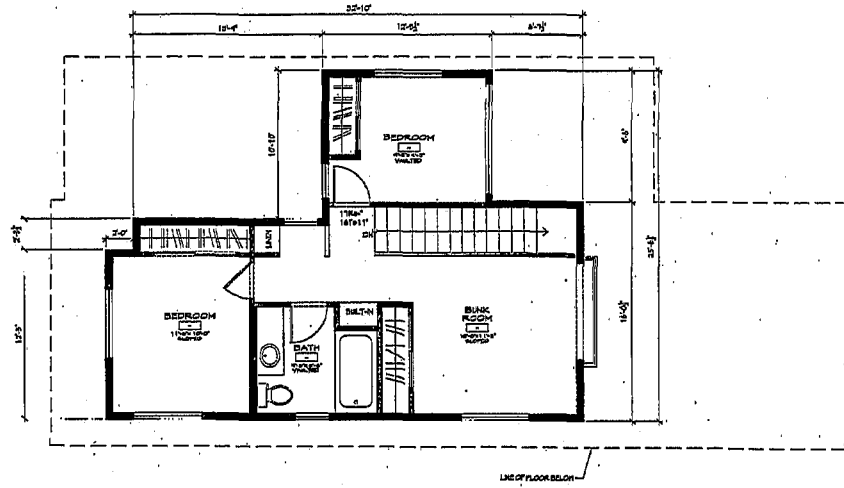
**MUNOZ RESIDENCE**  
700 ESCALONA DRIVE  
CAPITOLA, CA 95010

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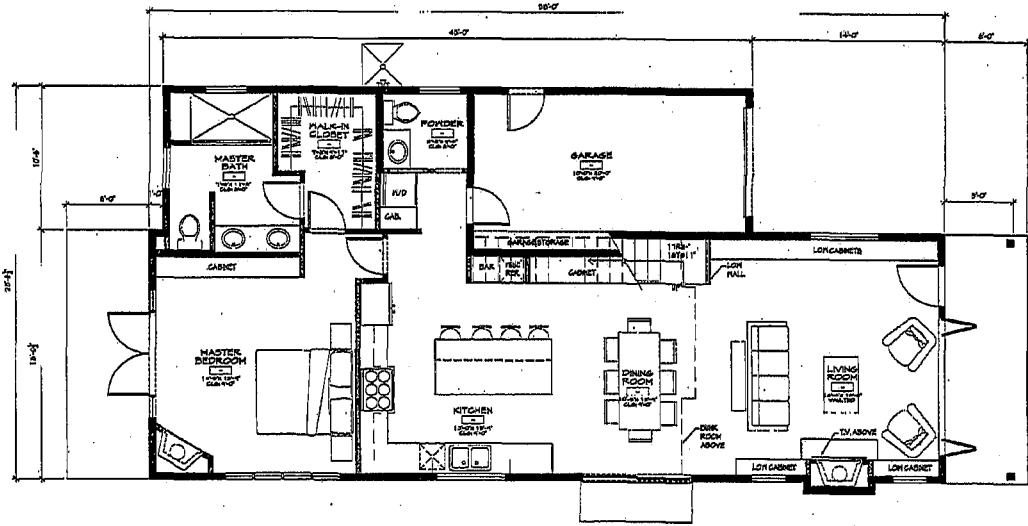
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03	05-08-12	DESIGN DEVELOPMENT
04	05-08-12	PLANNING PERMIT/AL
05	05-08-12	PLANNING PERMIT/AL
06	05-08-12	PLANNING PERMIT/AL
07	05-08-12	PLANNING PERMIT/AL
08	05-08-12	PLANNING PERMIT/AL
09	05-08-12	PLANNING PERMIT/AL
10	05-08-12	PLANNING PERMIT/AL

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**SITE PLAN**  
NO. 1  
A1



2 SECOND FLOOR PLAN  
SCALE: 1/4" = 1'-0"



1 FIRST FLOOR PLAN  
SCALE: 1/4" = 1'-0"

DEREK VAN ALSTINE  
RESIDENTIAL DESIGN INC.  
715 SOUTH AVENUE SUITE A, SANTA ANA, CALIFORNIA  
714.836.8070 DRE@DVAI.COM



MUNOZ RESIDENCE  
700 ESCALONA DRIVE  
CAPITOLA, CA 95010

DATE	03-14-12
ISSUE DESCRIPTION	SCHEMATIC DESIGN
SCHEMATIC DESIGN	03-FEB-12
DESIGN DEVELOPMENT	03-FEB-12
PLANNING/PERMITTING	03-FEB-12
BIDDING/INSTALLATION	
CONSTRUCTION	
FINAL	

FLOOR PLANS  
MDDP: B  
A2



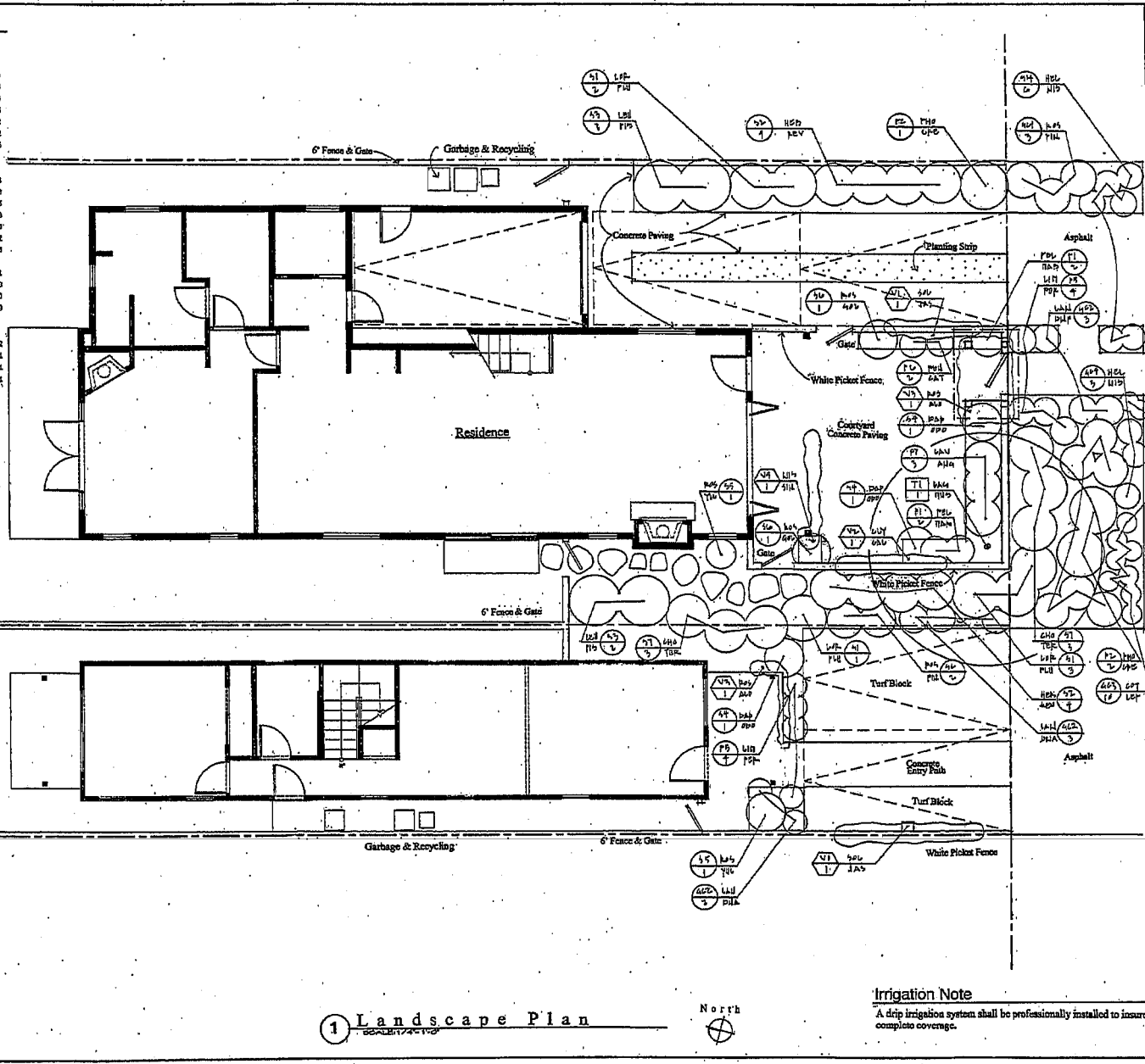


# Plant Legend

Sym	Botanical Name	Common Name	Size	Quan
T3	Lagerstromia 'Muskogee'	Lavender Purple Crepe Myrtle Tree	15GC	1
S1	Loropetalum 'Plum Delight'	Red-leaved Magnolia Fringe Flower	5GC	8
S2	Hebe 'Reevesii'	Purple Hebe	5GC	8
S3	Leucodendron 'Pisa'	Silver/Yellow Core Bush	5GC	4
S4	Desmodium odora 'Margarita'	Winegar Blooming Oregano	5GC	3
S5	Rosa 'Iceberg'	Red Double Rose	5GC	2
S6	Rosa 'Gold Medal'	Yellow DR Rose - Standard 'Thank'	5GC	2
S7	Chryslis ternata	White Mexican Orange	5GC	6
P1	Polemonium 'Hazel Grey'	Lavender Pink Polemonium	1GC	3
P2	Polemonium 'Cream Delight'	Green & White Leafed Flax	5GC	3
P3	Heuchera 'Sunglaze'	Pink Coral Bell	1GC	5
P4	Anigardanthos 'Yellow Gem'	Yellow Shagbark Rose	1GC	8
P5	Ulmusum parviflora	Purple Sea Lavender	1GC	8
P6	Penstemon 'Cachet de la Mare'	Blue Beard Toppie	1GC	2
P7	Lavandula angustifolia	Violet English Lavender	1GC	3
GC1	Rosa 'White Flower Carpet'	Light Pink Carpet Rose	1GC	11
GC2	Lantana 'Dwarf Vines'	White Lantana	1GC	8
GC3	Obolus leptophylla 'Plata's Black'	Plata's Black Cobalt	1GC	10
GC4	Hellianthemum 'Wistful Princess'	Yellow Suavese	1GC	9
GC5	Zoysia tenuifolium	Korean Grass	Flat	
V1	Solanum jasminoides	White Potato Vine	5GC	2
V2	Clytostema callicauloides	White Trumpet Vine	5GC	1
V3	Rosa 'Walter'	Pink Disease Resistant Climbing Rose	5GC	1
V4	Wisteria sinensis	Violet Chinese Wisteria	5GC	1

## Planting Notes

- PLANTING AREA PREPARATION**
1. Remove soil as needed to accommodate soil amendments and ensure positive drainage away from all structures.
  2. Cultivate all planting areas to a minimum of 8".
  3. After the completion of all grading and underground construction, all planting areas shall be finish graded, to smooth, even surfaces with positive drainage per existing topography or to drainage swales or structures.
  4. Existing plants to be saved shall be protected from injury.
  5. No saplings of plants or materials to be saved shall be located within the drip line of any existing tree to be saved.
- QUALITY OF PLANT MATERIALS**
1. All plant material shall be nursery grown, healthy and free from disease and pests.
  2. Plants not conforming to common nursery standards or found unacceptable by the Landscape Architect will be considered defective and shall be replaced at no additional cost to the owner.
  3. Plants shall be protected from drying out, wind burn and injury during handling and storage.
- INSTALLATION**
1. Planting holes shall be as deep as the root ball and 2.5 times the width of the root ball.
  2. Backfill for the planting holes shall be 80% site soil and 20% 50-50 blend mushroom compost, aged chicken manure or other approved material.
  3. All planting areas shall be mulched with 3" of redwood bark, fir bark or other approved material.
  4. All trees shall be staked with 1, 2" x 10' lodge pole pine tree stake placed outside the root ball and secured with two rubber tree ties.
  5. The contractor shall guarantee all plant material for 30 days or until all plants have leafed out.



1 Landscape Plan

**Irrigation Note**  
A drip irrigation system shall be professionally installed to insure complete coverage.

Ellen Cooper  
 Landscape Architect  
 891-426-6845  
 Ch. Lic. #29377

Escalona Drive  
 MUNOZ RESIDENCE  
 700 ESCALONA DRIVE  
 CAPITOLA, CA 95010

LANDSCAPE PLAN  
 LI



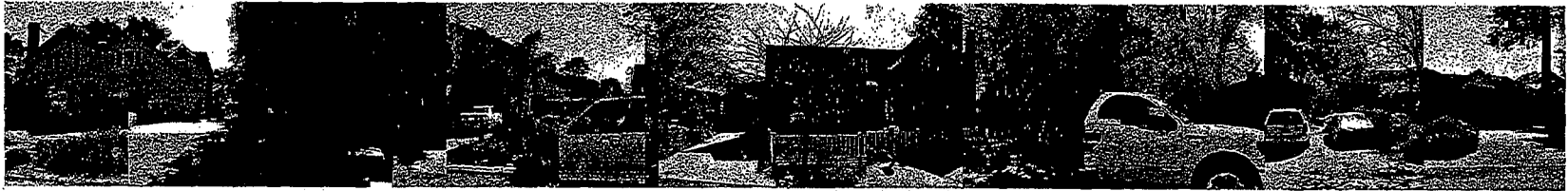
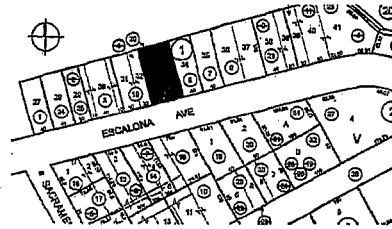


SUBJECT  
PROPERTY



700 ESCALONA DR.

① ESCALONA DRIVE - NORTH  
ESCALONIA



② ESCALONA DRIVE - SOUTH  
ESCALONIA

DEREK VAN ALSTINE  
RESIDENTIAL DESIGN INC.  
16500E LAYNE SITE A, SANTA CAZ, CALIFORNIA  
95060  
PHONE 408-284-1144

DVRD  
DESIGN REVIEW BOARD

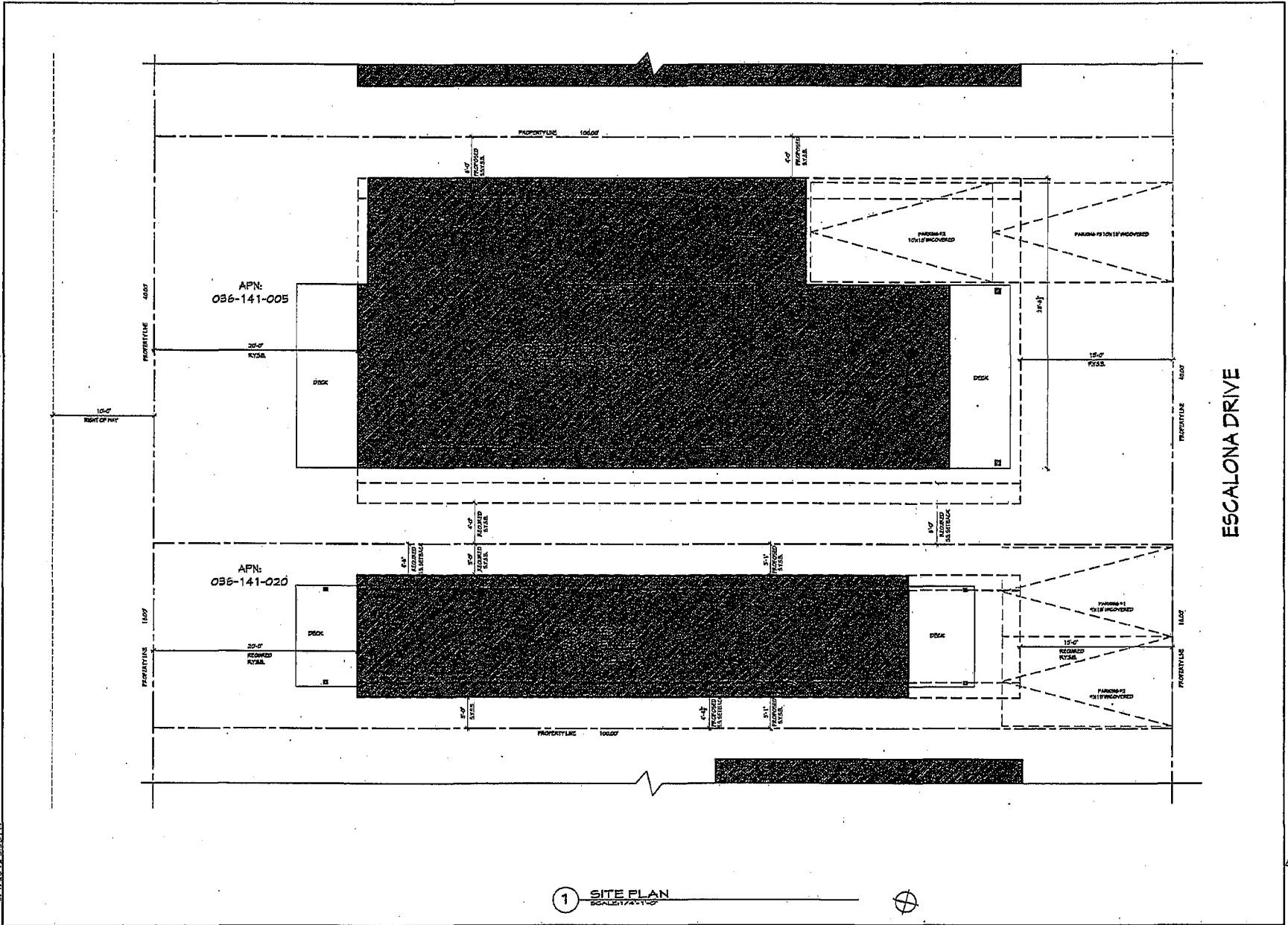
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700 ESCALONA DRIVE  
CAYTOLA, CA 95010

APP. DATE	02-11-12
ISSUE DATE	02-11-12
ISSUE DESCRIPTION	
REVISIONS	
DATE	
DESCRIPTION	
DATE	
DESCRIPTION	

DATE

T2

9/7/2013 9:58 AM



1 SITE PLAN  
SCALE 1/4" = 1'-0"



ESCALONA DRIVE

DEREK VAN ALSTINE  
RESIDENTIAL DESIGN INC.  
11500011 ANDERSON AVENUE, SANTA CLARE, CALIFORNIA  
95061-4481 FAX 95061-4481

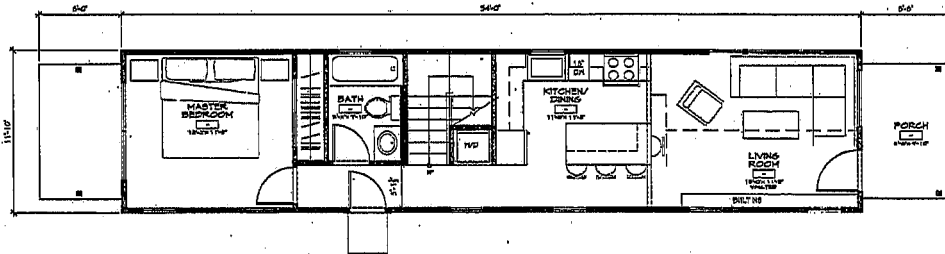


MUNOZ COTTAGE  
700 ESCALONA DRIVE  
CAPITOLA, CA 95010

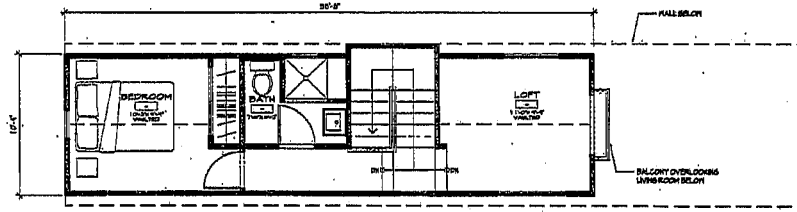
036-141-005
036-141-020
ISSUE DESCRIPTION
REVISIONS
DATE
02 JAN 12
DESIGN DEVELOPMENT
PLANNING INITIAL
02 FEB 12
FIELD/RENTAL
REVISIONS
05-04-12
PARKING RESPONSE

CITY PLAN  
MODIFIED

A1



1 FIRST FLOOR PLAN  
SCALE: 1/4" = 1'-0"



2 SECOND FLOOR PLAN  
SCALE: 1/4" = 1'-0"

DEREK VAN ALSTINE  
RESIDENTIAL DESIGN INC.  
11600 DEL AVENUE SUITE A SANTA CRUZ CALIFORNIA  
95060  
PHONE: (408) 253-1212

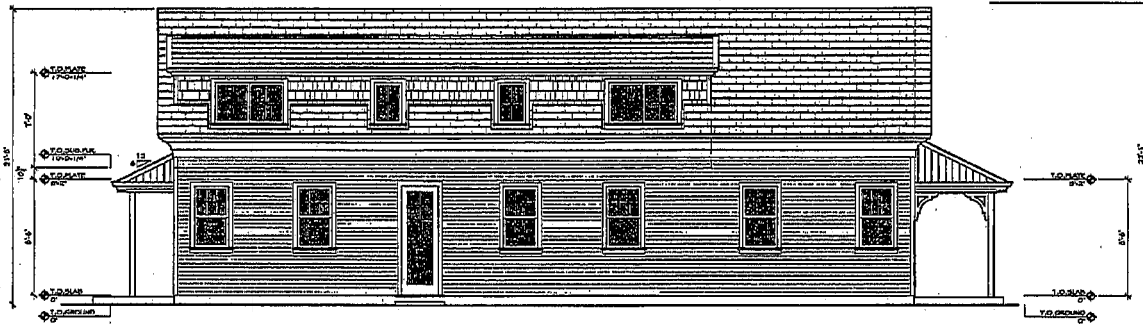


MUNOZ COTTAGE  
700 ESCALONA DRIVE  
CAPITOLA, CA 95010

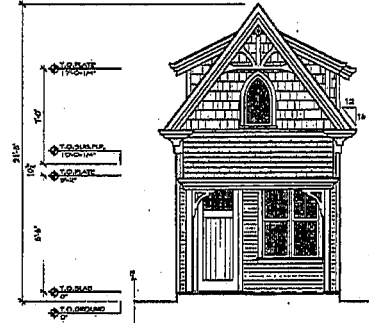
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ISSUE	020-141-02
ISSUE DESCRIPTION	
DESIGNED BY	
SCHEMATIC DESIGN	
DATE	05 JAN 12
DESIGN DEVELOPMENT	
PLANNING PERMIT	02 725 12
BUILDING PERMIT	
REVISIONS	
NO.	05-05-12
DATE	05-05-12
BY	

FLOOR PLANS  
MODIFIED

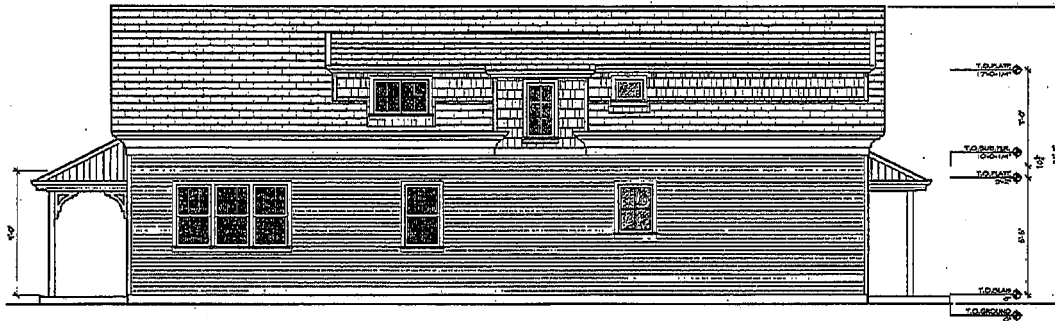
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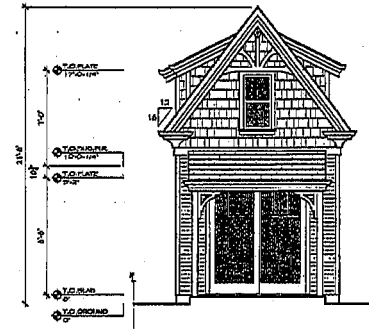
2 WEST ELEVATION  
SCALE: 1/4" = 1'-0"



1 SOUTH ELEVATION  
SCALE: 1/4" = 1'-0"



4 EAST ELEVATION  
SCALE: 1/4" = 1'-0"



3 NORTH ELEVATION  
SCALE: 1/4" = 1'-0"

DEREK VAN ALSTINE  
RESIDENTIAL DESIGN INC.  
11660014/AVD/RESIDENTIAL - SANTA CRUZ, CALIFORNIA  
011124/340/PP/05 011124/340/PP/05

DVRD  
DESIGN

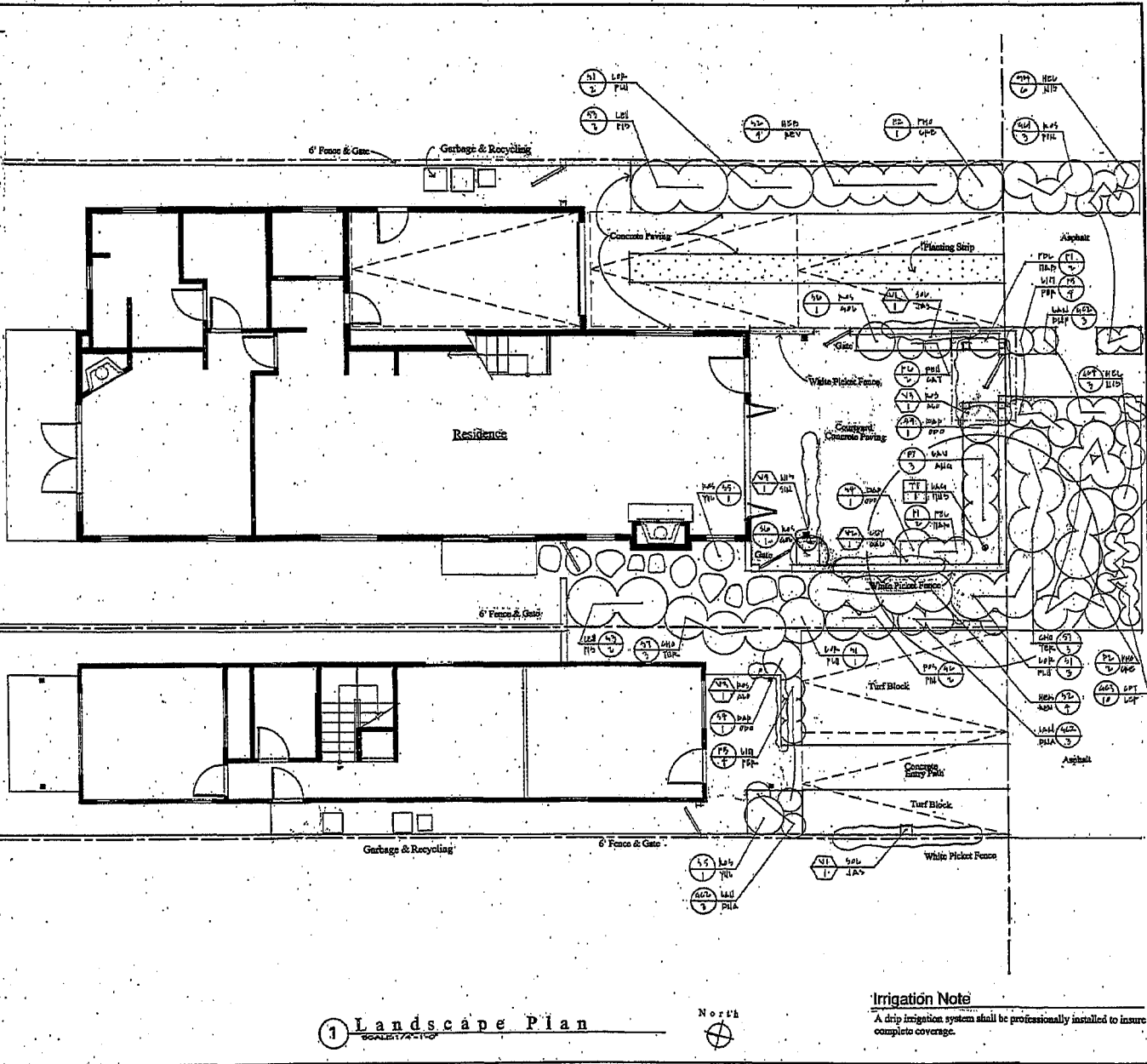
MUNOZ COTTAGE  
700 ESCALONA DRIVE  
CAPITOLA, CA 95010

NO. 036-141-335
ISSUE DESCRIPTION
FORMAL EXHIBITION
02 JAN 12
DEVELOPMENT
02 FEB 12
REVISIONS
03-00-12
PLANNING RESPONSE

EXTERNAL ELEVATIONS MODIFIED  
A3

# Plant Legend

Sym	Botanical Name	Common Name	Size	Qty
T1	Lagerströmia 'Wastop'*	Lavender Purple Crape Myrtle Tree	15GC	1
S1	Loropetalum 'Vino Delight'	Red-leaved Heptanema Fringe Flower	5GC	6
S2	Hebe 'Havassy'	Purple Hebe	5GC	8
S3	Leucodendron 'Pica'	Shiny Yellow Core Bush	5GC	4
S4	Daphne odora 'Marginal'	Waxier Blooming Daphne	5GC	3
S5	Rosa 'Walden'	Red Disease Resistant Wildrose Rose	5GC	2
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P3	Heuchera 'Saucier'	Pink Coral Bell	1GC	2
P4	Adiantum 'Yellow Gem'	Yellow Kangaroo Paw	1GC	6
P5	Linum perlati	Purple Gap Lavender	1GC	9
P6	Penstemon 'Catherine de la Mer'	Blue Beard Tongue	1GC	2
P7	Lavandula angustifolia	Violet English Lavender	1GC	3
GC1	Rosa 'Pink Power Carpet'	Light Pink Carpet Rose	1GC	2
GC2	Lantana 'Dwarf White'	White Lantana	1GC	8
GC3	Codia sepioides 'Picta Black'	Plants Black Cactus	1GC	10
GC4	Helleborum 'Wickey Princess'	Yellow Snowflake	1GC	9
GC5	Zoysia tenuifolia	Korean Grass	1GC	2
V1	Solanum jasminoides	White Pinks Vine	5GC	2
V2	Passiflora vitifolius	Violet Passion Vine	5GC	2
V3	Rosa 'Wichita'	Pink Disease Resistant Climbing Rose	5GC	2
V4	Wisteria sinensis	Violet Chinese Wisteria	5GC	1



## Planting Notes

- PLANTING AREA PREPARATION**
1. Remove soil as required to accommodate soil amendments and ensure positive drainage away from all structures.
  2. Cultivate all planting areas to a minimum of 6".
  3. After the completion of all grading and underground construction, all planting areas shall be finish graded, to smooth, even surfaces with positive drainage per existing topography or to drainage swales or structures.
  4. Existing plants to be saved shall be protected from injury.
  5. No stockpiles of plants or materials to be saved shall be located within the drip line of any existing trees to be saved.

## QUALITY OF PLANT MATERIALS

1. All plant materials shall be nursery grown, healthy and free from disease and pests.
2. Plants not conforming to common nursery standards or found unacceptable by the Landscape Architect will be considered defective and shall be replaced at no additional cost to the owner.
3. Plants shall be protected from drying out, wind burn and injury during handling and storage.

## INSTALLATION

1. Planting holes shall be as deep as the root ball and 2.5 times the width of the root ball.
2. Backfill for the planting holes shall be 80% site soil and 20% 50-50 blend mushroom compost, aged chicken manure or other approved material.
3. All planting areas shall be mulched with 3" of redwood bark, fir bark or other approved material.
4. All trees shall be staked with 1, 2" x 10' lodge pole pine tree stakes placed outside the root ball and secured with two rubber tree ties.
5. The contractor shall guarantee all plant material for 30 days or until all plants have settled out.

## 1 Landscape Plan

NOVA

## Irrigation Note

A drip irrigation system shall be professionally installed to insure complete coverage.

Ellen Cooper Landscape Architect  
 Ch. Lic. #9397  
**MUNOZ RESIDENCE**  
 700 ESCALONA DRIVE  
 CAPITOLA, CA 95010  
 ESCALONA DRIVE  
 09-14-20  
 ISSUES DISCUSSION  
 March 8<sup>th</sup>, 2012  
 LANDSCAPE PLAN  
 LI



THE MOTION CARRIED ON THE FOLLOWING VOTE: AYES: COMMISSIONERS ORTIZ, SMITH AND CHAIRPERSON GRAVES. NOES: NONE. ABSENT: COMMISSIONERS NEWMAN AND ROUTH. ABSTAIN: NONE.

4. CONSENT CALENDAR

NONE.

5. PUBLIC HEARINGS

Item 5.A was moved to the end of the agenda.

**B. 700 ESCALONA AVENUE #12-019 APN: 036-141-05, 20**

Coastal Permit and Design Permit to demolish an existing one-story single-family residence located on two legal lots of record, and construct two new two-story single-family residences in the R-1 (Single-Family Residence) Zoning District. A variance for a second floor setback and reduction in landscaping is requested for the house located on APN 036-141-20. This project requires a Coastal Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Environmental Determination: Categorical Exemption

Property Owner: Lori Perpich & Alberto Munoz, filed 2/14/12

Representative: Derek Van Alstine

Senior Planner Bane presented the staff report.

Derek Van Alstine, designer and representative, spoke in support of the application.

Chairperson Graves inquired if the applicant had considered creating two lots of equal size.

Derek Van Alstine responded that the original application included a lot line adjustment that created two lots, more equal proportion. However, the Interim Planning Director was unable to support the proposal due to non-compliance with the Subdivision Map Act.

Commissioner Ortiz requested staff clarification regarding the Planning Director's determination, and if the applicant had verified the second floor access, for the smaller home, with the fire department.

Public Works Director Steven Jesberg stated that staff could not support the lot line adjustment proposal because it would create a new non-conforming lot, and not in compliance with the Subdivision Map Act.

Derek Van Alstine stated that the home has been designed to the current building code requirements and access has been addressed in compliance with the building code.

The public hearing was opened.

Cathlin Atchison, spoke in opposition to the home requiring the variance. She stated many neighbors have applied for different variances and did not receive approval. This application would set a precedent.

Stan Ketner, spoke in opposition to the home requiring the variance. The smaller lot could support a granny unit or a guest cottage, but not a two story home without a garage.

Willow Miller, spoke in opposition to the home requiring the variance. The proposed home is a large building on a small lot.

Tracy Arminino, spoke in opposition to the home requiring the variance. She spoke with concerns about the lack of covered parking.

The public hearing was closed.

Senior Planer Bane stated that the parking ordinance does not require covered parking for homes less than 1,500 sq. ft., but two uncovered spaces in driveway are permitted.

Chairperson Graves stated that the front yard is all parking and lacks landscaping.

Commissioner Ortiz was not supportive of the variance. The new residence should be designed to meet the requirements without the need for a variance. There was a very careful and detailed effort made when the city drafted the floor area ratio portion of the ordinance. Although the smaller home may meet the floor area ratio, the intent of the ordinance is to design new buildings to meet all the current standards without exceptions or variances.

Commissioner Smith stated the size of the lot justifies a hardship for the 1½ inches on each side yard. She also supported the on-site parking as proposed. She commented that the lot is extremely small and 18 feet in width is difficult to build on, but the design meets the floor area ration with the exception of the 1½ " variance on each side.

Chairperson Graves stated that the floor area ratio has allowed a large building on the small lot. He could not support the residence on the small lot, but could support residence on the larger lot. He suggested combining the lots and designing a larger home with a secondary dwelling unit. He questioned why the project was processed as one with two separate legal lots of record, two separate application numbers, and two homes.

Senior Planner Bane stated that the application for the two homes was made as a package and therefore processed as one project.

Commissioner Newman suggested that the item be continued to the next meeting to allow all the Commissioners to hear all of the public testimony and participate in the discussion.

Derek Van Alstine requested the Commission support the larger home and deny the smaller home.

Chairperson Graves recognized a member of the public to address the Commission regarding the larger home.

Cathlin Atchison, spoke in support of the larger home.

**A MOTION WAS MADE BY COMMISSIONER ORTIZ AND SECONDED BY COMMISSIONER SMITH TO APPROVE PROJECT APPLICATION #12-019 (APN: 036-141-05) WITH THE FOLLOWING CONDITIONS AND FINDINGS:**

**CONDITIONS**

1. The project approval consists of demolition of an 882 square foot single-family residence currently located on two legal lots of record, and construction of ~~two~~ one new two-story single-family residences, ~~one on each~~ lot at 700 Escalona Drive (APN: 036-141-05).



2. Any significant modifications to the size or exterior appearance of the structure must be approved by the Planning Commission.
3. Hours of construction shall be Monday to Friday 7:30 a.m. – 9:00 p.m., and Saturday 9:00 a.m. – 4:00 p.m., per city ordinance.
4. The utilities shall be underground to the nearest utility pole in accordance with PG&E and Public Works Department requirements. A note shall be placed on the final building plans indicating this requirement.
5. An encroachment permit shall be acquired for any work performed in the right-of-way.
6. The project shall implement Low Impact Development BMP's outlined in the *Slow it. Spread it. Sink it. Homeowner's Guide to Greening Stormwater Runoff* by the Resource Conservation District of Santa Cruz County. The applicant shall provide details on the bmp's implemented and with a goal of not allowing more than 25% of total impervious area from discharging directly from the site.
7. The final landscape plan shall be submitted with the building permit application and will include the specific number of plants of each type and their size, as well as the irrigation system to be utilized. Front yard landscaping shall be installed prior to final building occupancy.
8. Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance. Any appropriate fees shall be paid prior to building permit issuance.
9. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.

### **FINDINGS**

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

Planning Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project generally conforms to the development standards of the R-1 (Single Family Residence) Zoning District. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

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

Planning Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project generally conforms to the development standards of the R-1 (Single Family Residence) Zoning District. Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood.

#### **C. The variance to the side setback and landscape reduction will better serve the intent of the Zoning Ordinance than will the literal enforcement of the requirements of the Ordinance.**

The extremely narrow width and small size of the parcel are special circumstances that exist, which makes it difficult to develop and provide the required landscaping and setbacks. This strict application of the Zoning Ordinance would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The granting of a variance

would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity.

- D. This project is categorically exempt under Section 15303(a) of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**

This project involves construction of two new single-family residences in the R-1 (single family residence) Zoning District. Section 15303 of the CEQA Guidelines exempts the construction of up to three single-family residences in an urbanized area.

**THE MOTION CARRIED ON THE FOLLOWING VOTE: AYES: COMMISSIONERS ORTIZ, SMITH AND CHAIRPERSON GRAVES. NOES: NONE. ABSENT: COMMISSIONER ROUTH. ABSTAIN: COMMISSIONER NEWMAN.**

**A MOTION WAS MADE BY COMMISSIONER ORTIZ AND SECONDED BY CHAIRPERSON GRAVES TO DENY PROJECT APPLICATION #12-019 (APN: 036-141-20).**

Under discussion, Chairperson Graves stated that he could not support the variance, and as proposed the front yard is all parking and no landscaping.

**THE MOTION CARRIED ON THE FOLLOWING VOTE: AYES: COMMISSIONER ORTIZ AND CHAIRPERSON GRAVES. NOES: COMMISSIONER SMITH. ABSENT: COMMISSIONER ROUTH. ABSTAIN: COMMISSIONER NEWMAN.**

**C. 220 OAKLAND AVENUE #12- 034 & 044 APN: 036-124-20**

Fence Permit and a Major Revocable Encroachment Permit to construct a wall within the city right-of-way as part of a single-family residential use in the R-1 (Single-Family Residence) Zoning District.

Environmental Determination: Categorical Exemption

Property Owner: Christann A Bohnet, filed 3/29/12

Representative: John Draga

Senior Planner Bane presented the staff report.

Commissioner Newman recused himself as he has worked for the project applicant in the past.

Commissioner Smith clarified that the fence design is not a main consideration in this application for meeting or tying into the historic standards. She stated that the mission style fence proposed does not maintain the historic style as of the residence, and she was concerned. She stated that staff could approve the portion of fencing along the Oakland Avenue frontage, but not the fencing along the Escalona Avenue ~~frontage~~.

Senior Planner Bane stated that the historic standards are a consideration for denial, but not main basis for recommending denial. The fencing along Oakland Avenue meets the ordinance requirements, but staff has concerns about the fence design.

Chairperson Graves clarified the location of the proposed fence.

The public hearing was opened.

Jerry Clarke, spoke in support of the application.



# MUNOZ COTTAGE

## RESIDENTIAL CONSTRUCTION GREEN BUILDING CHECKLIST

PROJECT NUMBER: 036-141-05  
 DATE OF SUBMIT: 02/08/2016  
 DRAWN BY: J. COOPER  
 CHECKED BY: J. COOPER  
 APPROVED BY: J. COOPER  
 TOTAL REQUIRED POINTS: 85  
 TOTAL POINTS: 85

### GREEN POINT CHECKLIST

INTEGRATED DESIGN FEATURES	POINTS	SHEET
1. DESIGN GREEN ROOFS	0	0
2. REDUCED/RECYCLED MATERIALS	0	0
<b>TOTAL SITE POINTS</b>	<b>0</b>	<b>0</b>

B. SITE	POINTS	SHEET
1. REDUCED JOB SITE CONSTRUCTION AND LOGGING IMPACT	2	A-1
2. BUSHY LIMITED MATERIALS	2	A-1
3. IMPROVED CONSTRUCTION SITE SOILS HEALTH PRACTICES	2	A-1
4. RECYCLE MATERIALS FOR RECYCLED CONTENT MATERIALS FOR LEAD	2	A-1
5. INSTALL HIGH EFFICIENCY PUMP/PRODUCTION SYSTEM	2	A-1
<b>TOTAL SITE POINTS</b>	<b>8</b>	<b>11</b>

C. FOUNDATION	POINTS	SHEET
1. INCREASE REQUIRED FORMAL CONCRETE	2	A-1
2. REUSE FORMS	2	A-1
3. INCREASE FORMWORK TOAD BEFORE POURS	3	A-1
4. USE HIGH STRENGTH CONCRETE	1	A-1
<b>TOTAL FOUNDATION POINTS</b>	<b>8</b>	<b>9</b>

D. STRUCTURAL FRAME	POINTS	SHEET
1. CONSIDER JOIST OR GIRDER WITH END JOINDER JOINTS	1	02
2. USE WOOD OR STEEL FRAMING AND DESIGN	2	02
3. USE JOIST BRACING	1	02
4. USE JOIST BRACING	1	02
5. USE JOIST BRACING	2	02
6. USE JOIST BRACING	3	02
<b>TOTAL FOUNDATION POINTS</b>	<b>10</b>	<b>12</b>

E. EXTERIOR FINISH	POINTS	SHEET
1. INSTALL EXTERIOR WALL INSULATION	2	03
2. USE EXTERIOR WALL INSULATION	2	03
3. PROVIDE EXTERIOR FINISHING DETAILS INCLUDING	2	03
<b>TOTAL EXTERIOR FINISH POINTS</b>	<b>6</b>	<b>03</b>

F. PLUMBING	POINTS	SHEET
1. ISOLATE ALL HOT WATER PIPES	2	04
2. INSTALL FLOOR DRAIN WITH AIR GAP	2	04
3. INSTALL DRAIN FLOOR DRAIN WITH AIR GAP	2	04
4. INSTALL HIGH EFFICIENCY WATER HEATING	2	04
5. INSTALL WATER HEATING WITH AIR GAP	2	04
6. INSTALL WATER HEATING WITH AIR GAP	2	04
<b>TOTAL PLUMBING POINTS</b>	<b>12</b>	<b>13</b>

H. APPLIANCE	POINTS	SHEET
1. INSTALL ENERGY STAR REFRIGERATOR	2	04
2. INSTALL ENERGY STAR WASHING MACHINE	2	04
3. INSTALL ENERGY STAR DRYER	2	04
<b>TOTAL APPLIANCE POINTS</b>	<b>6</b>	<b>04</b>

K. HEATING, VENTILATION AND AIR CONDITIONING	POINTS	SHEET
1. INSTALL A/C SYSTEM	1	05
2. INSTALL ENERGY STAR FAN	2	05
3. INSTALL ENERGY STAR FAN	2	05
4. INSTALL ENERGY STAR FAN	2	05
5. INSTALL ENERGY STAR FAN	2	05
6. INSTALL ENERGY STAR FAN	2	05
<b>TOTAL HVAC POINTS</b>	<b>10</b>	<b>15</b>

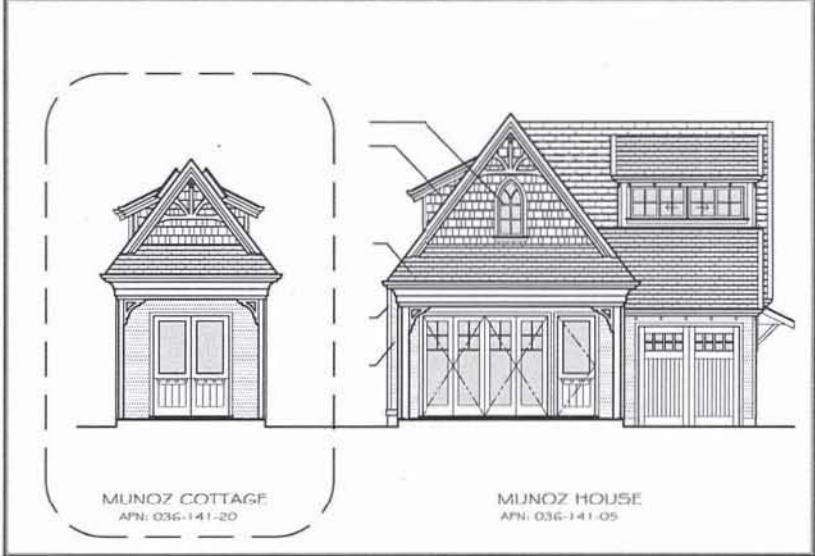
L. RENEWABLE ENERGY & ROOFING	POINTS	SHEET
1. INSTALL SOLAR PANELS	0	05
<b>TOTAL APPLIANCE POINTS</b>	<b>0</b>	<b>05</b>

G. OTHER	POINTS	SHEET
1. PROVIDE LISTING OF GREEN FEATURES ON SUBMITTALS	1	11
2. PROVIDE LISTING OF GREEN FEATURES ON SUBMITTALS	1	11
<b>TOTAL OTHER POINTS</b>	<b>2</b>	<b>11</b>

**TOTAL GREEN POINTS: 85**



MUNOZ COTTAGE  
APN: 036-141-20

MUNOZ HOUSE  
APN: 036-141-05



### PARCEL MAP



### STRUCTURAL DATA

SETBACKS	REQUIRED		PROPOSED	
	FRONT YARD	REAR YARD	FRONT YARD	REAR YARD
1st STORY	15'	15'	15'	15'
2nd STORY	20'	20'	20'	20'

FLOOR AREA RATIO	REQUIRED		PROPOSED	
	LDH 54%	MAX 54%	1,044 sq ft	1,044 sq ft
1st STORY	630 sq ft	630 sq ft	630 sq ft	630 sq ft
2nd STORY	405 sq ft	405 sq ft	405 sq ft	405 sq ft
<b>TOTAL</b>	<b>1,035 sq ft</b>	<b>1,035 sq ft</b>	<b>1,035 sq ft</b>	<b>1,035 sq ft</b>

PARKING	REQUIRED		PROPOSED	
	REQUIRED	PROPOSED	REQUIRED	PROPOSED
TOTAL	2 SPACES	2 UNCOVERED	2 UNCOVERED	2 UNCOVERED

### BUILDING INFORMATION

**PROJECT DESCRIPTION:**  
CONSTRUCTION OF NEW 1,044 SQ. FT. TWO STORY SINGLE FAMILY DWELLING.

**PROJECT ADDRESS:**  
700 ESCALONA DRIVE  
CAPITOLA, CA 95010

**PARCEL NUMBER:**  
036-141-020

**ZONING DESIGNATION:**  
R-3

**DEVIATION CLASSIFICATION:**  
TYPE V-B - SPRINKLERED

**CODE NOTE:**  
THESE PLANS CONFORM TO THE 2010 CALIFORNIA RESIDENTIAL BUILDING MECHANICAL PLUMBING ELECTRICAL AND ENERGY CODE (R.E.C., U.M.C., M.C.C. AND 2006 IBC) AS AMENDED BY THE STATE OF CALIFORNIA.

**FIRE NOTES**

### CONTACTS

**OWNER:**  
LOUIS PERDUE & ALBERTO MUNOZ  
700 ESCALONA DRIVE  
CAPITOLA, CA 95010  
408-908-9912

**PROJECT DESIGNER:**  
DEREK VAN ALSTINE RESIDENTIAL DESIGN, INC.  
DEREK VAN ALSTINE  
7147 NODDIE AVENUE SUITE #  
SANTA CRUZ, CA 95062  
PH: (831) 426-6400  
FAX: (831) 426-6400  
dvan@derekvanalstine.com

**LANDSCAPE ARCHITECT:**  
ELLEN COOPER & ASSOCIATES  
ELLEN COOPER  
612 WINDSOR STREET  
SANTA CRUZ, CA 95062  
PH: (831) 426-6400  
FAX: (831) 426-6400

### DRAWING INDEX

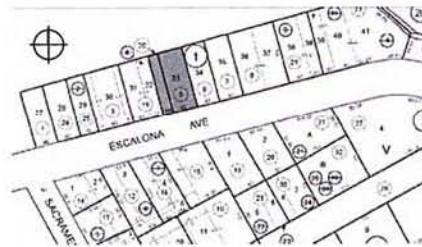
BUILDING DESIGN	
01	SITE SHEET
02	SWEEPCAPS
A-1	SITE PLAN
A-2	FIRST & SECOND FLOOR PLANS
A-3	BUILDING SECTIONS
A-4	EXTERIOR ELEVATIONS
A-5	POW. ELECTRICAL PLAN
L-1	LANDSCAPE PLAN

SUBJECT  
PROPERTY



700 ESCALONA DR.

① ESCALONA DRIVE - NORTH  
SCALE NONE



② ESCALONA DRIVE - SOUTH  
SCALE NONE

DEREK VAN ALSTINE  
RESIDENTIAL DESIGN INC.  
785 SOQUE AVENUE SUITE A SANTA CRUZ CALIFORNIA  
95062-5428 PHONE 408.556.0174 FAX 408.556.0174

DVRD.  
DATE: 04.14.20  
SCALE: AS SHOWN

MUNOZ COTTAGE  
700 ESCALONA DRIVE  
CAPITOLA, CA 95010

058-141-20

PROJECT DESCRIPTION

SCHEMATIC DESIGN

LAND DEVELOPMENT

PLANNING/PERMITTING

09 MAY 12

REVISIONS/NOTES

BY: [REDACTED]

DATE: [REDACTED]

BY: [REDACTED]

DATE: [REDACTED]

BY: [REDACTED]

DATE: [REDACTED]

BY: [REDACTED]

DATE: [REDACTED]

BY: [REDACTED]

DATE: [REDACTED]

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DATE: [REDACTED]

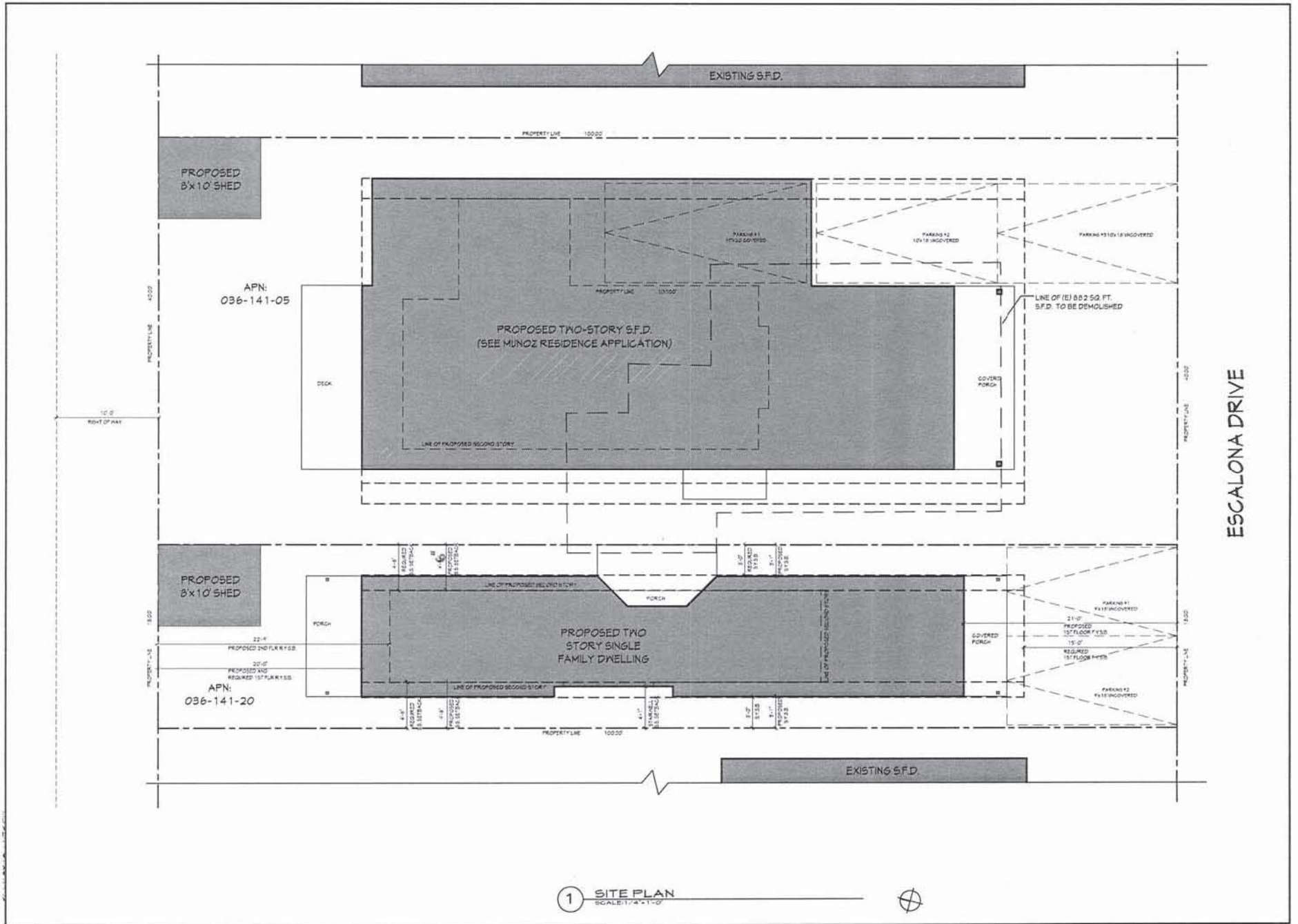
BY: [REDACTED]

DATE: [REDACTED]

BY: [REDACTED]

T2





1 SITE PLAN  
SCALE: 1/4" = 1'-0"

ESCALONA DRIVE

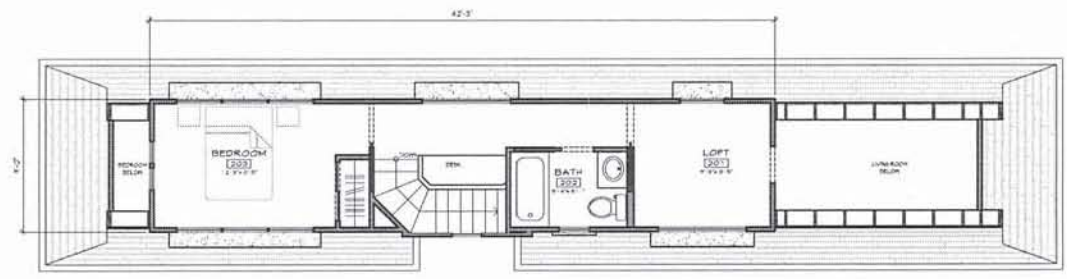
DEREK VAN ALSTINE  
RESIDENTIAL DESIGN INC.  
THE SOCIAL LAWYERS CLUB A SANTIAGO, CALIFORNIA  
10TH AND F STREET, 30TH FLOOR, SAN FRANCISCO, CA 94104

DVRD.  
STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO

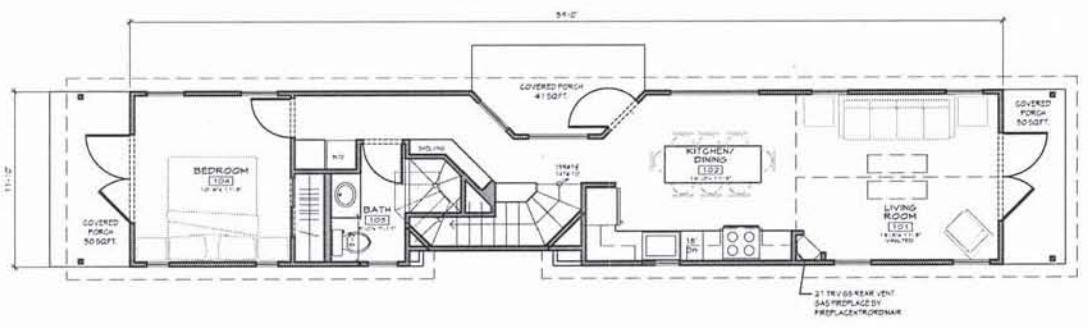
MUNOZ COTTAGE  
700 ESCALONA DRIVE  
CAPITOLA, CA 95010

036-141-20
2018 JUL 23 10 51 AM
RECEIVED PER 81
EXHIBIT 10/18/20
PLANNING PERMIT 10
OFF 8/17/20
PERMISSION 10/18/20
REVISION

DATE PLAN  
A 1



2 SECOND FLOOR PLAN  
SCALE: 1/4" = 1'-0"



1 FIRST FLOOR PLAN  
SCALE: 1/4" = 1'-0"

WALL LEGEND

	2x4 TILED WALL
	2x6 TILED WALL

DEREK VAN ALSTINE  
RESIDENTIAL DESIGN INC.  
7950 COLLETTA BLVD, SUITE A, SANTA CRUZ, CALIFORNIA  
(408) 454-1111

DVRD  
PROFESSIONAL DESIGNER  
10/11/2018  
11/15/2018

MUNOZ COTTAGE  
700 ESCALONA DRIVE  
CAPITOLA, CA 95010

DATE: 11/15/20
DESIGNER: DVRD
DRAWN BY: DVRD
PROJECT NO: 18-001
CLIENT: MUNOZ COTTAGE
ADDRESS: 700 ESCALONA DRIVE, CAPITOLA, CA 95010
DESCRIPTION: FLOOR PLAN
SCALE: 1/4" = 1'-0"
DATE: 11/15/20
DESIGNER: DVRD
DRAWN BY: DVRD
PROJECT NO: 18-001
CLIENT: MUNOZ COTTAGE
ADDRESS: 700 ESCALONA DRIVE, CAPITOLA, CA 95010
DESCRIPTION: FLOOR PLAN
SCALE: 1/4" = 1'-0"

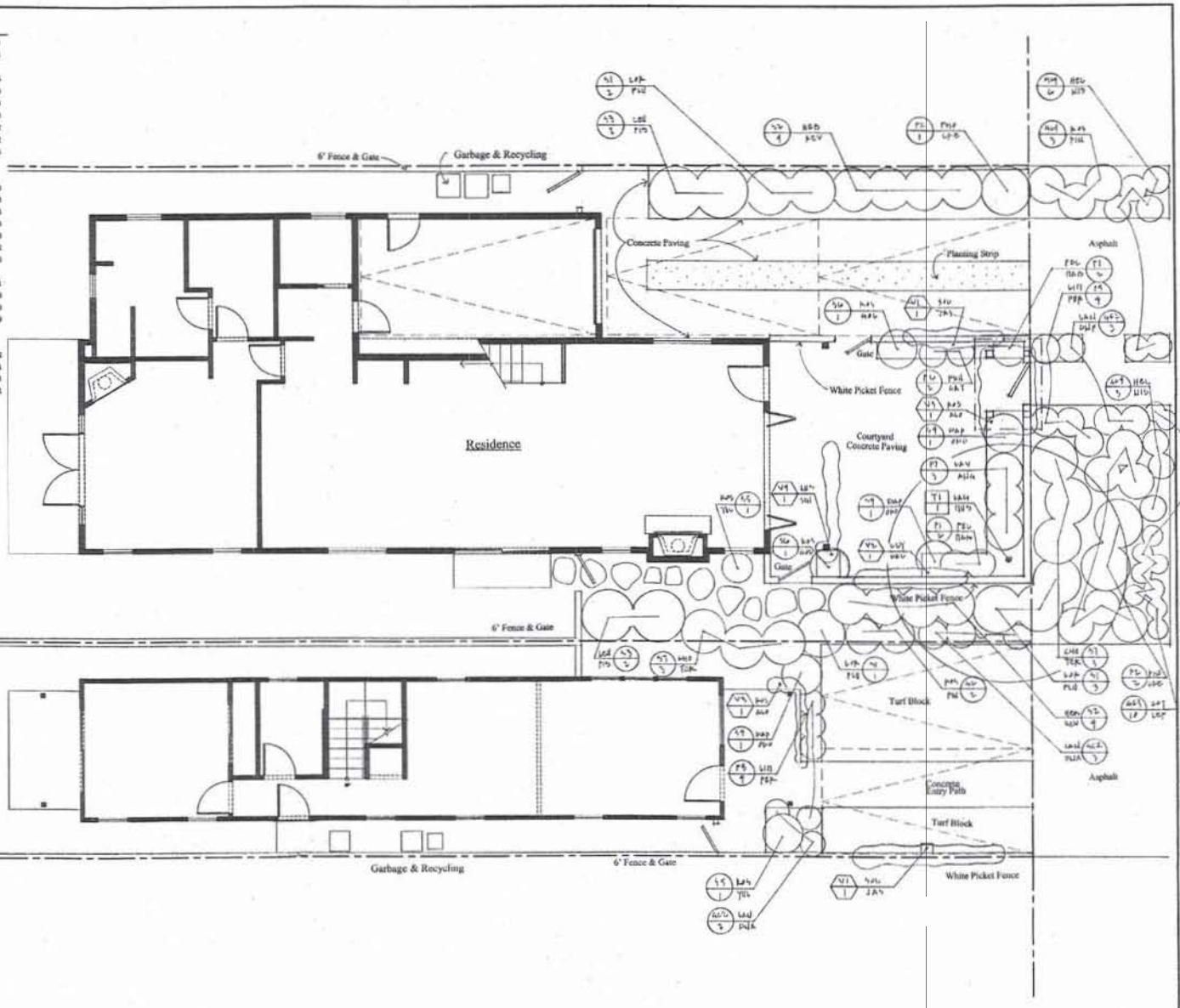
A2





# Plant Legend

Sym	Botanical Name	Common Name	Size	Quant
T1	Lagerströmia 'Muskogee'	Lavender Purple Crepe Myrtle Tree	15GC	1
S1	Laropetalum 'Pum Delight'	Red-leaved Magnolia Fringe Flower	5GC	6
S2	Feltia 'Silverleaf'	Purple Hebe	5GC	8
S3	Leucodermis 'Flur'	Silver/Yellow Cone Bush	5GC	4
S4	Cassipouira 'Marquise'	White Blooming Dogwood	5GC	3
S5	Rosa 'Yuletide'	Red Orange Resistant Hybrid Rose	5GC	2
S6	Rosa 'Gold Medal'	Yellow DR Rose - Standard Thrift	5GC	2
S7	Chrysa temula	White Mexican Orange	5GC	6
P1	Pterispermum 'Habit Grey'	Lavender Pink Pterispermum	1GC	3
P2	Phoradendron 'Green Delight'	Green & White Leafed Flax	5GC	3
P3	Heuchera 'Sanguinea'	Pink Coral Bell	1GC	3
P4	Anagallis 'Yellow Gem'	Yellow Kangaroo Paw	1GC	8
P5	Linum catharticum	Purple Sea Lavender	1GC	8
P6	Penstemon 'Catherine de la Mare'	Blue Beard Tongue	1GC	2
P7	Lavandula angustifolia	Violet English Lavender	1GC	3
GC1	Rosa 'Pink Flower Carpet'	Light Pink Carpet Rose	1GC	11
GC2	Lantana 'Sweet White'	White Lantana	1GC	8
GC3	Copa helioides 'Wend's Black'	Pink Black Catclaw	1GC	10
GC4	Hemerocallis 'Wendy Frolong'	Yellow Sorrow	1GC	9
GC5	Zoysia tenuifolium	Korean Grass	Flats	
V1	Solanum jasminoides	White Potato Vine	5GC	2
V2	Cyclosoma californicum	Violet Trumpet Vine	5GC	1
V3	Rosa 'Witch'	Pink Disease Resistant Climbing Rose	5GC	1
V4	Wisteria sinensis	Violet Chinese Wisteria	5GC	1



## Planting Notes

- PLANTING AREA PREPARATION**
1. Remove soil as required to accommodate soil amendments and ensure positive drainage away from all structures.
  2. Cultivate all planting areas to a minimum of 8".
  3. After the completion of all grading and underground construction, all planting areas shall be firm, graded, to smooth, even surfaces with positive drainage per existing topography or to drainage swales or structures.
  4. Existing plants to be saved shall be protected from injury.
  5. No structures of plants or materials to be saved shall be located within the drip line of any existing tree to be saved.
- QUALITY OF PLANT MATERIALS**
1. All plant material shall be nursery grown, healthy and free from disease and pests.
  2. Plants not conforming to common nursery standards or found unacceptable by the Landscape Architect will be considered defective and shall be replaced at no additional cost to the owner.
  3. Plants shall be protected from drying out, wind burn and injury during handling and storage.
- INSTALLATION**
1. Planting holes shall be as deep as the root ball and 2.5 times the width of the root ball.
  2. Backfill for the planting holes shall be 80% site soil and 20% 50-50 blend mushroom compost, aged chicken manure or other approved material.
  3. All planting areas shall be mulched with 3" of redwood bark, fir bark or other approved material.
  4. All trees shall be staked with 1, 2" x 10' edge pole with one stake placed outside the root ball and secured with two rubber tree ties.
  5. The contractor shall guarantee all plant material for 30 days or until all plants have leafed out.

## Irrigation Note

A drip irrigation system shall be professionally installed to insure complete coverage.

1 Landscape Plan  
SCALE: 1/4" = 1'-0"



Escalona Drive  
 MUNOZ RESIDENCE  
 700 ESCALONA DRIVE  
 CAPITOLA, CA 95010  
 Ellen Cooper  
 Landscape Architect  
 CA Lic. #2937  
 831-426-6845  
 March 8<sup>th</sup>, 2012  
 LANDSCAPE PLAN  
 LI

**700 ESCALONA DRIVE (APN 036-141-020)**  
**#12-019**

**CONDITIONS OF APPROVAL**

1. The project approval consists of construction of a new two-story single-family residence at 700 Escalona (APN 036-141-020).
2. Any significant modifications to the size or exterior appearance of the structure must be approved by the Planning Commission.
3. Hours of construction shall be Monday to Friday 7:30 a.m. – 9:00 p.m., and Saturday 9:00 a.m. – 4:00 p.m., per city ordinance.
4. The utilities shall be underground to the nearest utility pole in accordance with PG&E and Public Works Department requirements. A note shall be placed on the final building plans indicating this requirement.
5. An encroachment permit shall be acquired for any work performed in the right-of-way.
6. The project shall implement Low Impact Development BMP's outlined in the *Slow it. Spread it. Sink it. Homeowner's Guide to Greening Stormwater Runoff* by the Resource Conservation District of Santa Cruz County. The applicant shall provide details on the bmp's implemented and with a goal of not allowing more than 25% of total impervious area from discharging directly from the site.
7. The final landscape plan shall be submitted with the building permit application and will include the specific number of plants of each type and their size, as well as the irrigation system to be utilized. Front yard landscaping shall be installed prior to final building occupancy.
8. Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance. Any appropriate fees shall be paid prior to building permit issuance.
9. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.

**FINDINGS**

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

Planning Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project generally conforms to the development standards of the R-1 (Single Family Residence) Zoning District. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

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

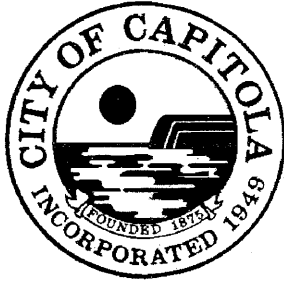
Planning Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project generally conforms to the development standards of the R-1 (Single Family Residence) Zoning District. Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood.

**C. The variance to the landscape reduction will better serve the intent of the Zoning Ordinance than will the literal enforcement of the requirements of the Ordinance.**

The extremely narrow width and small size of the parcel are special circumstances that exist, which makes it difficult to develop and provide the required landscaping and setbacks. This strict application of the Zoning Ordinance would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The granting of a variance would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity.

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

This project involves construction of a new single-family residence in the R-1 (single family residence) Zoning District. Section 15303 of the CEQA Guidelines exempts the construction of up to three single-family residences in an urbanized area.



## CITY COUNCIL AGENDA REPORT

MEETING OF MAY 24, 2012

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: 115 SAN JOSE AVENUE – PROJECT APPLICATION #11-100  
APPEAL OF PLANNING COMMISSION DECISION TO DENY A CONDITIONAL  
USE PERMIT FOR A TAKE-OUT RESTAURANT WITH THE SALE AND  
DISPENSING OF ALCOHOL IN THE CV (CENTRAL VILLAGE) ZONING DISTRICT  
[APN 035-221-27]. FILED 9/15/11. PROPERTY OWNER: PETER DWARES.  
REPRESENTATIVE: RON HIRSCH.

---

**RECOMMENED ACTION:** By motion that the City Council uphold the Planning Commission denial of application #11-100.

**BACKGROUND:** The application was first heard by the Planning Commission on October 20, 2011. The Commission denied the item, stating they could not support a use permit application with permission to serve alcohol without a specific tenant. The applicant appealed the decision to City Council, but soon after secured the “*Thirsty Duck Ale House*” as a tenant. The application returned to the Planning Commission for reconsideration on December 1, 2011. The Planning Commission heard the item but requested additional information, including accurate floor plans and clarification as to the type of liquor license to be requested. The item was continued to the January 19, 2012 Planning Commission meeting.

The item was continued for several months, as the requested information was not provided. At the April 5, 2102 Planning Commission meeting, staff recommended the item be continued pending the submittal of the requested information. However, the Commission denied the application, indicating that the recurring continuances were problematic for the interested neighboring property owners without the item being heard. The applicant has appealed the application (Attachment 1). The appeal letter, Planning Commission reports and corresponding minutes from the hearing are attached for your information as Attachments 1 through 6.

**PROJECT DESCRIPTION:** The subject 1,096 square foot commercial space is currently vacant, but was previously a retail use. Under the CV (Central Village) zoning district, a Conditional Use Permit is required for a take-out restaurant use. At this point in time, there is no specific tenant for the location, but the property owner is looking to gain approvals in order to market the space to potential interested businesses. As part of that approval, the applicant is proposing the city permit the sale of alcohol as part of the restaurant business. Due to the small size of the space, the majority of the business will be for “to go” orders, but will provide up to six seats for customers to eat at the restaurant.

**DISCUSSION:** The applicant has failed to provide the information requested by the Planning Commission. Staff recommends that the application be denied without prejudice. The city will accept a new application once the property owner secures a new tenant for the space.

**ATTACHMENTS**

1. Appeal letter from applicant Cameron South, dated April 25, 2012
2. October 20, 2011 Planning Commission Staff Report
3. October 20, 2011 Planning Commission Minutes
4. December 1, 2011 Planning Commission Staff Report
5. December 1, 2011 Planning Commission Minutes
6. April 5, 2012 Planning Commission Minutes

Report Prepared By: Ryan Bane  
Senior Planner

Reviewed and Forwarded  
By City Manager: 



**SOUTHSTAR P.M., INC.**

7831 S.E. Stark St. #103 • Portland, Oregon 97215 • Ph. 503-251-4888 • Fax 503-251-4848

**RECEIVED**

APR 26 2012

CITY OF CAPITOLA

April 25, 2012

City Council  
c/o City Clerk  
City of Capitola  
420 Capitola Ave.  
Capitola, CA 95010

Re: Notice of Denial of Project Application #11-100  
Applicant: First Capitola Restaurant L.L.C.,  
Assignee of Application

To Whom It May Concern,

Consider this our appeal of the Planning Commission's decision to deny the above reference Project Application. We were not in attendance at the meeting because our appointed representative, Ron Hirsch, was told by the City of Capitola that this agenda item had been rescheduled for the May meeting.

We respectfully request the opportunity to present this application to the City Council for a ruling on its merits.

Thank you for your consideration.

Sincerely,

Cameron South  
Vice-President  
Agent for Owner

cc: Ryan Bane  
Jamie Goldstein





## STAFF REPORT

TO: PLANNING COMMISSION

FROM: PLANNING DEPARTMENT

DATE: OCTOBER 13, 2011 (AGENDA: OCTOBER 20, 2011)

SUBJECT: **115 SAN JOSE AVENUE** #11-100 APN: 035-221-27  
 Conditional Use Permit for a take-out restaurant with the sale and dispensing of alcohol in the CV (Central Village) Zoning District.  
 Environmental Determination: Categorical Exemption  
 Property Owner: Peter Dwares, owner/filed: 9/15/11

### APPLICANT'S PROPOSAL

The applicant is requesting a Conditional Use Permit for a take-out restaurant with the sale and dispensing of alcohol to be located at 115-Q San Jose Avenue in the CV (Central Village) Zoning District. The use is consistent with the General Plan and Zoning Ordinance with the issuance of a Conditional Use Permit.

### DISCUSSION

The subject 1,096 square foot commercial space is currently vacant, but was previously a retail use. Under the CV (Central Village) zoning district, a Conditional Use Permit is required for a take-out restaurant use. At this point in time, there is no specific tenant for the location, but the property owner is looking to gain approvals in order to market the space to potential interested businesses. As part of that approval, the applicant is proposing that the hours of operation be allowed a range of 11:00AM to 11:00PM, in addition to the permitting of the sale and dispensing of alcohol as part of the restaurant business. Due to the small size of the space, the majority of the business will be for "to go" orders, but will provide up to six seats for customers to eat at the restaurant.

Tenant improvements to the space include new interior finishes, kitchen equipment such as a new cook grill, pizza oven, food prep and storage area, service counter, in addition to a fireplace and seating for six. Exterior changes will be limited to the main exterior entry area facing the Esplanade. At this location, the applicant is proposing to enclose the 10'x7' area that is currently under the overhang by installing a fixed window and glass entry doors. Mosaic tiles are also proposed on the existing posts in the entry area.

#### Alcohol Service

Under the CV (Central Village) zoning district, a Conditional Use Permit is required for "Businesses establishments that sell or dispense alcoholic beverages". The applicant is proposing a Type 47 liquor license that authorizes the sale of beer, wine and distilled spirits as part of a restaurant use.

Under the ABC license, suitable kitchen facilities must be maintained, and must make actual and substantial sales of meals for consumption on the premises.

#### Parking

A restaurant/take-out food establishment with six or fewer seats has the same requirement as a standard retail or office use, requiring a minimum of one space for every 240 square feet of gross floor area. With the previous retail use having the same parking requirement, there is no intensification of use and the existing parking is not affected.

#### RECOMMENDATION

Staff recommends the Planning Commission **approve** application #11-100, subject to the following conditions and findings:

#### CONDITIONS

1. The project approval consists of a Conditional Use Permit for a take-out restaurant with the sale and dispensing of alcohol at 115-Q San Jose Avenue.
2. Any significant modifications to the size or exterior appearance of the structure must be approved by the Planning Commission. Similarly, any significant change to the use itself, or the site, must be approved by the Planning Commission.
3. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.
4. Business hours will be limited to 11:00AM – 11:00PM.
5. There shall be no more than six seats provided.
6. The applicant shall obtain approval for a Sign Permit through the Community Development Department. Proposed signage shall be consistent with the approved sign program.
7. Outdoor displays, sandwich board and other movable freestanding signs are prohibited.
8. Roof top equipment shall be screened from public view and fall within the allowable city permitted decibel levels. Any necessary roof screening is to match the material and color of the building as closely as possible. Plans for any necessary screening shall be submitted to the Community Development Department prior to, or in conjunction with, building permit submittal.
9. The applicant shall obtain a business license prior to operating the business.
10. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.

#### FINDINGS

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

Planning Staff and the Planning Commission have reviewed the project and determined that the proposed business is an allowable use in the CV (Central Village) Zoning District with a

Conditional Use Permit. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

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

Planning Department Staff and the Planning Commission have reviewed the project and determined that the proposed business will provide a needed service to Capitola and will not have a negative impact on the character and integrity of the neighborhood. Conditions of approval have been included to ensure that the project maintains the character and integrity of the area.

**C. This project is categorically exempt under Section 15301 and 15311(a) of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**

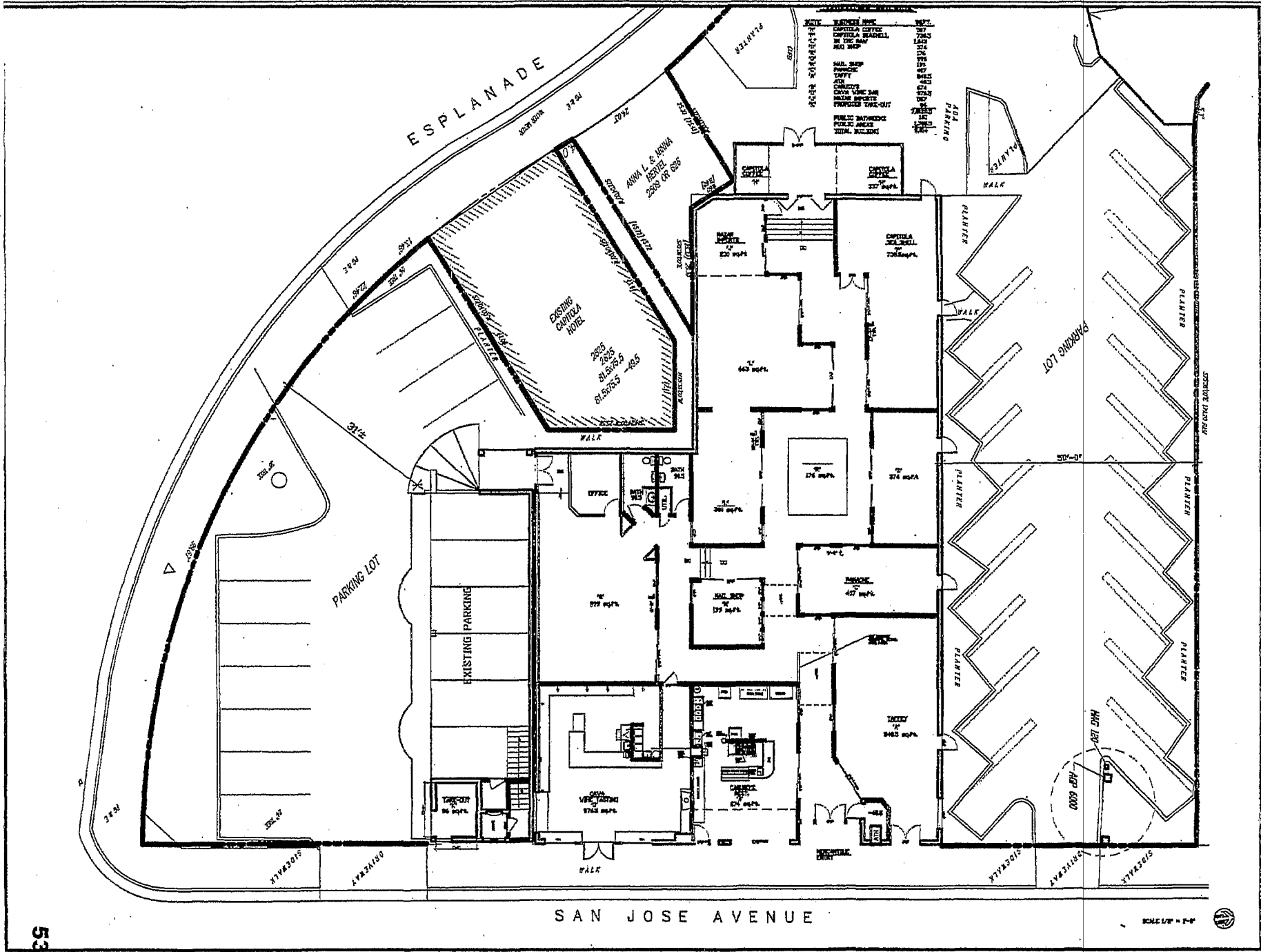
The proposed project involves leasing of a portion of an existing commercial space with no expansion of use beyond what has currently existed. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

**Report Prepared By:** Ryan Bane  
Senior Planner

Attachment A – Project Plans

Attachment B – Project Description provided by the applicant, dated 10-2-11

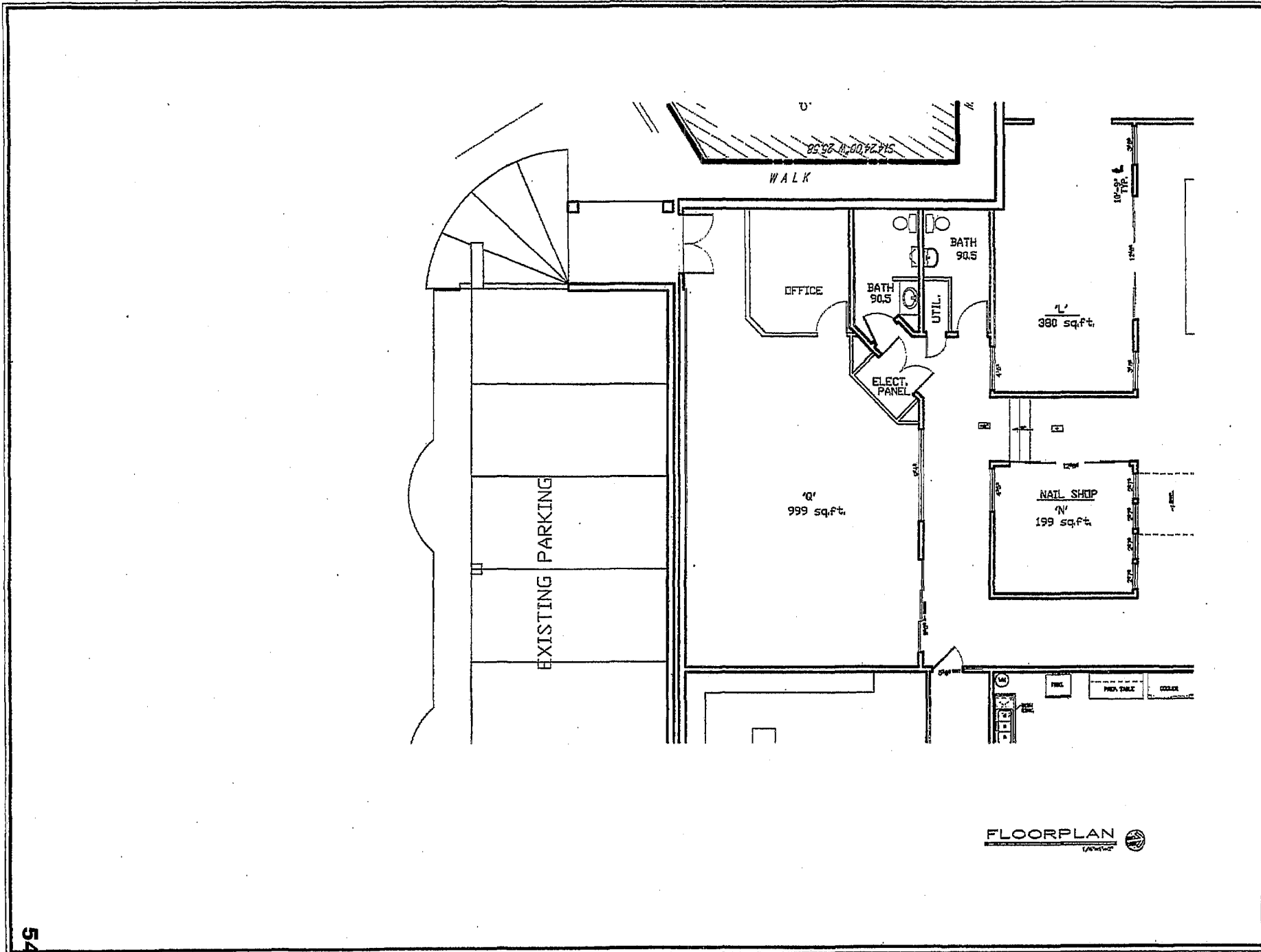




<p><b>EXISTING SITE PLAN</b></p>	
<p><b>DENNIS NORTON</b>          HOME DESIGN AND          PROJECT PLANNING          775 S. MARINA AVE. SUITE 100          SAN JOSE, CA 95128</p>	
<p><b>CAPITOLA MERCANTILE</b>          115 SAN JOSE AVE.          CAPITOLA, CA          APN 035-221-27</p>	
<p>04/05/11</p>	<p>1/8"=1'-0"          MERC</p>
<p>2</p>	

ATTACHMENT A





FLOORPLAN

DATE	04/05/11
BY	GG
CHECKED	GG
SCALE	1/4"=1'-0"
PROJECT	MERC
NO.	04/05/11

CAPITOLA MERCANTILE  
 115 SAN JOSE AVE.  
 CAPITOLA, CA  
 APN 035-221-27

DENNIS MORTON  
 HOME DESIGN AND  
 REMODELING PLANNING  
 778 S CAPITOLA AVE CAPITOLA, CA 95010-1001  
 TEL: 831.338.1000  
 WWW.DMPLANNING.COM

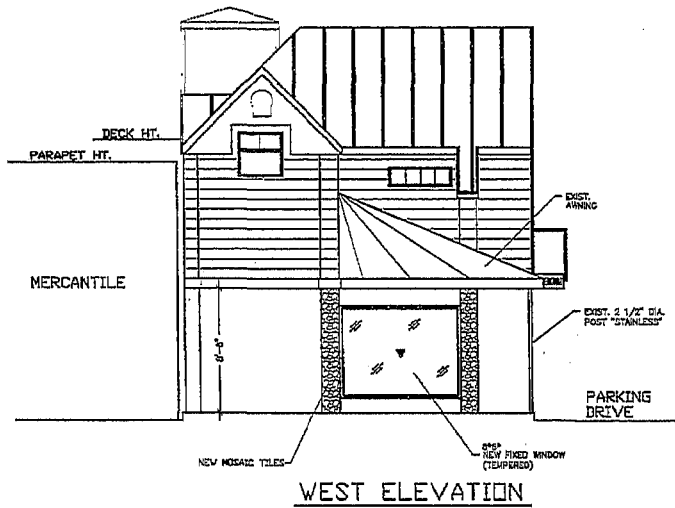
EXISTING  
 SUITE Q

DATE	04/05/11
BY	GG
CHECKED	GG
SCALE	1/4"=1'-0"
PROJECT	MERC
NO.	04/05/11

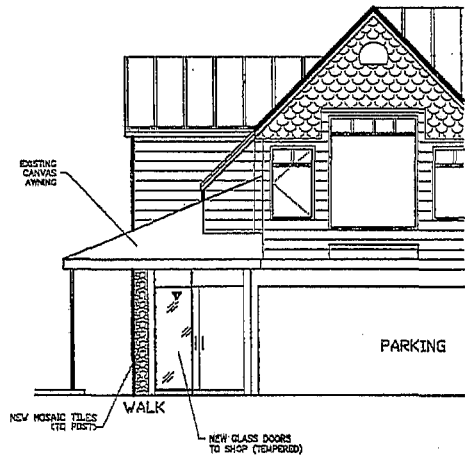
3

ATTACHMENT A

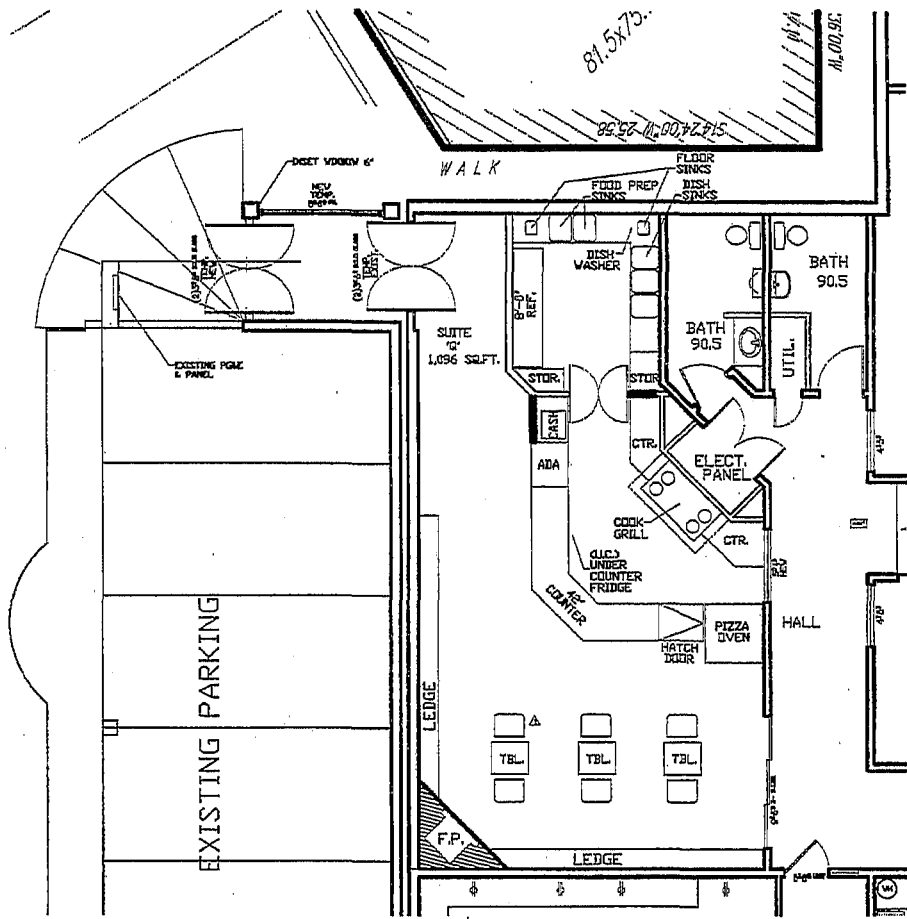




WEST ELEVATION



SOUTH ELEVATION  
ESPLANADE



**WALL LEGEND**

	EXISTING WALLS
	PROPOSED WALL

**FLOORPLAN**  
1/4"=1'-0"

DATE	BY	CHK
07/13/10	MM	MM

**CAPITOLA MERCANTILE**  
115 SAN JOSE AVE.  
CAPITOLA, CA  
APN 035-221-27

**DENNIS NORTON**  
HOME DESIGN AND  
PROJECT PLANNING  
726 S. GERRARD AVE. GERRARD, CA 95026-3800  
TEL: 408-666-1111 FAX: 408-666-1112

**PROPOSED SUITE Q  
TAKEOUT RESTAURANT**

GG	1/4"=1'-0"
MERC	
07/13/10	

4

ATTACHMENT A

Community Development Department

City of Capitola

420 Capitola Avenue

Capitola, Ca. 95010

10-2-20111

Re: Capitola Mercantile (Space Q)

116 San Jose Avenue, Capitola

Project Description

Dear Commissioners,

This space has been vacant for over 2 years. It is a difficult space to rent for it is setback from the Esplanade and its lack of exposure to Pedestrians and Auto traffic. We are proposing to give a marketable product that will invite a business into this space.

In this project proposal we are applying for a take-out Restaurant that will have operation hours of 11:00 AM to 11:00 PM. The type of food and proprietor are not known at this time. We are proposing a take-out food (Pizza, Sandwiches, Rice Bowls, Salads, Etc) Restaurant with a Liquor License (License Type 47). There will be no take-out of Open Containers.

Thank You for your Consideration.

Andy South

South Star P.M. Inc

7831 S.E. Stark St.

#103

Portland, Or.

97215

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

Planning Department Staff and the Planning Commission have reviewed the project and determined that the proposed business will provide a needed service to Capitola and will not have a negative impact on the character and integrity of the neighborhood. Conditions of approval have been included to ensure that the project maintains the character and integrity of the area.

**C. This project is categorically exempt under Section 15301 and 15311(a) of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**

The proposed project involves leasing of a portion of an existing commercial space with no expansion of use beyond what has currently existed. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

**THE MOTION CARRIED ON THE FOLLOWING VOTE: AYES: COMMISSIONERS GRAVES, NEWMAN, SMITH AND CHAIRPERSON ORTIZ. NOES: NONE. ABSENT: ROUTH. ABSTAIN: NONE.**

**B. 115 SAN JOSE AVENUE****#11-100****APN: 035-221-27**

Conditional Use Permit for a take-out restaurant with the sale and dispensing of alcohol in the CN (Neighborhood Commercial) Zoning District.

Environmental Determination: Categorical Exemption

Property Owner: Peter Dwares, owner/filed: 9/15/11

Representative: Dennis Norton Design

Community Development Director Johnson presented the staff report. He explained that the property owner is applying to secure permits for the vacant space and to attract a tenant through the entitlement process. The application is similar to the development project on Kennedy Drive.

Derek Van Alstine, representative, spoke in support of the application.

The public hearing was opened.

Christine Herberg, owner of Capitola Hotel, submitted a letter in opposition of applicant. She stated that the application is being considered prematurely without a specific business proposed.

The public hearing was closed.

Commissioner Newman stated that it is difficult to approve a use in the abstract without a specific tenant.

Commissioner Smith concurred with Commissioner Newman, noting that an actual tenant will define the space and details necessary for a complete review. She asked the representative if there was any potential tenant at this time.

Commissioner Graves acknowledged the letter the Commission received from the Capitola Hotel. He spoke with concerns about the lack of conditions addressing potential impacts of rooftop equipment. He was not supportive of the application without a specific tenant and use.



Chairperson Ortiz was concerned about the potential issues of use permit to allow a full service bar and only six tables with chairs, with several lineal feet of bar height ledges shown in the floor plan. This application was similar to the permit for the commercial development at Kennedy Drive. She did not support the application with alcohol sales and no specific tenant or use.

Derek Van Alstine, project representative, stated that there is not any potential tenant and this commercial space has been vacant for two years. This project application is an attempt to attract a tenant and reduce the business start up time. He requested the Commission continue the item so that the applicant can reformulate the design.

Chairperson Ortiz was not supportive of continuance. The applicant can appeal the Commission's decision to the City Council. The Planning Commission has unanimously agreed to not support a use permit application with permission to serve alcohol, without a specific tenant.

**A MOTION WAS MADE BY COMMISSIONER NEWMAN AND SECONDED BY COMMISSIONER SMITH TO DENY PROJECT APPLICATION #11-100.**

**THE MOTION CARRIED ON THE FOLLOWING VOTE: AYES: COMMISSIONERS GRAVES, NEWMAN, SMITH AND CHAIRPERSON ORTIZ. NOES: NONE. ABSENT: ROUTH. ABSTAIN: NONE.**

#### **C. ZONING AMENDMENTS TO IMPLEMENT HOUSING ELEMENT ACTION ITEMS**

The Planning Commission shall consider amendments to the Capitola Municipal Code to implement action items contained in the 2007-2014 Housing Element. These amendments are as summarized as follows:

1. Amend the Capitola Municipal Code to modify parking, lot size, height, and setback requirements to encourage secondary dwelling units.
2. Amend the Capitola Municipal Code to allow Single Room Occupancy (SRO) and Small Ownership Units (SOU) in the Community Residential, Neighborhood Commercial and Community Commercial Zone Districts.
3. Amend the Capitola Municipal Code to provide Community Development Director approval of reasonable accommodations for persons with disabilities.
4. Amend the Capitola Municipal Code to add emergency shelters as a principally permitted use in the Industrial Park Zone District.
5. Amend the Capitola Municipal Code to specify that transitional and supportive housing is a principally permitted use in all zone districts that allow residential uses.

Community Development Director Johnson introduced Marisa Lee, Intern. He gave a brief overview of the Housing Element action items.

Housing Projects Manager Foster and Intern Marisa Lee presented the staff report.

The Planning Commission echoed the GPAC's concerns about continued mandates from the State and interference in local land use issues.

#### Secondary Dwelling Units

The Commission had strong reservations about modifications to the parking requirements, revisions to setbacks, and allowing second story detached secondary dwelling units, but was supportive of reducing the minimum lot size for secondary dwelling units from 5,000 sq. ft. to 4,000 sq.ft. The Planning Commission suggested the City Council hold public meetings with Depot Hill and Jewel Box neighborhood residents prior to any ordinance adoption, as they would be most impacted by a change in minimum lot size.



## STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: NOVEMBER 22, 2011 (AGENDA: DECEMBER 1, 2011)

SUBJECT: **115 SAN JOSE AVENUE** #11-100 **APN: 035-221-27**  
 Reconsideration of a Planning Commission denial for Conditional Use Permit for a take-out restaurant with the sale and dispensing of alcohol in the CV (Central Village) Zoning District.  
 Environmental Determination: Categorical Exemption  
 Property Owner: Peter Dwares, owner/filed: 9/15/11

**APPLICANT'S PROPOSAL**

The applicant is requesting a Conditional Use Permit for a take-out restaurant with the sale and dispensing of alcohol to be located at 115-Q San Jose Avenue in the CV (Central Village) Zoning District. The use is consistent with the General Plan and Zoning Ordinance with the issuance of a Conditional Use Permit.

**BACKGROUND**

On October 20, 2011, the Planning Commission denied the requested Conditional Use Permit, stating that they could not support a use permit application with permission to serve alcohol without a specific tenant and defined use. An appeal was submitted by the applicant, and the item was scheduled for the next available City Council agenda. Following the submittal of the appeal, the applicant secured a tenant for the space, "Thirsty Duck Ale House". With this new information, staff recommends that the Planning Commission reconsider the application. Based on the adopted *Rosenberg's Rules of Order*, the following two things must happen to reconsider the application:

1. The *Rosenberg's Rules of Order* state that the Planning Commission can make a motion to reconsider the item at the meeting where the item was first voted upon or at the very next meeting of the body. However, since there has been a meeting since the original vote, the rules state that the Commission can vote to suspend the rules to reconsider at a later time. To suspend the rules and allow a motion to reconsider, the vote must pass by a two-thirds majority.
2. If the vote to suspend the rules passes, a motion to reconsider may only be made by a member of the Commission who voted in the majority on the original motion. In this case, this would be anyone except Commissioner Routh who was absent at that particular meeting. If the motion to reconsider passes, then the original matter is back before the Commission. The



matter may be discussed and debated as if it were on the floor for the first time, and a new original motion is in order.

If neither of these votes passes, then the application cannot be reconsidered and the original denial will be upheld.

## **DISCUSSION**

The new proposed tenant is *Thirsty Duck Ale House*. They will sell a wide selection of micro brews from around the world along with a high end meat and cheese market. The pub will specialize in stews, chowders and appetizers that can be ordered to go, or for on-site dining. The proposed hours of operation are from 11:00AM to 11:00PM to accommodate to the lunch and dinner crowd. They expect to have no less than two employees on site at any time.

The subject 1,096 square foot commercial space is currently vacant, but was previously a retail use. Under the CV (Central Village) zoning district, a Conditional Use Permit is required for a take-out restaurant use, in addition to the permitting of the sale and dispensing of alcohol as part of the restaurant business. Due to the small size of the space, the majority of the business will be for "to go" orders, but will provide up to six seats for customers to eat at the restaurant.

Tenant improvements to the space include new interior finishes, kitchen equipment such as a new cook grill, food prep and storage area, service counter, in addition to a fireplace and seating for six. Exterior changes will be limited to the main exterior entry area facing the Esplanade. At this location, the applicant is proposing to enclose the 10'x7' area that is currently under the overhang by installing a fixed window and glass entry doors. Mosaic tiles are also proposed on the existing posts in the entry area.

### **Alcohol Service**

Under the CV (Central Village) zoning district, a Conditional Use Permit is required for "Businesses establishments that sell or dispense alcoholic beverages". The applicant is proposing a Type 47 liquor license that authorizes the sale of beer, wine and distilled spirits as part of a restaurant use. Under the ABC license, suitable kitchen facilities must be maintained, and must make actual and substantial sales of meals for consumption on the premises.

### **Parking**

A restaurant/take-out food establishment with six or fewer seats has the same requirement as a standard retail or office use, requiring a minimum of one space for every 240 square feet of gross floor area. With the previous retail use having the same parking requirement, there is no intensification of use and the existing parking is not affected.

## **RECOMMENDATION**

Staff recommends the Planning Commission **approve** application #11-100, subject to the following conditions and findings:

## **CONDITIONS**

1. The project approval consists of a Conditional Use Permit for a take-out restaurant with the sale and dispensing of alcohol at 115-Q San Jose Avenue.



2. Any significant modifications to the size or exterior appearance of the structure must be approved by the Planning Commission. Similarly, any significant change to the use itself, or the site, must be approved by the Planning Commission.
3. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.
4. Business hours will be limited to 11:00AM – 11:00PM.
5. There shall be no more than six seats provided.
6. The applicant shall obtain approval for a Sign Permit through the Community Development Department. Proposed signage shall be consistent with the approved sign program.
7. Outdoor displays, sandwich board and other movable freestanding signs are prohibited.
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9. The applicant shall obtain a business license prior to operating the business.
10. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.

## **FINDINGS**

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

Planning Staff and the Planning Commission have reviewed the project and determined that the proposed business is an allowable use in the CV (Central Village) Zoning District with a Conditional Use Permit. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

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

Planning Department Staff and the Planning Commission have reviewed the project and determined that the proposed business will provide a needed service to Capitola and will not have a negative impact on the character and integrity of the neighborhood. Conditions of approval have been included to ensure that the project maintains the character and integrity of the area.

- C. **This project is categorically exempt under Section 15301 and 15311(a) of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**

The proposed project involves leasing of a portion of an existing commercial space with no expansion of use beyond what has currently existed. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

**Report Prepared By:** Ryan Bane  
Senior Planner

Attachment A – Project Plans

Attachment B – Project Description provided by the applicant, dated 11-1-11

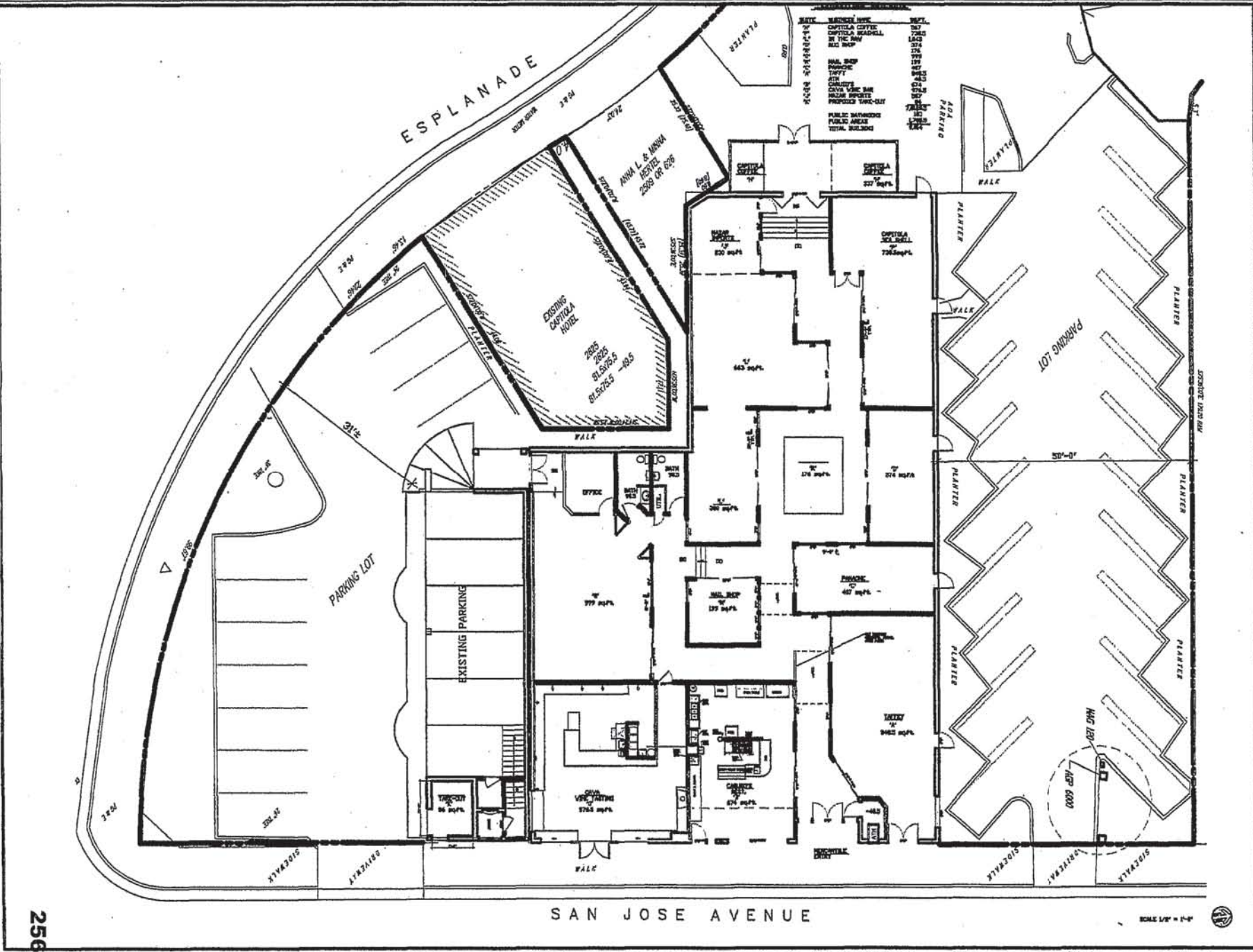
Attachment C – October 20, 2011 Planning Commission Minutes

Attachment D – Letter of Concern from Capitola Hotel LLC







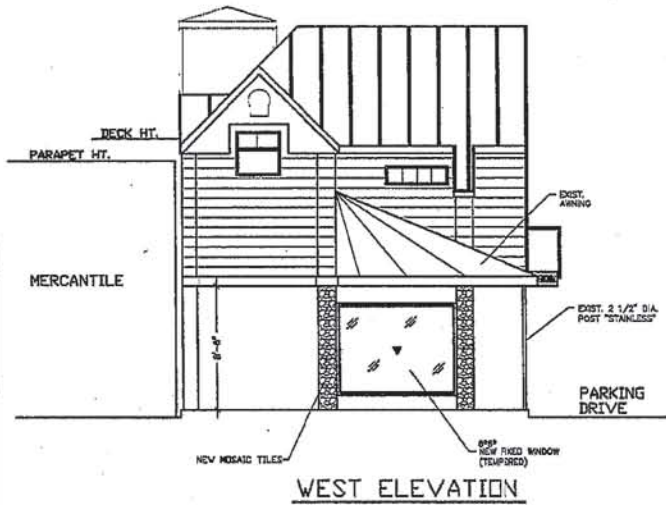


<p><b>EXISTING SITE PLAN</b></p>	
<p><b>DENNIS NORTON</b>          ARCHITECT AND          PROJECT PLANNER</p> <p>700 S. MARINA AVE. SUITE 200, SAN JOSE, CA 95128          TEL: 408.951.1111</p>	
<p><b>CAPITOLA MERCANTILE</b>          115 SAN JOSE AVE.          CAPITOLA, CA          APN 035-221-27</p>	
<p>04/05/11</p>	<p>2</p>

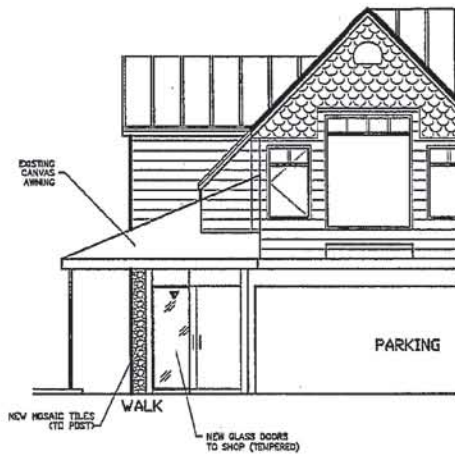
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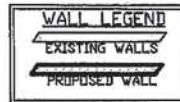
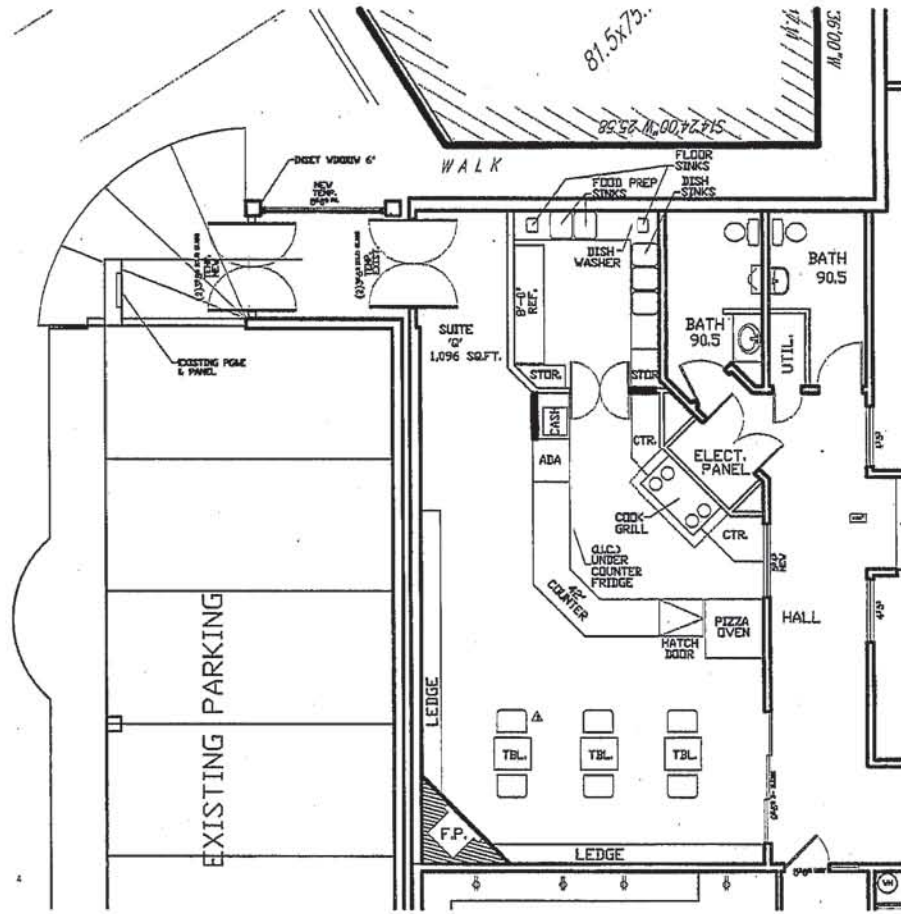




WEST ELEVATION



SOUTH ELEVATION  
ESPLANADE



FLOORPLAN

DATE	06/25/11
BY	DAVID
CHKD BY	DAVID
DATE	07/13/10
BY	DAVID
CHKD BY	DAVID

CAPITOLA MERCANTILE  
115 SAN JOSE AVE.  
CAPITOLA, CA  
APN 035-221-27

DENNIS NORTON  
KITCHEN DESIGN AND  
PROJECT PLANNING  
726 S CENTRAL AVE SUITE 101, GILBERT, AZ 85234  
480-833-3333

PROPOSED SUITE Q  
TAKEOUT RESTAURANT

SCALE	1/4" = 1'-0"
PROJECT	MERC
DATE	07/13/10

4

ATTACHMENT A

11-1-2011

City of Capitola

Community Development Department

Planner Ryan Bane

Re: Application # 11-100, 115 San Jose Avenue, Space "Q" Capitola

Dear City of Capitola,

I would like to introduce myself and my business, "*Thirsty Duck Ale House*," that I am excited about bringing to Capitola Village, this winter. I am the present owner of the successful "West End Pub" in Springfield, Oregon. Capitola Village appears to be a perfect setting for the selling of Micro Brews from around the world along with a high end meat and cheese market. You may choose to take your orders home or stay and taste our Brews onsite along with a sandwich and a bowl of soup.

We will also specialize in stews, chowders and appetizers. To be taken out or on site dining. Our hours of operation will be 11:00 AM till 11:00 to accommodate to the lunch and dinner businesses. We expect that there will be no less than two employees on site at any time.

We look forward to our new location in Capitola Village, and thank you for your consideration.

Mike McCreery

West End Pub

563 W. Centennial Blvd.

Springfield. OR. 97472

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

Planning Department Staff and the Planning Commission have reviewed the project and determined that the proposed business will provide a needed service to Capitola and will not have a negative impact on the character and integrity of the neighborhood. Conditions of approval have been included to ensure that the project maintains the character and integrity of the area.

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**THE MOTION CARRIED ON THE FOLLOWING VOTE: AYES: COMMISSIONERS GRAVES, NEWMAN, SMITH AND CHAIRPERSON ORTIZ. NOES: NONE. ABSENT: ROUTH. ABSTAIN: NONE.**

**B. 115 SAN JOSE AVENUE**

#11-100

APN: 035-221-27

Conditional Use Permit for a take-out restaurant with the sale and dispensing of alcohol in the CN (Neighborhood Commercial) Zoning District.

Environmental Determination: Categorical Exemption

Property Owner: Peter Dwares, owner/filed: 9/15/11

Representative: Dennis Norton Design

Community Development Director Johnson presented the staff report. He explained that the property owner is applying to secure permits for the vacant space and to attract a tenant through the entitlement process. The application is similar to the development project on Kennedy Drive.

Derek Van Alstine, representative, spoke in support of the application.

The public hearing was opened.

Christine Herberg, owner of Capitola Hotel, submitted a letter in opposition of applicant. She stated that the application is being considered prematurely without a specific business proposed.

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**A MOTION WAS MADE BY COMMISSIONER NEWMAN AND SECONDED BY COMMISSIONER SMITH TO DENY PROJECT APPLICATION #11-100.**

**THE MOTION CARRIED ON THE FOLLOWING VOTE: AYES: COMMISSIONERS GRAVES, NEWMAN, SMITH AND CHAIRPERSON ORTIZ. NOES: NONE. ABSENT: ROUTH. ABSTAIN: NONE.**

#### **C. ZONING AMENDMENTS TO IMPLEMENT HOUSING ELEMENT ACTION ITEMS**

The Planning Commission shall consider amendments to the Capitola Municipal Code to implement action items contained in the 2007-2014 Housing Element. These amendments are as summarized as follows:

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Housing Projects Manager Foster and Intern Marisa Lee presented the staff report.

The Planning Commission echoed the GPAC's concerns about continued mandates from the State and interference in local land use issues.

#### Secondary Dwelling Units

The Commission had strong reservations about modifications to the parking requirements, revisions to setbacks, and allowing second story detached secondary dwelling units, but was supportive of reducing the minimum lot size for secondary dwelling units from 5,000 sq. ft. to 4,000 sq.ft. The Planning Commission suggested the City Council hold public meetings with Depot Hill and Jewel Box neighborhood residents prior to any ordinance adoption, as they would be most impacted by a change in minimum lot size.

**Bane, Ryan**

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**From:** Capitola Hotel [Christine@CapitolaHotel.com]  
**Sent:** Tuesday, October 18, 2011 2:10 PM  
**To:** Bane, Ryan  
**Subject:** Objection to Conditional Use Permit 115 San Jose Ave.

Dear City Planning Commission,

We understand an application has been made for a take-out restaurant with the sale of alcohol for the above unit in the Merchantile. We would like the Counsel to take note that the entrance to this unit is within a few feet from the windows for two of our guest rooms and within 30 feet or less of half of the guest rooms for the hotel.

While we support our neighbor in his search for a suitable tenant, we must object to the proposed use. In the past, this space has been rented by a retail store whose business and hours of operation did not conflict with the needs of the hotel. We believe that due to the extremely close proximity of this unit to the hotel, that a restaurant of any kind, and particularly a take-out restaurant that sells alcohol would create too much noise too close to the hotel.

Specifically, we are concerned about the following:

**Request for Permit is premature:** In the present case, we understand that there is no specific tenant proposed for the site. The application is being made by the owner in an attempt to attract a broader range of businesses to rent their space. We feel that the request is premature. It is not possible to evaluate the use until the specifics of the business are known. For example, the differences between the burdens posed by a deli, open only for lunch, would be drastically different than those of a bar and grill. A case by case determination of the specific restaurant proposed is necessary to adequately evaluate the proposed use. However, in the event that the counsel deems it appropriate to evaluate a restaurant in advance of knowing any specifics, we feel that any restaurant will result in an undue burden upon our business, for the following reasons:

**Hours of operation:** A restaurant serving breakfast or dinner will create too much noise in the early morning or late night hours and disturb the sleeping hours for guests of the hotel.

**Hours of delivery:** The entrance to this unit is within feet of guest room windows. Early morning deliveries of food would be very disturbing to the hotel's guests. Even though early morning deliveries are supposed to be prohibited, we still receive complaints from our guests that trucks arrive as early as 3am to deliver to restaurants across the street. Adding another restaurant within feet of the hotel would only increase this already unreasonable burden.

**Bottle collection:** We believe that the manner in which glass bottles are collected is not only unreasonable, but beyond ridiculous. The hotel already has to put up with glass bottles being chucked over the shoulder into the back of a truck as early as 8am across the street. The thought of this happening right outside our guest room windows is unbearable. We still fail to see why the recyclers are not required to have a ramp and wheel the bottles on a hand cart into the back of their truck. There is simply no reason that bottles should be allowed to be tossed into the back of a truck at any time of day in the middle of a city street. Glass breaks and an errant bottle could cut and injure a passerby, or damage adjacent vehicles. Why this obvious risk is not being considered is beyond comprehension. Adding a restaurant next to the hotel invites the recyclers to toss bottles even closer to our guest room windows.



Cleaning: Operating a restaurant is a dirty business.

Margaritaville and Paradise Beach Grill share a cleaning crew that starts work at 3am --- even though these early hours are unnecessary (neither business is open for breakfast). The cleaning crew brings out the trash at about 5am on collection mornings. This activity includes dumping bottles into canisters so they can then be tossed two at a time into the back of a truck later in the morning. The workers often stand outside, talking and smoking cigarettes in the very early morning. We have received complaints from our guests that the cleaning crew operates a leaf blower as early as 4am, even though this activity is clearly prohibited by City ordinances. Adding another restaurant so close to the hotel would amplify the already unreasonable amount of noise from cleaning activities.

Garbage Collection: We have been told that garbage must be collected early in the morning all year round, even though there are very few cars parked until after 10am on the Esplanade most of the year...the exception being during the height of summer. We believe that garbage collection could easily occur at 8am all year round. A restaurant produces much more garbage than a retail store, thus increasing the unnecessary burden already endured by the hotel from early garbage collection.

Odors: Our guest room windows are within feet of the proposed use. A restaurant will create odors from cooking and from trash that will be disturbing to our guests.

Loitering: Pizza My Heart, another take-out restaurant, is open late into the night. People often stand outside laughing and talking late at night which is disturbing to our guests. Having another take-out restaurant within feet of the hotel would result in additional late-night loitering at an even closer proximity to the hotel.

Public Drunkenness: After consuming alcohol at area bars and restaurants, patrons spill into the street in a very boisterous manner (probably because they are half deaf from enduring the ear piercing volume of the music allowed in some of these establishments). These establishments profit from these patrons, yet no effort is made or required of them to prevent the intoxicated party-goers from hanging out in the middle of the street, yelling obscenities, and disturbing the peace. In the past, the police would at least be present to preserve the peace. Now, they are only present if called and even then it takes them a long time to arrive. We appreciate the efforts of the police and understand that there is a balance necessary among the competing interests of the hotel and the bars and restaurants in the area. However we feel that the businesses who are profiting from selling alcohol should be responsible for the cost of ensuring that the drunken individuals do not disturb the area residents. Adding another establishment that sells alcohol right next to the hotel only adds to the problem and increases the noise and potential for fighting and disorderly behavior. The proposed use would be mere feet from the hotel, so there would be nothing to separate the hotel from the disturbances.

Entertainment Permits: Amplified music is prohibited without an entertainment permit. Allowing music late at night -- particularly live music and music with a driving bass -- is extremely noisy and disturbing to area residents and hotel guests. There is a fine line between creating a fun and entertaining environment that will attract patrons and overnight visitors, and creating an unreasonably noisy, even dangerous, location where drunken people roam the streets late into the night. While we appreciate the efforts made by the police and city officials in controlling late night behavior, we feel that the Village still strays too often to the later. We feel that changes to the manner that entertainment permits are granted would help resolve the issues still existing. Since the Village consists of both residential and commercial establishments, all establishments should be required to close earlier -- at 9 or 10pm on weeknights and midnight on weekends. Currently, permits are granted allowing live music as



late as 11pm on weeknights and 12:30am on weekends. Often, this cut-off is ignored by the establishments and music continues until 1am or later. The doors to Fog Bank and Margaritaville open and close all night while patrons come in and out of the establishments. Each time the doors open, a tidal wave of sound enters the street, disturbing the peace of anyone nearby.

Margaritaville is at least well insulated, so with their doors closed, the noise is not too noticeable. However, the Fog Bank lacks adequate insulation so the noise from their live bands and karaoke is very disturbing even with the doors closed. We believe that before an entertainment permit is granted, that the establishment should meet the following requirements: 1) be well insulated so as to contain the noise it is creating, 2) be air conditioned, so that the doors and windows can remain closed during business hours without suffocating it's patrons, 3) have double doors and that one set of doors be required to remain closed at all times so that the amount of noise coming into the streets is reduced as patrons enter and exit, 4) that the establishment should provide security (approved by the city police) to usher the patrons out of the area in a quiet, orderly manner. Furthermore, a juke box should be considered amplified music and before one is permitted, standards concerning hours of operation, insulation, ventilation and double doors should be established. Although we have repeatedly asked to be present when entertainment permits are considered, we are not notified. The permit process seems to be decided by the police chief without any ability to comment from area businesses and residents. We feel that since an entertainment permit results in a great burden to those in the immediate area, that businesses and residents in the immediate area where an entertainment permit is being considered should be notified and provided an opportunity to comment before entertainment permits are granted or renewed each year. A restaurant next to the hotel presents the potential for yet another entertainment permit being granted without notice or the opportunity to comment. With mere feet separating the hotel from the Merchantille, the granting of an entertainment permit would be devastating to the continued operation of the hotel.

Unknowns: By evaluating the site for use as a restaurant without having the specifics of the restaurant before it, the City Counsel is requiring us to guess at what behaviors may be unduly disturbing and pre-emptively request that they be denied. It is simply not possible to guess at all the possible problems that may result from an establishment without the specific nature of the business being known. Unless the counsel intends to deny the use in total, it should have a specific proposed tenant before it so that unknown disturbing uses are not inadvertently granted.

For all of the above reasons, we respectfully request that the proposed use for 115 San Jose Avenue be denied. We wish are neighbor well in his search for a tenant more suited to this location.

Respectfully Submitted,  
Capitola Hotel LLC

10. The two uncovered off-street parking spaces shall be located in front of the house, accessed off of Loma Avenue (Alternative C of submitted plans). The driveway shall be made up of two side by side standard spaces (9' x 18') and may extend approximately 3'-6" into the side yard beyond the southern wall of the house.

## FINDINGS

- A. **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 to separate existing lots of record conforms to applicable provisions of the Subdivision Map Act and of local ordinances enacted pursuant thereto. The project conforms to the development standards of the R-1 (Single Family Residence) Zoning District. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

- B. **The application identifies two legal lots of record consistent with the Subdivision Map Act.**

The Planning Commission finds that the three lots located at 403 Loma Avenue (currently Assessor's Parcel Number 036-092-17) were each created, in accordance with the Subdivision Map Act and local ordinances enacted pursuant thereto.

- C. **This project is categorically exempt under Section 15305 and 15301 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**

Section 15305 of the CEQA Guidelines exempts minor alterations to land use limitations which do not change the density or land use of the subject site. This project involves a Certificate of Compliance for three legal lots of record consistent with the City's requirement that only one residence be permitted per lot in the R-1 zone district. Section 15301 of the CEQA Guidelines exempts construction of accessory structures that are less than 10,000 square feet. This project involves construction of a detached garage in an urban area and is considered infill development. No adverse environmental impacts were discovered during the review of the proposed project.

**THE MOTION CARRIED ON THE FOLLOWING VOTE: AYES: COMMISSIONERS GRAVES, ROUTH, SMITH, AND CHAIRPERSON ORTIZ. NOES: NONE. ABSENT: NEWMAN. ABSTAIN: NONE.**

**C. 115 SAN JOSE AVENUE #11-100 APN: 035-221-27**

Reconsideration of a Planning Commission denial for Conditional Use Permit for a take-out restaurant with the sale and dispensing of alcohol in the CV (Central Village) Zoning District.  
 Environmental Determination: Categorical Exemption  
 Property Owner: Peter Dwares, owner/filed: 9/15/11  
 Representative: Dennis Norton Designs

Interim Community Development Director Westman explained the application is before the Commission because the project circumstances have changed. The City Attorney's legal



Commissioner Smith questioned how the proposed use is not considered an intensification of the previous retail use; what the parking requirement is for the Mercantile, and clarified that there is only one public bathroom in the Mercantile for all the businesses on the property. She also asked if the ABC had a maximum number of liquor licenses for the Village area and requested the current status of the liquor licenses in the area. She supported a Type 40 license rather than a Type 47. Due the proximity to the hotel, she suggested business hours be 11:00 a.m. to 9:00 p.m., and delivery hours from 8:00 a.m. to 8:00 p.m. She suggested additional conditions prohibiting bar stools to ensure the seating will not exceed six seats, and require the building official evaluate the uses in the Mercantile to determine if additional restroom facilities are required.

Commissioner Graves spoke with concerns about the second entrance to the business and recommended the applicant consult the fire department; the seating plan of six seats did not seem adequate for the type of business proposed. He supported a Type 40 liquor license and more defined and detailed plans, including additional restrooms.

Chairperson Ortiz stated the application should reflect the name of the business owner, not just the property owner or the owner's representative. She supported a Type 40 liquor license and a revised floor plan eliminating one door and no bar stools. She suggested staff consult the ABC regarding the status of alcohol outlets within the Village area and suggested the hours of operation be limited to 11:00 a.m. to 9:00 p.m.

Senior Planner Bane explained that the Mercantile uses are limited due to the existing parking and no use intensification is permitted without additional parking.

**A MOTION WAS MADE BY COMMISSIONER GRAVES AND SECONDED BY COMMISSIONER ROUTH TO CONTINUE PROJECT APPLICATION #11-100 TO THE JANUARY 19, 2012 MEETING.**

**THE MOTION CARRIED ON THE FOLLOWING VOTE: AYES: COMMISSIONERS GRAVES, ROUTH, SMITH, AND CHAIRPERSON ORTIZ. NOES: NONE. ABSENT: NEWMAN. ABSTAIN: NONE.**

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

Community Development Director Westman discussed the status of the proposed village sign ordinance. She commented that revisions may propose one wall sign and one projecting sign.

## **7. COMMISSION COMMUNICATIONS**

Commissioner Routh requested the staff provide a status report of the home under construction at Wharf Road and Capitola Road.

## **8. ADJOURNMENT**

The Planning Commission adjourned the meeting at 9:13 p.m., in memory of Bob Begun, former mayor and advocate for Capitola, to a Regular Meeting of the Planning Commission to be held on Thursday, January 19, 2012 at 7:00 p.m., in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

Approved by the Planning Commission on February 2, 2012

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Danielle Uharriet, Minute Clerk

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

Planning 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 R-1 (Single Family Residence) Zoning District. Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood.

**C. This project is categorically exempt under Section 15301(e)(2) of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**

Section 15301(e)(2) of the CEQA Guidelines exempts additions to structures that are less than 10,000 square feet if the project is in an area where all public facilities are available to allow for the development and the project is not located in an environmentally sensitive area. This project involves an addition to a one-story single-family residence that is considered infill development. No adverse environmental impacts were discovered during review of the proposed project.

**THE MOTION CARRIED ON THE FOLLOWING VOTE: AYES: COMMISSIONERS NEWMAN, ORTIZ, ROUTH, SMITH AND CHAIRPERSON GRAVES. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.**

**5. PUBLIC HEARINGS****A. 115 SAN JOSE AVENUE #11-100 APN: 035-221-27**

Reconsideration of a Conditional Use Permit for a take-out restaurant with the sale and dispensing of alcohol in the CV (Central Village) Zoning District.

Environmental Determination: Categorical Exemption

Property Owner: Peter Dwares, owner/filed: 9/15/11

Representative: Dennis Norton Designs

Commissioner Newman made a motion to deny the application. Commissioner Routh seconded the motion.

Under discussion Commissioner Ortiz clarified that the city was being compensated for the staff time spent on the project.

Chairperson Graves stated that the applicant has not attended any meetings to address the Commission's concerns about the initial application review.

**A MOTION WAS MADE BY COMMISSIONER NEWMAN AND SECONDED BY COMMISSIONER ROUTH TO DENY PROJECT APPLICATION #11-100.**

**THE MOTION CARRIED ON THE FOLLOWING VOTE: AYES: COMMISSIONERS NEWMAN, ROUTH, AND CHAIRPERSON GRAVES. NOES: COMMISSIONERS ORTIZ AND SMITH. ABSENT: NONE. ABSTAIN: NONE.**





Item #: 9.C.

## CITY COUNCIL AGENDA REPORT

### MEETING OF MAY 24, 2012

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: STATUS REPORT OF THE UPDATE OF THE CAPITOLA GENERAL PLAN

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**RECOMMENDED ACTION:** Receive information. Presentation will be made by Ben Noble, The Planning Center | DC&E.

**BACKGROUND:** Capitola's first General Plan was adopted in 1964. A second General Plan was adopted in 1974; followed 15 years later by the current General Plan, which was adopted in 1989. The Current General Plan is now 23 years old. In 2010 the City Council directed staff to initiate a process to update the current General Plan. In addition to updating the City's General Plan, the Council decided to also include an update of the City's Local Coast Plan and Zoning Ordinance; and to write a Climate Action Plan. A contract was signed in the fall of 2010 with Design, Community & Environment (DC&E) (now The Planning Center | DC&E) to complete this process including the necessary environmental review.

**DISCUSSION:** As it has been approximately a year and a half since the General Plan process was started it seems like the appropriate time to give the City Council an update on the process and schedule. A number of tasks have been completed. These include the preparation of five white papers analyzing the economy and market conditions, circulation, traffic and village parking, environmental resources and hazards as well as public services, utilities and infrastructure. Public workshops on an overall vision for Capitola and the four special planning areas (41st Avenue/Capitola Mall Re-visioning Plan, Bay Avenue Special Study Area, Capitola Village and Pacific Cove/City Hall) property have been completed.

- 41<sup>st</sup> Avenue Re-visioning Plan identified the possibility of being more pedestrian friendly while providing mixed use areas which would enhance the economic viability of this important commercial area. Updating the Capitola Mall was a high priority because of its economic importance to the City. The corridor was identified as an area where there could be additional housing and visitor accommodations as well as some intensification of existing commercial sites.
- Bay Avenue Commercial Area is one of the three main entrances to the City. While there is a desire to keep Capitola's small town feel it is also important to enhance this existing commercial area. There is development potential on vacant and underdeveloped properties which should be coordinated to develop an entry area for Capitola and viable commercial corridor.
- Capitola Village is a part of the community where there is great interest and concern regarding economic viability, parking and traffic. Capitola beach is a focal point for the community. There has been much emphasis and discussion related to having a new upscale hotel on the theater property and how to provide parking for the new hotel and for visitors to the village.

- Pacific Cove/City Hall site is important because this is approximately 7 acres of property owned by the City in a prime location. While the GPAC is schedule to discuss the results of this workshop, there appear to be consensus around using this property to provide a parking solution for Capitola Village which would ultimately include a parking structure. A short term parking solution could be achieved through temporarily providing surface parking for the village in the mobile home park area. There was also a strong desire to restore the mobile home park area to some type of park, recreational and natural open space area as a long term goal. There area which still needs more discussion is how much of the property should temporarily be used for parking.

The 11 member General Plan Advisory Committee which Council appointed to work with staff during this process has met 8 times to discuss the white paper information, guiding principles for the General Plan, results from the public workshops as well as how sustainability can be incorporated into the final General Plan document.

In addition to the original scope of work for updating the General Plan, the City has been able to obtain grant funding to complete a Local Hazards Mitigation Study as well as a sea level rise study. These new studies will enhance the information in the new General Plan and will be critical for completing the Climate Action Plan.

It is anticipated that the update of the General Plan, Local Coastal Plan and Zoning Ordinance will be completed within the scheduled timeframe. There will be some minor modifications to the scheduling of the Climate Action Plan in order to incorporate the new information being generated by the sea level rise study. A draft Climate Action Plan is expected in February 2013.

Ben Noble of DC&E will be at the meeting to make a presentation and answer questions.

Report Prepared By: Susan Westman  
Interim Community Development Director

Reviewed and Forwarded  
By City Manager:

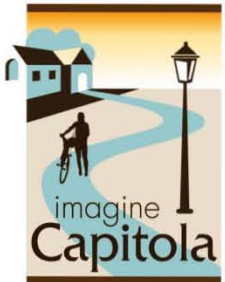




# GENERAL PLAN UPDATE AND EIR

FOR THE CITY OF CAPITOLA

City Council Check-In



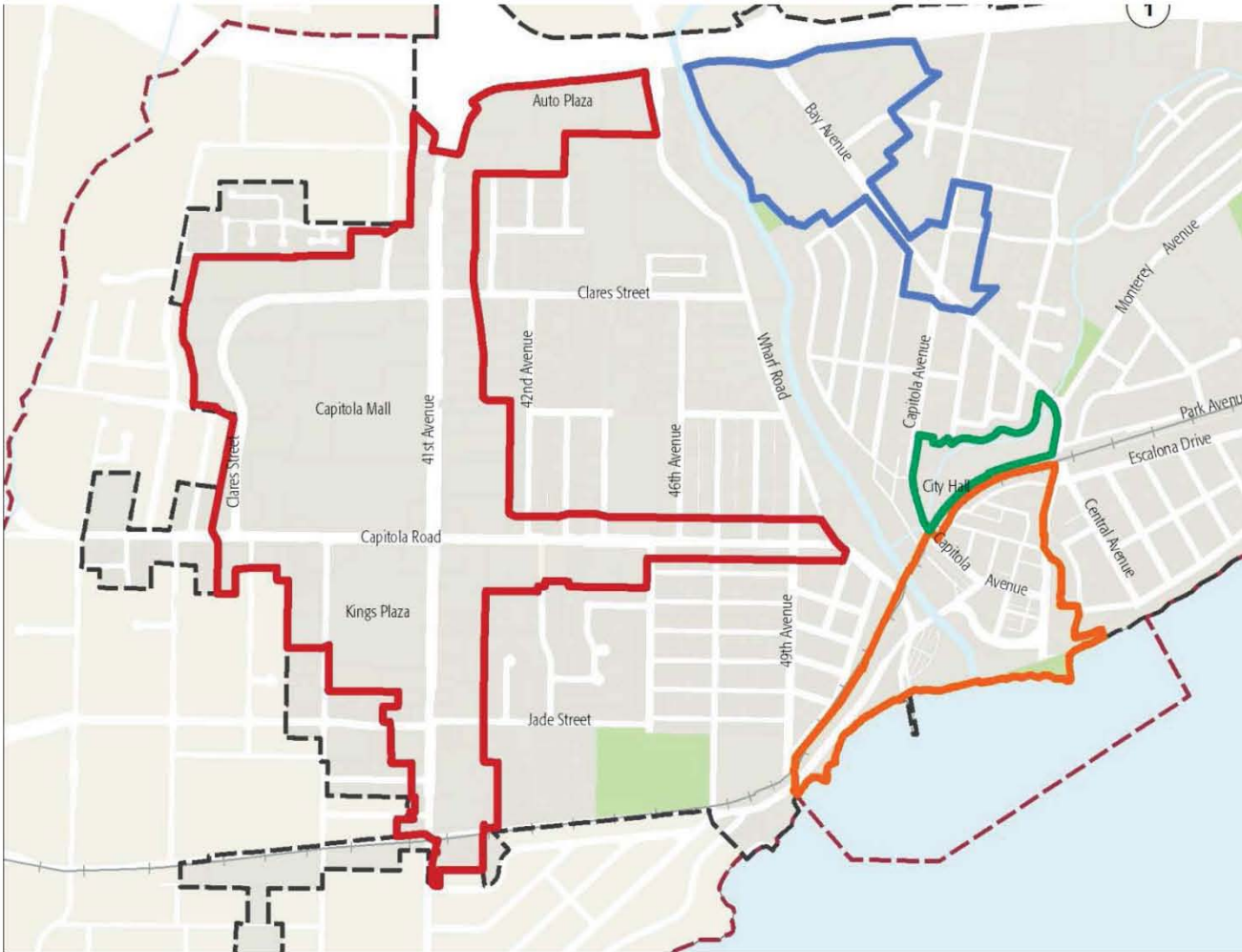


## PRIMARY PROJECT COMPONENTS

- General Plan Update
- Local Coastal Program Update
- Zoning Code Update
- Climate Action Plan
- Environmental Impact Report



# SPECIAL STUDY AREAS





## COMPLETED TASKS

- White Papers on Existing Conditions (March 2011)
- Vision and Guiding Principles (April 2011)
- Green Economy Report (October 2011)
- General Plan Special Study Areas
  - Bay Avenue (September 2011)
  - Capitola Mall/41<sup>st</sup> Avenue (December 2011)
  - Capitola Village (February 2012)
  - Pacific Cove/City Hall (June 2012)



## COMPLETED PUBLIC PARTICIPATION

- GPAC Meetings (9)
- Community Workshops (4)
- Stakeholder Interviews (4)
- Community Meetings



## REMAINING TASKS

- Draft Goals, Policies, and Actions (December 2013)
- Draft Climate Action Plan (February 2013)
- Draft General Plan, Local Coastal Plan and EIR (May 2013)
- Draft Zoning Code (August 2013)
- Final General Plan, Zoning Code, Local Coastal Plan, and CAP (December 2013)



## REMAINING PUBLIC PARTICIPATION

- GPAC Meetings - 9
- Stakeholder Interviews for Zoning Code (October 2012)
- Planning Commission and City Council Study Sessions on Zoning Code - 4 (Early 2013)
- Community Workshop – Draft Plans (June 2013)
- Certification and Adoption Hearings with Planning Commission and City Council - 2 (Late 2013)

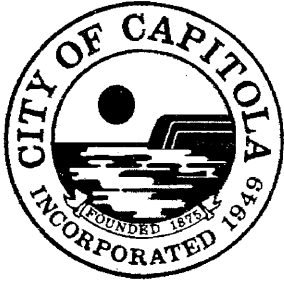




## THE VISION FOR THE UPDATED GENERAL PLAN

- Reflect the goals, needs and values of Capitola residents
- Promote sustainability objectives
- Balance visionary thinking with practical solutions
- Effectively guide growth, conservation, and enhancement in Capitola over the next 20 years





Item #: 9.D.

## CITY COUNCIL AGENDA REPORT

MEETING OF MAY 24, 2012

FROM: CITY MANAGER'S DEPARTMENT

SUBJECT: PROFESSIONAL SERVICES AGREEMENT FOR LIVE AND ARCHIVED  
STREAMING WEB VIDEO SERVICES AND CITY COUNCIL MINUTES

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**RECOMMENDED ACTION:** By motion the City Council take the following actions:

1. Receive a demonstration of streaming web video services; and
2. Authorize the City Manager to enter into a two-year agreement with SIRE Technologies in the amount not to exceed \$25,000 for streaming web video services; and
3. Reaffirm the implementation of Action Minutes as the City's formal record of City Council Minutes.

**BACKGROUND/DISCUSSION:**

Local governments continue to increase the use of the Internet to provide easy access of information to the public. Currently the City streams City Council and Planning Commission meetings through the Internet, however the City does not provide the ability to easily jump to specific portions of the meeting. Currently, the City contracts with multiple vendors to provide limited web video steaming services. Staff is recommending an improved video streaming media solution for the City Council and Planning Commission meetings.

The following three companies who provide video streaming systems have been evaluated: (1) Granicus; (2) SIRE Technologies; and (3) Public Benefit Technology LLC; staff is recommending SIRE Technologies (SIRE) as the preferred system. SIRE enables anyone to view the public meetings on their computer, iPad or other mobile devices live or the day after the meeting; and provides the public with the ability to retrieve archived meetings for up to one year on demand. SIRE has extensive expertise in state and local government sectors and has been in business since 1983. SIRE's electronic document management software and/or agenda management solutions are currently installed in over 500 organizations across the U.S. and Canada with approximately 50 in California including:

- Sacramento County
- San Mateo County
- San Bernardino County
- City of San Carlos
- City of Santa Cruz
- City of Monterey

SIRE services include hardware and software to run video streaming applications, as well as meeting indexing capabilities. Documents from the meeting packet could be linked together, so that staff reports and attachments would be linked to the meeting minutes and meeting videos. City Council and Planning Commission action minutes would be complimented by on-demand webcast of the actual meeting with the minutes posted on the City's website within 24 hours of the meeting; the video would have "jump to" points so a person would not have to go through the whole video to find what they are interested in.

A component provided by SIRE is specifically designed to help minute takers automate time-consuming minute creation processes. SIRE provides unlimited bandwidth for streaming on-demand content over the Internet and 24-hour customer support, and unlimited video storage.

Agenda documents would be searchable and individually uploaded on the Internet eliminating the uploading of an entire agenda packet, which would provide documents to the public in a more user friendly/efficient manner. This also aids in reduction of staff time pertaining to public records requests. In addition, SIRE provides RSS (Really Simple Syndication) subscription feeds – for agendas, minutes, and video – to make it easy for viewers to subscribe to stay informed without having to visit our website to find new content.

In January 2011 the Council approved the implementation of action minutes as the City’s formal record of the minutes; however implementation has not been fully realized. Upon approval of the attached proposal staff recommends the City Clerk prepare action minutes as a means to reduce staff time. The City is faced with limited budget and staff resources are required to do more with less.

Following is a breakdown of staff time associated with the Council meeting:

	<u>Task</u>	<u>Current</u>	<u>Proposed</u>
Information Systems Specialist	Process & publish on-demand video	2 hours	.5 hour
Records Coordinator	Process Council Agenda Packet	4 hours	2 hours
City Clerk	Prepare minutes	8 hours	2 hours
<b>TOTAL</b>		<b>14 hours</b>	<b>4.5 hours</b>

Currently the City utilizes multiple vendors to produce non-indexed live and on-demand video for the web. This process is time intensive for staff and can be confusing when trying to access the videos online. The City currently spends \$1,200 annually for these services.

**FISCAL IMPACT:** Funds are budgeted for these services in the City’s proposed Fiscal Year 2012/2013 budget. The fiscal impacts for the two-year contract are estimated to be cost positive to the City’s General Fund. The City Clerk has volunteered to transition to a 90% work schedule with the implementation of this contract. Such a reduction in hours will result in an approximate savings of \$11,400 per year. The on-going cost savings after the second year are expected to be \$3,972 (the amount of the recurring costs less the recurring savings).

Following is the cost savings with City Clerk 10% voluntary reduction:

\$ 3,828	Cost of agenda prep software (hosted)
\$ 4,800	Cost of stream video (hosted)
\$ 6,880	Total one-time cost for services & training
\$ 2,500	Video encoder
<\$ 2,400>	Purchase incentive
<\$11,400>	City Clerk - 10% voluntary reduction
<b>\$ 4,208</b>	<b>Total 1<sup>st</sup> year costs (FY 2012-13)</b>
\$ 3,828	Cost of agenda prep software (hosted)
\$ 4,800	Cost of stream video (hosted)
<\$11,400>	City Clerk - 10% voluntary reduction
<\$ 1,200>	Prior software annual costs 1200
<b>&lt;\$ 3,972&gt;</b>	<b>Total 2<sup>nd</sup> year costs (FY 2013-14)</b>
<b>\$ 236</b>	<b>Net impact of two year- proposal</b>

**ATTACHMENTS**

1. January 5, 2011 staff report and minute excerpt regarding Council approval of action minutes;
2. Sample action minutes
3. SIRE Technologies proposal

Report Prepared By: Susan Sneddon, CMC  
 City Clerk

Reviewed and Forwarded  
 By City Manager: 



## CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA REPORT

MEETING OF JANUARY 13, 2011

FROM: OFFICE OF THE CITY CLERK  
DATE: JANUARY 5, 2011  
SUBJECT: CITY COUNCIL/REDEVELOPMENT AGENCY MINUTES

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**Recommended Action:** By motion and roll call vote, that the City Council/Agency Directors approve implementation of Action Minutes as the City's formal record of City Council/Redevelopment Agency Minutes.

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### **BACKGROUND**

The City Clerk/Secretary to the Redevelopment Agency prepares minutes for all regular and special meetings of the City Council/Redevelopment Agency. Minutes are reviewed by the council members/directors and must be formally approved. Once approved, the minutes are an official record of meeting action and may be subpoenaed for court purposes. The primary purpose of the minutes is to record the actions taken by the City Council and Redevelopment Agency.

### **DISCUSSION**

In an effort to reduce paper and improve productivity utilizing technological advances, staff has proposed a Joint City Council/Redevelopment Agency Agenda and joint meeting minutes.

Minutes are given the highest priority in the City Clerk/RDA Secretary's office, with the goal to provide minutes for approval at the next meeting. Currently minutes summarize staff's presentation, discussion, comments from the public and the final action taken. In reviewing other local agencies practices, there are four types of minutes.

Action Minutes – Action minutes reflect only the “action taken” by the legislative body and not the individual dialogue of each discussion item. Official Council/Redevelopment Agency meeting minutes must record the action taken and action minutes meet this requirement. Action minutes do not involve subjectivity on the part of the transcriber.

Verbatim Minutes – Every word spoken is recorded as is done with legal proceedings. Verbatim minutes are a detailed method of preparing minutes, which does not involve subjectivity on the transcriber. The city has not used verbatim minutes as it is a very time-consuming process and the transcript is significantly more difficult for the reader to navigate and digest.

Detailed or Detailed Summary Minutes – Detailed minutes are similar to summary minutes in that they include summarized discussion held on each agenda item. Detailed minutes paraphrase extensive discussion between Council, staff, consultants, applicants, and the public. Detailed minutes are also subjective and rely on interpretation by the preparer to encapsulate pertinent information of importance to the speaker.



Summary Minutes – Summary minutes include each agenda item with a summarized discussion. Summary minutes are subjective and differ from one city to another in that they may contain a lot of verbiage, or they may resemble action minutes with some lengthy discussion included. Summary minutes rely on interpretation by the transcriber of what is being said and what the transcriber views as important dialogue. Capitola's City Clerk/RDA Secretary has produced summary minutes for many years. A significant amount of time is spent preparing summary minutes; time which could be spent working on other projects.

In reviewing the minute practices of other cities, staff has found that the overwhelming trend among California cities is to use action recaps (action minutes) rather than summary or detailed summary minutes for the City Council/Redevelopment Agency formal record. The main reasons given for this trend include new information technologies, such as real-time cable and internet broadcasts, as well as audio, video and digital copies of meetings, which provide multiple methods for elected officials, staff and/or the public to access verbatim records of meeting discussions. The City streams "live" and records the broadcasts of Capitola City Council/Redevelopment Agency meetings. Video recordings of the meetings can be accessed from the City's website, and DVD's may be purchased from the City or from Community Television of Santa Cruz County.

Many city attorneys prefer action minutes over summary minutes, especially with the availability of video/digital copies, because summary minutes are more subjective as they are the transcriber's paraphrased version of the action taken. Action recaps are more defensible and remove the liability of the "he said/she said" dialogue regarding city actions.

In addition, providing summary and/or verbatim minutes requires significantly more staff time to prepare. Implementation of strictly "Action minutes" would result in more efficient minute preparation, allow staff to quickly return to the Council/Agency with minutes for approval, and provide significant savings by reducing administrative time associated minute preparation.

### **FISCAL IMPACT**

The reduction in staff time by producing Action Minutes will permit the City Clerk/RDA Secretary to perform other important duties and projects, as well as to have more time to train staff members and work on office procedures.

### **ATTACHMENTS**

None

**Report Prepared By:** Pamela Greeninger, MMC  
City Clerk/RDA Secretary

**Reviewed and Forwarded  
by City Manager/Executive  
Director: \_\_\_\_\_**

**CITY OF CAPITOLA  
CITY COUNCIL/REDEVELOPMENT AGENCY**

**January 13, 2011  
Capitola, California**

**MINUTE EXCERPT OF A REGULAR JOINT MEETING**

**5. OTHER BUSINESS**

- F. City/RDA: City Council/Redevelopment Agency Minutes. Staff recommendation: approve implementation of Action Minute format as the City's formal record of City Council/Redevelopment Agency Minutes. [170-10]**

City Attorney Barisone responded to questions of Council Members/Directors pertaining to whether there were any legal implications in preparation of minutes in an action-minute format.

Council Member/Director Harlan explained why she prefers summary minutes, and she also noted that summary minutes are important for historical purposes.

**ACTION:** Council Member/Director Termini moved, seconded by Council Member/Director Nicol, to approve implementation of Action Minutes as the City's formal record of City Council/ Redevelopment Agency Minutes, and as part of the motion that the City maintain the audio/video recordings of the meetings for at least 20 years.

Council Member/Director Storey thinks the written minutes are what people will go to for the decisions that were made, as well as the tenor of the discussion. He would support the motion if there were an amendment to allow the minority position to ask for his/her position to be reflected in the minutes.

Council Member/Director Termini suggested that if a statement is requested, it not be made until after the vote is taken.

Prior to the vote on the motion, Mayor/Chairperson Norton asked if the maker and second of the motion would accept the amendment proposed by Council Member/Director Storey to allow the minority position(s) to ask for his/her position to be reflected in the minutes; i.e., to insert a statement as to why he/she voted in the opposition to the motion. Council Member/Director Termini and Council Member/Director Nicol amended the motion accordingly.

The motion carried with Council Member/Director Harlan voting no.

CITY OF CAPITOLA  
CITY COUNCIL

February 9, 2012  
Capitola, California

**SAMPLE ACTION MINUTES OF A REGULAR MEETING**

7:00 P.M. – OPEN SESSION

REGULAR MEETING OF THE CAPITOLA CITY COUNCIL

**CALL TO ORDER**

The meeting was called to order at 7:00 p.m.

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

**PRESENT:** Council Members Stephanie Harlan, Dennis Norton, Kirby Nicol, Sam Storey, and Mayor Michael Termini

**ABSENT:** None

**OTHERS:** City Treasurer Jacques Bertrand

**STAFF:** City Manager Jamie Goldstein, City Attorney John Barisone, Interim Community Development Director Susan Westman, Public Works Director Steve Jesberg, Finance Director Tori Hannah, and City Clerk Susan Sneddon

**2. PRESENTATIONS:**

**A. Introduction of the new Finance Director, Tori Hannah.**

**B. Certificate of Appreciation to Debbie Hale for her service on the Capitola Art & Cultural Commission from March 2006 through December 2011. [120-40]**

**C. Mayor's Proclamation proclaiming the month of February as "Teen Dating Violence Awareness Month" [120-40]**

**D. Presentation by Rita Flores, Assistant Agency Director, of the Family Service Agency of the Central Coast. [330-30]**

**3. REPORT ON CLOSED SESSION [520-25]**

***ACTION: City Attorney Barisone noted that there was no reportable action on any of the matters considered during Closed Session.***

**4. ORAL COMMUNICATIONS**

**A. Additions and Deletions to Agenda** (None provided)

**B. Public Comments** (None provided)

**C. Staff Comments**

City Manager Goldstein reported on the City's Building and Zoning counter hours.

**D. City Council/Treasurer Comments/Committee Reports**

**Council Member Storey** announced that he has been appointed as the Chair of the Santa Cruz Library Joint Powers Board.

4. ORAL COMMUNICATIONS (continued)

**Council Member Kirby, City's representative to the Criminal Justice Council of Santa Cruz County**, stated that the Criminal Justice Council recently met and discussed ways to prevent overcrowding of jails through education.

**Council Member Harlan, City's representative to the Association of Monterey Bay Area Governments (AMBAG)**, stated that she recently attended an AMAG meeting, and Interim Executive Director Diane Eidam recommended that each jurisdiction prepare an article to be highlighted in the AMAG newsletter each year.

**Council Member Harlan, City's representative to Monterey Bay Sanctuary Advisory Council**, reported the following from the recent MBSAC meeting: (1) Leadership in Energy Efficiency Award was presented to San Benito County Fairgrounds for retrofitting the fairgrounds with more efficient lighting with an annual savings of \$109,000; (2) a presentation was made by representatives from the California Division of the Federal Highway Administration regarding the Metropolitan Planning Organization; and (3) a letter was sent to Washington DC requesting continued funding surface transportation projects; (5) a \$400,000 contract amendment to fund EcologyAction has been awarded in order to complete the direct installation program implementing energy efficiency in the hospitality industry. She provided a brief report regarding the draft Electric Vehicle Infrastructure Report for the Monterey Bay Area.

**Council Member Norton** requested an update from Administrative Services Director Murphy on the proposed Plastic Bag Ordinance.

**Administrative Services Director Murphy** reported that Santa Cruz County amended the County's Plastic Bag Ordinance to exclude restaurants from the provisions of the plastic bag ban.

**Mayor Termini** complimented staff on City funds well spent for the consulting services provided by Bob Murray and Associates in the hiring of the new Police Chief.

E. **Committee Appointments** (None provided)

F. **Approval of Check Register Reports**

1. **Receive City Check Register Reports dated January 20, and 27, 2012.**  
**[300-10]**



## 5. CONSENT CALENDAR

**ACTION:** Motion by Council Member Norton, seconded by Council Member Storey, to approve the Consent Calendar including Resolution No. 3909 with Items 5.D. and 5.E. pulled for separate discussion. The motion carried unanimously.

A. Deny liability claims of the following and forward to the City's liability insurance carrier: (1) American Alternative Insurance Corporation, subrogee of Central Fire Protection District of Santa Cruz County. \$184,982.40; and (2) Paula Bradley. Undetermined amount. [Claims Binder]

B. Consideration of approving the minutes of the Regular Joint Meeting of the City Council/Redevelopment Agency of January 12, 2012.

C. Consideration of adopting a Resolution approving the Final Map for the Pearson Court Subdivision. [730-10/730-75/730-85]

**ACTION:** Motion by Council Member Norton, seconded by Council Member Storey, to adopt Resolution No. 3909 approving the Final Map for the Pearson Court Subdivision. The motion carried unanimously on the following vote: **AYES:** Council Members Harlan, Norton, Nicol, Storey, and Mayor Termini. **NOES:** None. **ABSENT:** None. **ABSTAIN:** None.

The following Consent items were pulled for separate consideration:

D. Receive Planning Commission Action Minutes for the Regular Meeting of February 2, 2012. [740-50]

Motion by Council Member Harlan, seconded by Council Member Storey, to receive the Planning Commission Action Minutes of February 2, 2012, as submitted. The motion carried unanimously with the following vote: **AYES:** Council Members Harlan, Norton, Nicol, Storey, and Mayor Termini. **NOES:** None. **ABSENT:** None. **ABSTAIN:** None.

E. Consideration of approving the Special Event Permits Administrative Policy and the modifications to the Block Party Permit and Grant Program Administrative Policy. [1050-70]

**ACTION:** Motion by Council Member Norton, seconded by Council Member Storey, to approve the Special Event Permits Administrative Policy and the modifications to the Block Party Permit and Grant Program Administrative Policy. The motion carried on the following vote: **AYES:** Council Members Harlan, Norton, Storey, and Mayor Termini. **NOES:** None. **ABSENT:** None. **ABSTAIN:** Council Member Nicol.

6. GENERAL GOVERNMENT

**A. Consideration of an amendment to the Capitola Municipal Code to allow sandwich board signs. [720-50/570-10]**

**Mayor Termini** opened this item for public comment.

Public Speakers in Support: Carl Hyman, local business owner; Gary Weisel, Paradise Beach Grill; Michael Lavigne, Michael Lavigne Real Estate Services; Ed Bottorff, Capitola resident.

Public Speakers In Opposition: None.

Public Speakers with Neutral Position: Peter Latour, Santa Cruz Hostel

**Mayor Termini** closed this item for public comment.

**Council Member Norton** made a motion with the following proposed sandwich board sign criteria: (a) allow free-standing signs in the commercial part of the Central Village Zoning District for a one-year trial period; (2) do not allow banners or temporary outside signs if the proposed sandwich board signs are approved; (3) obtain the cost of a sign permit from the City that would include code enforcement costs; (4) allow the height of the proposed signage to be thirty inches and a width of twenty-inches; (5) require ADA compliance; (6) allow for two-way sidewalk pedestrian traffic; (6) allow a minimum distance between signs to be forty feet.

**Mayor Termini** seconded the motion with an amendment to include that the proposed signs be placed at least twenty-four inches from the curb and to keep the sidewalk clear for two-way pedestrian traffic.

**Council Member Nicol** stated the following point of order: the Mayor should provide a second to a motion only in the absence of a second from another council member.

**Mayor Termini** withdrew his motion.

***ACTION: Motion by Council Member Norton, seconded by Council Member Nicol, for staff to come back to the City Council with a proposed amendment to the Capitola Municipal Code to allow sandwich board signs. The motion carried unanimously on the following vote: AYES: Council Members Harlan, Norton, Nicol, Storey, and Mayor Termini. NOES: None. ABSENT: None. ABSTAIN: None.***

6. GENERAL GOVERNMENT (continued)

**B. Consideration of adopting an Urgency Ordinance banning the installation of the PG&E SmartMeters in the City. [565-30]**

***ACTION: Motion by Council Member Norton, seconded by Council Member Storey, for staff to draft a letter from the Mayor to the California Public Utilities Commission opposing the SmartMeter opt-out one-time and monthly fees, and to keep the Council apprised of continuing efforts to oppose these charges. The motion carried on the following vote: AYES: Council Members Norton, Storey, and Mayor Termini. NOES: Council Member Harlan and Council Member Nicol. ABSENT: None. ABSTAIN: None.***

**C. Consideration to approve the Notice of Completion for the Rispin Property Abatement Project. [275-60]**

***ACTION: Motion by Council Member Nicol, seconded by Council Member Storey, to approve the Notice of Completion for the Rispin Property Abatement Project. The motion carried unanimously with the following vote: AYES: Council Members Harlan, Norton, Nicol, Storey, and Mayor Termini. NOES: None. ABSENT: None. ABSTAIN: None***

**D. Review Community Grant Application process. [330-30]**

***ACTION: Motion by Council Member Norton, seconded by Council Member Nicol, to allow applicants to apply for the community grants this fiscal year, and for staff to bring this item back to the City Council after the February 16, 2012 Special City Council Budget Session in order to discuss the community grant process. The motion carried with the following vote: AYES: Council Members Harlan, Norton, Nicol, and Mayor Termini. NOES: None. ABSENT: None. ABSTAIN: Council Member Storey.***

**E. Public Hearing regarding possible activities to be funded with 2012 Community Development Block Grant (CDBG) Funds. [700-10]**

***ACTION: Motion by Council Member Harlan, seconded by Council Member Nicol, to approve the staff recommendation, thereby confirming that the City Council conducted the required Public Hearing regarding uses and activities to be included in any 2012 Community Development Block Grant (CDBG) applications submitted by the City and directed staff to return with recommendations regarding the City's upcoming CDBG applications. The motion carried unanimously on the following vote: AYES: Council Members Harlan, Norton, Nicol, Storey, and Mayor Termini. NOES: None. ABSENT: None. ABSTAIN: None.***

6. GENERAL GOVERNMENT (continued)

**F. Consideration of adopting a Resolution approving a contract with Gumbiner & Eskridge LLP in an amount not to exceed \$20,000 for legal services and authorizing the City Manager to execute a contract. [500-10 A/C: Gumbiner & Eskridge LLP]**

*ACTION: Motion by Council Member Norton, seconded by Council Member Harlan to adopt Resolution No. 3910 approving a contract with Gumbiner & Eskridge LLP in an amount not to exceed \$20,000 for legal services, and authorizing the City Manager to execute a contract. . The motion carried unanimously on the following vote: AYES: Council Members Harlan, Norton, Nicol, Storey, and Mayor Termini. NOES: None. ABSENT: None. ABSTAIN: None.*

**G. Consideration of adopting Preliminary Administrative Budget for the Capitola Housing Successor. [790-30]**

*ACTION: Motion by Council Member Norton, seconded by Council Member Nicol, to adopt the Preliminary Administrative Budget for the Capitola Housing Successor. The motion carried unanimously on the following vote: AYES: Council Members Harlan, Norton, Nicol, Storey, and Mayor Termini. NOES: None. ABSENT: None. ABSTAIN: None.*

**H. Consideration of authorizing the City Manager to issue a Request for Proposals (RFP) for Website Design Services to redesign the City Website and direct the City Manager to accept and review proposals and provide a recommendation to the City Council for its consideration. [160-80]**

*ACTION: Motion by Council Member Norton, seconded by Council Member Harlan, to include the discussion of redesigning the City's Website in the Fiscal Year 2012/2013 budget deliberations scheduled for June 2012. The motion carried unanimously with the following vote: AYES: Council Members Harlan, Norton, Nicol, Storey, and Mayor Termini. NOES: None. ABSENT: None. ABSTAIN: None.*

7. COUNCIL DIRECTOR/STAFF COMMUNICATIONS (None provided).

8. ADJOURNMENT

The meeting was adjourned the Regular City Council Meeting to the Special Meeting of the City Council to be held on Thursday, February 16, 2012, at 6:00 p.m., in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.



Document Management & Agenda Automation  
for State & Local Government

# Quote

To: Su Sneddon  
City of Capitola  
420 Capitola Ave  
Capitola, CA 95010  
(831)475-7300 x 228

Date: May 10, 2012  
Expiration Date: July 9, 2012  
Sales Manager: Lonnie Hines

QTY	DESCRIPTION	UNIT PRICE	EXTENDED PRICE	MAINTENANCE	PART #
<b>HARDWARE</b>					
1	SIRE Video Encoder with Osprey 240e Card	2,500.00	OPTIONAL - City can provide own hardware		
<b>SUBTOTAL HARDWARE</b>			\$	-	

<b>SOFTWARE - HOSTED</b>					
<b>SIRE AGENDA PLUS LICENSES - HOSTED</b>					
2	SIRE Agenda Plus - Hosted per month/year (1 - 10 Licenses)	60.00	\$ 1,440.00	120.00	110079
0	SIRE Agenda Plus - Hosted per month/year (11 - 30 Licenses)	55.00	\$ -	-	110056
1	SIRE Agenda To Go - Hosted Includes Agenda Mobile (per-workstation-or-iPad) <span style="border: 1px solid black; padding: 2px;">Enterprise - LRH</span>	99.00	\$ 1,188.00	99.00	110078
<b>SIRE MINUTES PLUS LICENSES - HOSTED</b>					
1	Hosted SIRE Minutes Plus Per user license Per month/year	100.00	\$ 1,200.00	100.00	110077
<b>SUB-TOTAL SOFTWARE - HOSTED</b>			\$ 3,828.00	\$ 319.00	

<b>VIDEO STREAMING</b>					
<b>SIRE VIDEO PLUS WEB STREAMING</b>					
			Annual Cost	Monthly Cost	
1	SIRE Video Plus - Annual Video Streaming Hosting Service 1-25 users (Per month/year) Storage for Any Video, Training, PSA, Sporting Events	400.00	\$ 4,800.00	400.00	140051
<b>SUB-TOTAL ANNUAL VIDEO HOSTING</b>			\$ 4,800.00	N/A	

<b>SERVICES</b>					
1	Agenda Basic Services Bundle - Includes 2 days installation and configuration of SIRE Agenda Plus, SIRE Streaming Software and SIRE Minutes Plus; 1/2 day setup of preconfigured 5-step workflow; 1/2 day configuration of SIRE Pub; and 2 days system training.	6,880.00	\$ 6,880.00		120060
<b>SUB-TOTAL SERVICES</b>			\$ 6,880.00		

<b>EXPENSES *</b>					
2	Travel: Airfare (per trip) Estimated 1 round trip	600.00	Billed as Incurred		
5	Per Diem: Daily Expense for Lodging, Car, meals (Estimated 3 Days)	200.00	Billed as Incurred		
<b>SUB-TOTAL EXPENSES</b>			\$	-	

<b>COST OVERVIEW</b>				Monthly Cost
Total One Time Cost for Video Encoder Hardware			\$	-



<b>Total Annual Cost for Software (Hosted)</b>	\$	<b>3,828.00</b>	<b>319.00</b>
<b>Total Annual / Monthly Cost for Streaming Video (Hosted)</b>	\$	<b>4,800.00</b>	<b>400.00</b>
<b>Total One Time Cost for Services and Training</b>	\$	<b>6,880.00</b>	
<b>Total One Time Estimated Cost for Expenses</b>	\$		
<b>GRAND TOTAL FIRST YEAR</b>	\$	<b>15,508.00</b>	
<b>PURCHASE INCENTIVE (First 6 months video hosting FREE!)</b>	\$	<b>2,400.00</b>	
<b>TOTAL SYSTEM COST</b>	\$	<b>13,108.00</b>	
<b>ANNUAL / MONTHLY RECURRING HOSTING COSTS</b>	\$	<b>8,628.00</b>	<b>719.00</b>

Quotation prepared by: \_\_\_\_\_

This is a quotation on SIRE Technologies software, subject to the conditions noted below:  
 SIRE Technologies Standard Payment Terms: 100% of Software Fees due at signing. Professional Service Fees due upon mutually determined Milestones and Maintenance due at final project acceptance.  
 Proposal is valid for 90 days from Proposal Date unless otherwise specified in writing.

\*Travel Expenses will be billed as incurred.

To accept this quotation, sign here and return: \_\_\_\_\_

**Thank you for your business!**

2211 West 2300 South, West Valley City, UT 84119 801.977.8608 Phone 801.977.8875 Fax info@siretechnologies.com



## CITY COUNCIL AGENDA REPORT

MEETING OF May 24, 2012

FROM: POLICE DEPARTMENT

SUBJECT: CONSIDER REPORT AND PRESENTATION ON PUBLIC SAFETY RESPONSE  
PLAN FOR JULY 4, 2012

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**RECOMMENDED ACTION:** By motion accept report and approve program.

**BACKGROUND:** The use of illegal fireworks (pyrotechnics) at beaches within Santa Cruz County during the July 4<sup>th</sup> celebration has been an increasing problem for the past ten years. To reduce the possibility of injury and minimize the risk of fire, law enforcement and fire personnel have increased efforts to deter the use of these explosive and flammable pyrotechnic materials.

Due to these efforts by our neighboring law enforcement and fire agencies, the City of Capitola has experienced increased and prolonged illegal firework activity on our local beaches, specifically during the evening hours. The use and possession of these explosive devices are illegal within the City of Capitola and depending on the type of device, might be in violation of state or federal law as well.

Last year, in an effort to address these issues, the police department proposed a strategy to regulate access to Capitola Beach through the use of snow fencing and staffed entry points. The result was a relatively quiet July 4<sup>th</sup> with few calls for service or disturbances. However the City has received negative feedback regarding last year's strategy, and as a result has reexamined its July 4 public safety strategy.

**DISCUSSION:** The July 4<sup>th</sup> holiday has consistently proven to be one of the busiest times for the Police Department. Large crowds tend to congregate in the Capitola Village, on the Beach and along the Park Avenue cliffs overlooking New Brighton State Beach. Alcohol related incidents, the use of illegal pyrotechnics, and significant traffic-related issues produce significant service level issues for the police department.

In order to provide adequate public safety services, the police department recommends the following actions:

- 1) Starting at approximately 11:00 a.m., police volunteers and non-sworn personnel will be used to distribute tri-fold information at the beach entrances reminding them of activity that is not permissible (illegal) on public beaches in the City of Capitola.
- 2) At the top of Hooper's Beach stairs, closure hours will be posted and non-sworn personnel will be distributing tri-fold information of activity that is not permissible (illegal) on public beaches in the City of Capitola.

- 3) Starting at approximately 3:00 p.m., uniformed officers will be used to support the volunteer's efforts both on the beach and in the Esplanade area by distributing information and providing assistance as needed.
- 4) Staff will utilize the City's web presence and media contacts to distribute information days prior to and leading up to the event.
- 5) Four light towers will be utilized at various locations (see attached map) during the evening hours should the need arise to assist in beach closures and/or providing officer safety needs and public safety concerns.
- 6) Additional motorcycle patrols will be added along Park Avenue and the Depot Hill area to address vehicular traffic and other illegal activity as needed.
- 7) As authorized under section CMC 12.40, the City Manager will post special beach hours closing the beaches starting at 10:00 p.m. July 4, 2012 thru 4:00 a.m. July 5, 2012. Enforcement of these beach hours will be utilized as needed.
- 8) Additional patrols will be added to the residential areas to respond to prioritized calls for service.
- 9) The Santa Cruz County Sheriff's Office will assist by responding to the police department and transporting appropriate in custody persons to the county jail.
- 10) As mandated by the Office of Traffic Safety (OTS) grant requirements, we will be conducting a DUI check point within the City of Capitola.
- 11) Cal/Fire will be responding on July 5, 2012 to take possession of any illegal fireworks that are seized.


**FISCAL IMPACT:** This is an all-staff work day. Overtime for the DUI checkpoint is paid through the OTS grant. Scheduling will be designed to minimize staff overtime as needed.

If a violator is cited for violating section CMC 12.40, the cost of the citation is \$35. The total fine after adding court assessments and fees would come out to \$124.

**ATTACHMENTS:**

- 1. Beach Map

**Report Prepared By:** Rudy Escalante  
Chief of Police

**Reviewed and Forwarded  
By City Manager:** 



# 4th of July Beach Plan

