

City of Capitola Agenda

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



REVISED

CAPITOLA CITY COUNCIL REGULAR MEETING

THURSDAY, JUNE 27, 2013

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

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

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

CONFERENCE WITH LABOR NEGOTIATOR (Govt. Code §54957.6)

Negotiator: Lisa Murphy, Administrative Services Director
Employee Organizations:
Capitola Police Officers Association and the Capitola Police Captains

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Govt. Code §54957)

City Council's Performance Evaluation of the City Manager

LIABILITY CLAIMS (Govt. Code §54956.95)

Claimant: David Curry
Agency claimed against: City of Capitola

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

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

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

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

2. REPORT ON CLOSED SESSION

3. ADDITIONS AND DELETIONS TO AGENDA

4. 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.

5. CITY COUNCIL / CITY TREASURER / STAFF COMMENTS

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

6. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS

7. CONSENT CALENDAR

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

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

- A. Consider approving the City Council Minutes of the May 30, 2013, and the June 6, 2013, Special Budget Sessions.
RECOMMENDED ACTION:
Approve Minutes.
- B. Approval of City Check Register Reports dated May 17, 2013; May 24, 2013; May 31, 2013; June 7, 2013; and June 14, 2013.
RECOMMENDED ACTION:
Approve the City Check Register Reports.
- C. Consider approving a consultant services agreement with Rincon Consultants, Inc., in an amount not to exceed \$142,295 to prepare an Environmental Impact Report for the proposed Monarch Cove Hotel Project funded through a developer deposit.
RECOMMENDED ACTION:
Approve Agreement.

CAPITOLA CITY COUNCIL REGULAR MEETING - June 27, 2013

- D. Consider denying liability claim of David Curry in the amount of \$49.52 and forward to the City's liability insurance carrier.
RECOMMENDED ACTION:
Deny Liability Claim.
- E. Consider approving an Amendment to the Joint Exercise of Powers Agreement establishing the Santa Cruz County Library Financing Authority.
RECOMMENDED ACTION:
Approve Amendment.
- F. Consider an Ordinance adding Chapter 10.38 of the Capitola Municipal Code specifying parking meter rates and zones [2nd Reading].
RECOMMENDED ACTION:
Adopt Ordinance.
- G. Consider an agreement with New World Software Systems for Payroll/Human Resources software.
RECOMMENDED ACTION:
Approve Agreement.

8. 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. Consider a Resolution to Levy the Capitola Village and Wharf Business Improvement Area (CVWBIA) Assessments for Fiscal Year 2013/2014.
RECOMMENDED ACTION:
Adopt Resolution.
- B. Appeal of the Planning Commission denial of a Planned Development Rezoning, Conditional Use Permit, and Design Permit for a three-story, 23-unit residential senior housing project located at 1575 38th Avenue.
RECOMMENDED ACTION:
(1) Adopt the Mitigated Negative Declaration and approve the proposed project; (2) Pass the first reading of the proposed Ordinance amending the City's Zoning Map; and (3) Adopt Resolution.
- C. Report on opportunities for experimental closing the Esplanade.
RECOMMENDED ACTION:
Receive report and provide direction.
- D. Presentation providing an update on the new City of Capitola website.
RECOMMENDED ACTION:
Receive presentation.

9. ADDITIONAL MATERIALS

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

- A. 7.C.
DETAILS:
Communication from the Public.

CAPITOLA CITY COUNCIL REGULAR MEETING - June 27, 2013

- B. 7.E.
DETAILS:
Communication from the Public.
- C. 8.B.
DETAILS:
Revised draft Resolution and Mitigated Negative Declaration.
- D. 8.B.
DETAILS:
Communications from the Public.
- E. 8.C.
DETAILS:
Communication from the Public.

10. ADJOURNMENT

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

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

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

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

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

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

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

CAPITOLA CITY COUNCIL REGULAR MEETING - June 27, 2013

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

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CITY COUNCIL AGENDA REPORT

MEETING OF JUNE 27, 2013

FROM: OFFICE OF THE CITY CLERK

SUBJECT: APPROVAL OF THE CITY COUNCIL MEETING MINUTES OF THE MAY 30, 2013,
AND JUNE 6, 2013, SPECIAL BUDGET SESSIONS

RECOMMENDED ACTION: Approve the subject minutes as submitted.

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

ATTACHMENTS:

1. May 30, 2013, Special Budget Session
2. June 6, 2013, Special Budget Session

Report Prepared By: Susan Sneddon, CMC
City Clerk

Reviewed and Forwarded
By City Manager: 

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**CAPITOLA CITY COUNCIL
SPECIAL JOINT MEETING
CAPITOLA CITY COUNCIL/SUCCESSOR AGENCY
TO THE FORMER REDEVELOPMENT AGENCY
JOINT BUDGET STUDY SESSION
THURSDAY, MAY 30, 2013 - 6:00 PM**

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Council Members, Dennis Norton, Michael Termini, Sam Storey, and Mayor Stephanie Harlan. Council Member Ed Bottorff was absent.

City Treasurer Kym DeWitt was present.

2. COUNCIL/CITY TREASURER/STAFF ANNOUNCEMENTS

Mayor Harlan stated that additional material was received from the Capitola/Soquel Chamber of Commerce requesting a renewal of the contract between the City and the Chamber. In addition, a letter was received from a Soquel High School student about too much trash on the beach.

City Treasurer DeWitt stated that at the May 28, 2013, Financial Advisory Committee (FAC) meeting there was a discussion regarding allocating the \$1.145 million from the settlement funds (March 2011 pipe failure claim). As Treasurer she recommended using the funds to pay off the Santa Cruz County Bank loan.

3. GENERAL GOVERNMENT/PUBLIC HEARINGS

- A. Continued Budget Study Session on the proposed 2013/2014 Fiscal Year Budget for the City of Capitola General Fund, the Capitola Successor Agency, and the Capital Improvement Program. [330-05/780-30]

Nathan Cross, FAC Vice Chair, provided the following FAC recommendations regarding allocating the \$1.145 million in settlement funds: 30.4% for the City's Capital Improvement Projects, 26.1% towards the City's reserve, and 43.5% towards the Santa Cruz County Bank loan.

Council Member Storey announced that he will retire from Community Bridges in four months, and stated that he enjoyed working with the Human Care Alliance members and organizations. He stated that due to a conflict of interest he will recuse himself from participating in the community grant portion of the meeting because he is Community Bridges CEO, and voting on this item would be a conflict of interest. He left the dias.

Finance Director Hannah invited the Community Based Health and Human Service providers to comment on the proposed funding provided to their organizations.

Will O'Sullivan, Human Care Alliance representative, requested the restoration of the City's previous funding level for the Human Care Alliance. He requested web links to the various non-profit agencies be added to the City's website.

The following Community Based Health and Human Service providers presented their non-profit financial requests:

Shauna Mora, Conflict Resolution Center of Santa Cruz Executive Director

Rachel Goodman, Dientes Community Dental Care

Sarah Brother, Cultural Council of Santa Cruz County

Sharon Papo, Executive Director of the Diversity Center/GLBT (Gay, Lesbian, Bisexual, & Transgender)

Jane Schwickerath, GLBT 60+ Seniors Program Volunteer Coordinator

Clay Kempf, Executive Director of the Seniors Council of Santa Cruz and San Benito Counties

David Denik and Karen Eddy, Meals-on-Wheels volunteer drivers

Adam Stecley, O'Neill Sea Odyssey representative

David Bionchi, Director of Family Service Agency of the Central Coast

Norma Sanchez, Shelter Project Rental Assistance Division of Community Action Board of Santa Cruz County Inc.

Tim Brattan, Director of Grey Bears

Amy Bosso, Campus Kids Connection

Brooke Johnson, Second Harvest Food Bank

Brad Hunt, Save Our Shores

Kathleen Johnson, Advocacy, Inc.

City Council took a 5 minutes break

Council Member Storey returned to the dias.

Finance Director Hannah reviewed the City's debt ratios and benchmarks, multi-year projections, including debt service and reserve levels.

Council Member Termini requested that steps be taken to prepare for any financial shortfalls that may occur so that the City's reserves are fully funded by 2015 should the City go into a negative balance.

Public Works Director Jesberg provided the draft job description regarding the proposed Environmental Project Manager position. This proposed position would be charged with insuring the City's compliance with the state mandated Clean Water Act including renewing the 2013 Waste Discharge Permit, on-going annual program implementation of Zone 5 storm water permitting. In addition, this position would be involved in completing the following related environmental programs: (1) Soquel Creek Management Plan; (2) Riparian Restoration Projects; (3) Beach and Creek Enhancement Projects; and (4) Storm water permitting for private projects.

Council Member Storey suggested language be added to the draft Environmental Project Manager job description to include the focus on the overall goal of cleaner water and beaches.

CAPITOLA CITY COUNCIL MAY 30, 2013, JOINT BUDGET STUDY SESSION 12408

Public Works Director Jesberg stated that he will include additional language in the job description regarding improving the natural environment around the City to promote cleaner water and beaches. In addition, he provided a cost range for the following various unfunded project: (1) Pedestrian crossing improvements at Stockton Avenue and Esplanade; (2) Hill Street pedestrian improvements from Capitola Avenue to Rosedale Avenue; (3) street frontage and landscaping improvements to historic Depot site at Monterey Avenue and Park Avenue; and (4) complete conversion of the Rispin property to a park; the most urgent need is the Rispin-Peery pathways and ADA accessibility.

Mayor Termini stated that the conversion of the Rispin property is a low priority since the City does not know if they own the property. It is important to address the ADA accessibility of the trails.

Council Member Norton stated that the pedestrian crossing improvements at Stockton and Esplanade are a high priority due to safety concerns.

City Treasurer DeWitt stated concerns regarding making improvements to the Rispin property with the potential of the California State Department of Finance clawing back the property. She asked if staff will be seeking matching funds for various City project. (Public Works Director Jesberg stated that the City is always on the look-out for possible grant funds).

Council Member Norton suggested within the next four month to have a community discussion to explore future options for the Rispin property.

City Manager Goldstein stated that the FAC has recommended that \$350,000 be put into the unfunded CIP projects. It appears that the Stockton Avenue and the Hill Street pedestrian improvements have a lot of support. He stated that maintaining the existing Rispin pathways could be addressed in the near future. He stated that it may be a good time to bring the Rispin project back this fall after the state controller provides the results of the City audit. Public hearings could be scheduled and then the City could proceed with obtaining the necessary permits, environmental review, and an overall park plan. In addition, this would increase the City's ability to apply for grants.

Police Chief Escalante presented the Police Department's proposed Fiscal Year 2013/2014 budget including police staff levels. He reported on crime data over the past 5-6 years the service calls for Part I crimes. In addition, he reviewed costs/benefits associated with one additional Police Officer.

Council Member Storey asked what impacts would occur if the Police Department maintained the grant-funded police officer position.

City Manager Goldstein stated that since the City has contracted with the City of Santa Cruz to perform lifeguard services the City was able to keep an additional Community Service Officer on the street during summer months. The City's police staffing levels are adequate as compared to the last couple of years. He stated that the Police Chief is looking into an annuitant patrol in the Village on the busiest eight weekends in the summer.

Council Member Norton suggested arriving at a formula to determine the annual funds granted to the Community Based Health and Human Service providers. He suggested that staff set up community service links on the City's website.

Council Member Termini requested that staff review discretionary funding to the Capitola/Soquel Chamber of Commerce and the Community Based Health and Human Service providers at the next special budget study session.

Marge Hanson, local resident, stated that a traffic problem exists at Beverly Avenue and Capitola Avenue intersection.

Peter Pethoe, Santa Cruz Hostel, requested that the City Council continue considering a youth hostel at the Rispin property.

4. **ADJOURNMENT**

Mayor Harlan adjourned the meeting at 8:30 p.m. to the next Special Budget Study Session of the City Council on Thursday, June 6, 2013 at 6:00 PM, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

Stephanie Harlan, Mayor

ATTEST:

_____, CMC
Susan Sneddon, City Clerk

DRAFT

**CAPITOLA CITY COUNCIL
SPECIAL JOINT MEETING
CAPITOLA CITY COUNCIL/SUCCESSOR AGENCY
TO THE FORMER REDEVELOPMENT AGENCY
JOINT BUDGET STUDY SESSION
THURSDAY, JUNE 6, 2013 - 6:00 PM**

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Council Members, Dennis Norton, Michael Termini, Sam Storey, and Mayor Stephanie Harlan. Council Member Ed Bottorff was absent.

City Treasurer Kym DeWitt was absent.

2. COUNCIL/CITY TREASURER/STAFF ANNOUNCEMENTS

Mayor Harlan announced the following events: (1) Rod & Custom Class Car Show on June 8th and 9th in Esplanade Park; (2) City's Wednesday Twilight Concerts beginning June 12th; Carolyn Swift, City's historian, will be speaking at the Chamber luncheon on June 11th at the Shadowbrook.

3. GENERAL GOVERNMENT/PUBLIC HEARINGS

- A. Continued Budget Study Session on the proposed 2013/2014 Fiscal Year Budget for the City of Capitola General Fund, the Capitola Successor Agency, and the Capital Improvement Program (CIP). [330-05/780-30]

Public Works Director Jesberg reviewed City vehicles to be purchased in Fiscal Year 2013/2014. Also, he stated that later this year a request for proposals will be brought to the City Council to lease/purchase a street sweeper.

Police Chief Escalante stated that staff is recommending replacing the City's two used Harley Davison motorcycles with Honda motorcycles. He stated that the proceeds from the motorcycles sold will cover the costs for new motorcycles; therefore this expenditure does not impact to General or Equipment Funds.

Finance Director Hannah presented the proposed purchase of the New World Systems Payroll/Human Resources Software. She stated that this item was not included in the proposed Fiscal Year 2013/2014 budge, but funding was available in the IT Fund. The New World Systems software would replace the current ADP contract. This purchase would result in long-term savings as much as \$19,000 per year.

City Manager Goldstein stated that the funding for the proposed software would come out of the Information Technology Fund therefore no new appropriation of funds is needed. He reviewed the multi-year milestones regarding expiring revenue, debt, and various known changes over the next five years.

Finance Director Hannah reviewed options to create a "stabilization fund" for projected operating deficits in Fiscal Years 2015/2016 and 2016/2017. She stated that a potential source for such a fund is \$500,000 in insurance

settlement proceeds currently programmed for debt reduction and/or reducing the CIP in the current year.

City Manager Goldstein stated that creating a stabilization fund for projected operating deficits could be one approach. As an alternative staff and Council could closely monitor the City's budget, keeping a close eye on revenues/expenditures over the coming years. He does not recommend cutting the CIP in the current year because in future years the City may need to cut the CIP to make it through any the cash flow issues.

Council Member Termini asked what amount of funding in the City's reserve would be needed to have a fully funded reserve in Fiscal Year 2014/2015.

City Manager Goldstein stated that to get the City to a fully funded reserve by FY 14/15, two years ahead of schedule, it would take an additional allocation of approximately \$1 million beyond the amounts the current budget/projections assume.

Public Works Director Jesberg reviewed the proposed CIP for Fiscal Year 2013/2014: (1) Pedestrian crossing improvements at Stockton and Esplanade; (2) Hill Street pedestrian improvements from Capitola Avenue to Rosedale Avenue; (3) complete conversion of the Rispin property to a park (most urgent need is the Rispin-Peery pathways and ADA accessibility); (4) street frontage and landscaping improvements to historic Depot site at Monterey Avenues and Park Avenue. The total estimates cost is \$3,337,000.

Council Member Storey suggested not funding the Rispin since the City does not know if they own the property. He stated that it was his understanding that Monterey Park was the place for a future skateboard park however he is open to look at different location.

City Manager Goldstein suggested renaming the Rispin Project the "Rispin/General Park Improvement Projects" by combining the Rispin and Monterey and Park Avenues Historic Depot Improvement (\$130,000) projects. This would enable staff to identify funds for the Rispin if it becomes City property in addition there may be additional park improvement projects.

Council Member Bottorff suggested obtaining input from the community on a skate park location and the Rispin property and increasing the CIP contribution this FY from the settlement proceeds.

City Manager Goldstein stated that the FAC recommended \$300,000 be earmarked for reserves from the settlement. He stated that based on the Measure O ballot language staff is recommending a three part allocation of the settlement proceeds; putting money into the CIP, debt reduction, and the reserves. In next year's budget there is programmed \$500,000 coming in from Measure O funds into the CIP. An option would be to establish a "Parks Fund" in the amount of \$130,000. He suggested those funds could be used on any of the three projects if they come to fruition this next year.

There was City Council consensus to form a "Park Fund" to include a potential skate park, Rispin Park, and Monterey and Park Avenues Historic Depot improvements. To combine the \$130,000 towards a "Parks Fund".

City Manager Goldstein asked if the City Council would like to see Monterey and Park Avenues Historic Depot improvements done this year if we are able to bring it forward for consideration.

CAPITOLA CITY COUNCIL JUNE 6, 2013, JOINT BUDGET STUDY SESSION 12412

Council Member Storey suggested looking into matching grant park funds as a guiding principle.

Public Works Director Jesberg discussed the Village sidewalk cleaning and garbage removal budget; the City is currently working with the Business Improvement Area Advisory Committee to develop a new cleaning schedule and funding program. The City Manager has proposed a potential plan to develop an annual business fee for take-out establishments to augment this budget.

City Manager Goldstein stated that the City received a request from Capitola/Soquel Chamber of Commerce to increase their funding back to \$30,000 per year. In the proposed Fiscal Year 2013/2014 budget they are programmed for \$23,500. He stated that the Equipment Fund amount could be reduced to restore the Chamber's funding back to the historic level.

Sandy Erickson, local resident, stated concerns regarding the allocation of the settlement funds. In addition, she stated that the City should cover the entire cost of street cleaning and garbage pickup.

Council Member Storey stated that due to a conflict of interest he will recuse himself from participating on the portion of this item regarding the community grants because he is Community Bridges CEO, and voting on this item would be a conflict of interest. He left the dias for the evening.

Administrative Services Director Murphy presented the Community Based Health and Human Service Providers Grant process. She stated that the City Council appointed Mayor Harlan and Council Member Termini to a subcommittee to develop a recommended list for allocating the \$250,000. The subcommittee met on June 4th where they reviewed the applications and have prepared a recommendation for Council consideration. She stated that all funding amounts remain at the Fiscal Year 2012/2013 level with the exception of five providers who are recommended for an increase in funding. The subcommittee is not recommending funding any new applicants this year. The recommendation is an overall increase in the budget of \$3,270, for a new total budget of \$253,270. She stated that the following five providers are recommended for small increases: (1) CASA of Santa Cruz County; (2) Conflict Resolution Center; (3) Hospice of Santa Cruz County; (4) Save our Shores; and (5) Volunteer Center.

The following provided support to fund the GLBT program.

Kathleen Johnson, Advocacy Inc.

Jane Schwickerath, GLBT 60+ Seniors Program Volunteer Coordinator

Scott Winslow, Central Coast for Independent Living

The following thanked the City Council for the proposed Fiscal Year 2013/2014 funding:

Laura Segura , Women's Crisis Support Life Support

Shauna Mora, Conflict Resolution Center for Santa Cruz County

Brook Johnson, Second Harvest Food Bank.

There was City Council consensus to add the Diversity Center/GLBT (Gay, Lesbian, Bisexual, & Transgender).

Mayor Harlan requested that the five-year CIP list be discussed at a future City Council meeting. (Public Works Director Jesberg responded that he plans to bring the five-year CIP plan to the August City Council meeting).

ACTION Motion made by Council Member Termini, seconded by Mayor Harlan, to fund The Diversity Center/GLBT (Gay, Lesbian, Bisexual, & Transgender) from the Equipment Fund in the amount of \$1,000 for Fiscal Year 2013/2014. The motion was passed unanimously.

ACTION Motion made by Council Member Termini, seconded by Council Member Norton, to continue the adoption of a Resolution approving the proposed 2013/2014 Fiscal Year Budget for the City of Capitola General Fund, the Capitola Successor Agency, and the Capital Improvement Budgets to the June 13, 2013, Special Joint Meeting. The motion was passed unanimously.

4. ADJOURNMENT

Mayor Harlan adjourned the meeting at 7:45 p.m. to the next Regular Meeting of the City Council on Thursday, June 13, 2013 at 7:00 PM, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

ATTEST:

Susan Sneddon, City Clerk CMC

Stephanie Harlan, Mayor



CITY COUNCIL AGENDA REPORT

MEETING OF JUNE 27, 2013

FROM: FINANCE DEPARTMENT
SUBJECT: CITY CHECK REGISTER REPORT

RECOMMENDED ACTION: Approve the attached Check Register Reports for May 17, May 24, May 31, Jun 7, and Jun 14

DISCUSSION: Check Registers are attached for:

Date	Starting Check #	Ending Check #	Total Checks/EFT	Amount
5/17/13	72913	72958	46	\$50,751.00
5/24/13	72959	73042	84	\$94,580.00
5/31/13	73043	73089	47	\$78,974.45
6/7/13	73090	73140	52	\$100,830.93
6/14/13	73141	73222	82	\$200,537.67

The check register of May 10, 2013 ended with check #72912

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
72940	RBF Consulting	CDD	Hazard Mitigation Plan Dev	\$11,817.50
72955	Chris Wortman	PW	Pac Cove Demolition	\$10,000.00
72966	Atchison, Barisone, et al	CM	April Legal Services	\$17,657.40
73031	SCC Auditor Controller	FIN	Citation Surcharges, Apr 2013	\$10,889.00
73058	ICMA Retirement Trust	CM	Retire. Contr., employee funded	\$10,000.00
73077	Soquel Creek Water Dist	PW	Semi-Monthly Irrigation water	\$13,059.56
73080	Toyota of Santa Cruz	PD	2011 Toyota Camry	\$20,000.00
EFT	CalPERS Health	CM	Jun Health Ins Employee funded	\$53,010.54
73201	Robert Bothman Inc.	PW	Traffic Calming Project	\$130,287.76

ATTACHMENTS:

1. Check Register for May 17, 2013
2. Check Register for May 24, 2013
3. Check Register for May 31, 2013
4. Check Register for Jun 7, 2013
5. Check Register for Jun 14, 2013

Report Prepared By: Linda Benko
AP Clerk

Reviewed and Forwarded
by City Manager: 

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Checks dated 5/17/13 numbered 72913 to 72958 for a total of \$50,751.00 have been reviewed and authorized for distribution by the City Manager and City Treasurer.

As of 5/17/13 the unaudited cash balance is \$2,825,264

CASH POSITION - CITY OF CAPITOLA 5/17/13

	<u>Net Balance</u>
General Fund	1,270,443
Contingency Reserve Fund	671,646
Worker's Comp. Ins. Fund	163,250
Self Insurance Liability Fund	198,703
Stores Fund	(1,484)
Information Technology Fund	76,886
Equipment Replacement	133,444
Compensated Absences Fund	12,775
Public Employee Retirement - PERS	-
Open Space Fund	256
Capital Improvement Projects	299,345
TOTAL GENERAL FUND & COUNCIL DESIGNATED FUNDS	<u><u>2,825,264</u></u>

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



 Jamie Goldstein, City Manager

5/17/2013

 Date

 Kymberly V. DeWitt, City Treasurer

 Date

City Checks Issued 5/17/2013

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
72913	05/17/2013 Invoice 3916	Open	Date 05/08/2013	Description Feb-Apr2013 Plan Check Services	AKERS & ASSOCIATES, INC.	\$1,950.00
72914	05/17/2013 Invoice 624-Apr2013	Open	Date 04/01/2013	Description Long Distance Service, Apr2013 Fund 2211, IT	AT&T	\$3.94
72915	05/17/2013 Invoice 2214	Open	Date 04/30/2013	Description Pac Cove Closure Services Fund 1420, Pac Cove Bond	AUTOTEMP INC.	\$300.00
72916	05/17/2013 Invoice 2013-00000675	Open	Date 05/14/2013	Description Softball Umpires April 15 to May 10 2013	BEYERS, FRED C	\$330.00
72917	05/17/2013 Invoice 2013-00000674	Open	Date 05/14/2013	Description Softball Umpires April 15 to May 10 2013	BUMGARNER, ERIC D	\$198.00
72918	05/17/2013 Invoice 969553	Open	Date 05/13/2013	Description Fingerprinting	CA DEPARTMENT OF JUSTICE	\$32.00
72919	05/17/2013 Invoice POA5-17-13	Open	Date 05/15/2013	Description POA Dues, Employee Funded	CAPITOLA PEACE OFFICERS ASSOC.	\$1,468.50
72920	05/17/2013 Invoice 60094-Apr2013	Open	Date 04/30/2013	Description April2013 Drinking Water	CRYSTAL SPRINGS WATER CO.	\$145.50
72921	05/17/2013 Invoice 17800965	Open	Date 04/20/2013	Description Copier Lease, City Hall Fund 2210, Stores	DE LAGE LANDEN FINANCIAL SVC	\$336.38
72922	05/17/2013 Invoice 6223402	Open	Date 04/24/2013	Description Misc. Landscaping Supplies	EWING IRRIGATION	\$88.86
72923	05/17/2013 Invoice CASAT19964 CASAT20060	Open	Date 04/22/2013 04/26/2013	Description Auto Parts, Fleet Auto Parts, PD Vehicles	FASTENAL COMPANY	\$365.02
72924	05/17/2013 Invoice 13-844290 13-844289	Open	Date 05/06/2013 05/06/2013	Description 100 Gal Diesel 509 Gal Ethanol	FLYERS ENERGY, LLC	\$2,445.61

City Checks Issued 5/17/2013

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
72925	05/17/2013	Open			ICMA RETIREMENT TRUST 457	\$4,309.39
	Invoice		Date	Description		Amount
	ICMA5-17-13		05/15/2013	Retirement Plan Contribution, Employee F		\$4,309.39
72926	05/17/2013	Open			JAMES P ALLEN & ASSOC	\$450.00
	Invoice		Date	Description		Amount
	50913		05/09/2013	Consulting Arborist Services at 1901-A Co		\$270.00
	42513		04/25/2013	Consulting Arborist Services 4350 Diamon		\$180.00
72927	05/17/2013	Open			LABORMAX STAFFING	\$1,885.68
	Invoice		Date	Description		Amount
	26-21556		05/03/2013	Apr 29 Temp Labor, Public Works		\$1,885.68
72928	05/17/2013	Open			LOOMIS	\$923.60
	Invoice		Date	Description		Amount
	11235633		04/30/2013	amored car service		\$923.60
72929	05/17/2013	Open			LUICH, JAY	\$220.00
	Invoice		Date	Description		Amount
	2013-00000671		05/14/2013	Softball Umpires April 15 to May 10 2013		\$220.00
72930	05/17/2013	Open			MICROFLEX CORP #774353	\$389.12
	Invoice		Date	Description		Amount
	1352505		04/18/2013	Latex Gloves, PD		\$389.12
72931	05/17/2013	Open			MID-COUNTY AUTO SUPPLY	\$46.62
	Invoice		Date	Description		Amount
	338790		04/18/2013	Returned Auto Parts		(\$0.23)
	338724		04/18/2013	Auto parts, PD111		\$4.92
	339418		04/25/2013	Auto Parts, 2011 Tahoe		\$13.31
	339178		04/23/2013	Auto Parts, PD New Tahoe		\$28.62
72932	05/17/2013	Open			OLIVE SPRINGS QUARRY, INC.	\$979.94
	Invoice		Date	Description		Amount
	87672		04/22/2013	Asphalt		\$979.94
				Fund 1310, Gas Tax		
72933	05/17/2013	Open			ORCHARD SUPPLY HARDWARE	\$299.28
	Invoice		Date	Description		Amount
	6014-5596146		04/26/2013	Paint rollers		\$21.73
	6012-4795635		04/29/2013	Misc.-Fund 1311, Wharf Fund		\$88.03
	6012-4795636		04/29/2013	Benches		\$43.22
	6014-3596961		04/29/2013	Misc.		\$6.08
	6008-6007631		04/30/2013	Misc.		\$15.21
	6012-4796180		05/01/2013	Batteries & bolt cutter		\$125.01
72934	05/17/2013	Open			PALACE ART & OFFICE SUPPLIES	\$258.59
	Invoice		Date	Description		Amount
	210280-1		04/29/2013	name plate		\$11.96
	211433		04/30/2013	Paper, City Hall		\$159.97
	213308		05/10/2013	Office Supplies, City Hall		\$86.66
				Fund 2210, Stores		

City Checks Issued 5/17/2013

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
72935	05/17/2013	Open			PITNEY BOWES INC.	\$93.59
	Invoice		Date	Description		Amount
	20130419		04/19/2013	Postage Invoice, 8000-9000-0171-3654		\$93.59
				Fund 2210, Stores		
72936	05/17/2013	Open			PRAXAIR DISTRIBUTION INC.	\$106.82
	Invoice		Date	Description		Amount
	45875138		04/20/2013	Gases, Corp Yd		\$106.82
72937	05/17/2013	Open			ProBUILD COMPANY LLC	\$55.80
	Invoice		Date	Description		Amount
	5717003		05/01/2013	Painting supplies		\$55.80
72938	05/17/2013	Open			PROVANTAGE	\$1,579.42
	Invoice		Date	Description		Amount
	6678279		04/23/2013	Gateway Security Suite		\$1,579.42
				Fund 2211, IT		
72939	05/17/2013	Open			QUARTARARO, ROD V.	\$264.00
	Invoice		Date	Description		Amount
	2013-00000672		05/14/2013	Softball Umpires April 15 to May 10 2013		\$264.00
72940	05/17/2013	Open			RBF CONSULTING	\$11,817.50
	Invoice		Date	Description		Amount
	843939		03/26/2013	Develop Local Hazard Mitigation Plan		\$10,177.50
	847573		05/09/2013	Mar/Apr2013 Prof Services, Haz Mitigatin I		\$1,640.00
				Fund 1350, CDBG Grants		
72941	05/17/2013	Open			REED, DANIEL H.	\$231.00
	Invoice		Date	Description		Amount
	2013-00000673		05/14/2013	Softball Umpires April 15 to May 10 2013		\$231.00
72942	05/17/2013	Open			SCC HEALTH SERVICES	\$390.00
	Invoice		Date	Description		Amount
	Sep-Dec12		05/01/2013	Blood alcohol test Sept-Dec 2012		\$390.00
72943	05/17/2013	Open			SCC OFFICE OF EDUCATION	\$30.00
	Invoice		Date	Description		Amount
	13256		05/07/2013	Fingerprinting-Rec		\$30.00
72944	05/17/2013	Open			SCC Regional Transportation Comm.	\$494.92
	Invoice		Date	Description		Amount
	194279-13/14		05/10/2013	Lease Audit No.194279, May2013 to Apr 2		\$494.92
72945	05/17/2013	Open			SANTA CRUZ MUNICIPAL UTILITIES	\$800.60
	Invoice		Date	Description		Amount
	2013-00000670		04/23/2013	Mar-Apr WATER BILLS FOR STREET ME		\$800.60
72946	05/17/2013	Open			SANTA CRUZ PLUMBING	\$95.00
	Invoice		Date	Description		Amount
	102921		05/07/2013	City Hall Water Fountain repair		\$95.00
72947	05/17/2013	Open			SANTA CRUZ SENTINEL	\$1,253.04
	Invoice		Date	Description		Amount
	2040516-Apr13		04/30/2013	Advertising		\$1,253.04

City Checks Issued 5/17/2013

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
72948	05/17/2013 Invoice 294722	Open	Date 04/26/2013	Description Business Cards	SENTINEL PRINTERS, INC.	\$430.65
72949	05/17/2013 Invoice 0119741-in	Open	Date 04/19/2013	Description Evidence supplies	SIRCHIE	\$92.94
72950	05/17/2013 Invoice 6/3/13 2013 firearms	Open	Date 05/08/2013 05/01/2013	Description Background class Wilson Murray firearms instructor class POST	SOUTH BAY REGIONAL TRAINING	\$590.00
72951	05/17/2013 Invoice 5055	Open	Date 05/09/2013	Description JG T-shirts	SPORT ABOUT	\$3,773.38
72952	05/17/2013 Invoice 3557	Open	Date 04/20/2013	Description Tactical ear piece-PD	SUMMIT UNIFORM CORP	\$53.29
72953	05/17/2013 Invoice PARS5-17-13	Open	Date 05/09/2013	Description Retirement Plan Contribution, Employee F	US Bank Institutional Trust-Western Reg	\$501.02
72954	05/17/2013 Invoice 2013-00000677	Open	Date 05/14/2013	Description Watkins Softball April 20 to May 3 2013	WATKINS, EDWIN	\$132.00
72955	05/17/2013 Invoice 5161301	Open	Date 05/16/2013	Description Progress payment, Pac Cove Demolition Fund 1420, Pac Cove Bond	WORTMAN, CHRIS	\$10,000.00
72956	05/17/2013 Invoice 2013-00000668	Open	Date 05/07/2013	Description Refund cite 11139804	Alvarez, Salvador	\$10.00
72957	05/17/2013 Invoice 2013-00000676	Open	Date 05/14/2013	Description Tree Permit #13-040 deposit refund	Capitola Towers Partnership	\$500.00
72958	05/17/2013 Invoice 2013-00000669	Open	Date 05/08/2013	Description Pearson, finance class	CSMFO	\$30.00
Type Check Totals:				Count	46	Total \$50,751.00

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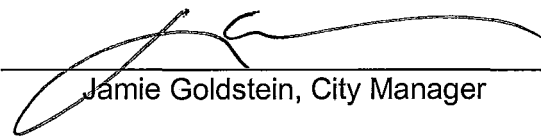
Checks dated 5/24/13 numbered 72959 to 73042 for a total of \$94,580.00 have been reviewed and authorized for distribution by the City Manager and City Treasurer.

As of 5/24/13 the unaudited cash balance is \$4,255,175

CASH POSITION - CITY OF CAPITOLA 5/24/13

	<u>Net Balance</u>
General Fund	2,713,212
Contingency Reserve Fund	671,646
Worker's Comp. Ins. Fund	163,250
Self Insurance Liability Fund	198,703
Stores Fund	(1,718)
Information Technology Fund	71,861
Equipment Replacement	133,314
Compensated Absences Fund	12,775
Public Employee Retirement - PERS	-
Open Space Fund	256
Capital Improvement Projects	291,875
TOTAL GENERAL FUND & COUNCIL DESIGNATED FUNDS	<u><u>4,255,175</u></u>

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



 Jamie Goldstein, City Manager

5/24/2013

 Date

 KyMBERly V. DeWitt, City Treasurer

 Date

City Checks Issued 5/24/2013

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
72959	05/20/2013 Invoice ABG2187	Open	Date 05/06/2013	Description Warehouseman's Lien Sale, Decal#ABG2 Fund 1420, Pac Cove Bond	DEPT OF HOUSING AND COMMUNITY DEV (HC)	\$120.00 \$120.00
72960	05/24/2013 Invoice 899978-5	Open	Date 05/14/2013	Description Mower	A TOOL SHED	\$200.90 \$200.90
72961	05/24/2013 Invoice 2013-00000678	Open	Date 05/16/2013	Description Late Spring 2013 Instr.Payments	ADAMS, BECKY	\$154.70 \$154.70
72962	05/24/2013 Invoice 97123344 97123351	Open	Date 05/11/2013 05/11/2013	Description 422 Cap. Ave. Jun 1-Aug 31, 2013 1465 38th Ave. Jun 1-Aug 31, 2013	ADT SECURITY SERVICES, INC.	\$256.41 \$139.54 \$116.87
72963	05/24/2013 Invoice 2009576	Open	Date 05/01/2013	Description New Website administration	AHA CONSULTING INC.	\$1,540.00 \$1,540.00
72964	05/24/2013 Invoice 353183	Open	Date 05/15/2013	Description Top soil	APTOS LANDSCAPE SUPPLY, INC.	\$21.67 \$21.67
72965	05/24/2013 Invoice 674-May2013 624-May2013	Open	Date 05/01/2013 05/01/2013	Description Long Distance Service, May2013 Long Distance Service, May 2013	AT&T	\$11.69 \$3.81 \$7.88
72966	05/24/2013 Invoice April2013	Open	Date 05/16/2013	Description April Legal Services	ATCHISON, BARISONE, & CONDOTTI	\$17,657.40 \$17,657.40
72967	05/24/2013 Invoice 284992	Open	Date 05/09/2013	Description Pole chainsaw parts	B & B SMALL ENGINE REPAIR	\$22.10 \$22.10
72968	05/24/2013 Invoice Apr-May13	Open	Date 05/06/2013	Description Apr-May Credit card charges Fund 1000, Gen Fund=\$812.80 Fund 2210, Stores=\$6.52 Fund 2211, IT=\$561.10	BANK OF AMERICA	\$1,380.42 \$1,380.42
72969	05/24/2013 Invoice 2013-00000679	Open	Date 05/16/2013	Description Late Spring 2013 Instr.Payments	BARRETT, SHARON	\$39.00 \$39.00

City Checks Issued 5/24/2013

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
72970	05/24/2013 Invoice 2013-00000680	Open	Date 05/16/2013	Description Late Spring 2013 Instr.Payments	BETZ, SHERRI	\$2,882.30
72971	05/24/2013 Invoice 7618 7618a	Open	Date 05/06/2013 05/06/2013	Description Apr2013 Pac Cove parking lot services Pac Cove parking lot Fund 1200, CIP	BOWMAN & WILLIAMS, INC.	\$7,470.00
72972	05/24/2013 Invoice 24875W	Open	Date 04/25/2013	Description Parts for PW Kabota Tractor	C&N TRACTORS	\$191.95
72973	05/24/2013 Invoice SL130766	Open	Date 04/29/2013	Description Q1 2013 Signals & Lighting Invoice Fund 1310, Gas Tax	CA DEPT OF TRANSPORTATION	\$1,413.14
72974	05/24/2013 Invoice 17327	Open	Date 05/17/2013	Description No Fishing signs	CAL TRAFFIC	\$129.75
72975	05/24/2013 Invoice 1396 1455 1456 1457	Open	Date 04/26/2013 04/30/2013 04/30/2013 04/30/2013	Description Uniform Exp, Weagle-PD Uniform Exp, Keane-PD Uniform Exp, Sloma-PD Uniform Exp, Iniguez-PD	CALIFORNIA COAST UNIFORM CO	\$535.10
72976	05/24/2013 Invoice 20130516	Open	Date 05/16/2013	Description CSMFO Registration, Goldstein	CA SOCIETY OF MUNI FINANCE OFF	\$45.00
72977	05/24/2013 Invoice 2013-00000689 2013-00000703	Open	Date 05/16/2013 05/22/2013	Description Late Spring 2013 Instr.Payments Late Spring Instr.Payments 2013	CHARLEBOIS, FREDERIC	\$5,170.60
72978	05/24/2013 Invoice May-Jun13	Open	Date 05/11/2013	Description Internet Access, May-Jun2013 Fund 2211, IT	Charter Communications	\$135.00
72979	05/24/2013 Invoice 11139	Open	Date 04/30/2013	Description April Cleaning Service	CLEAN BUILDING MAINTENANCE	\$3,934.30
72980	05/24/2013 Invoice 1874	Open	Date 03/31/2013	Description Quarterly PEG fees Fund 1320, PEG	COMMUNITY TELEVISION OF SCC	\$4,611.07

City Checks Issued 5/24/2013

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
72981	05/24/2013	Open			COMPLETE MAILING SERVICE INC	\$1,676.36
	Invoice		Date	Description		Amount
	62310		05/15/2013	Mailing summer brochure 2013		\$1,676.36
72982	05/24/2013	Open			CVS PHARMACY INC.	\$4.99
	Invoice		Date	Description		Amount
	6102		05/17/2013	Windex to clean parking meter equipment		\$4.99
72983	05/24/2013	Open			D & G SANITATION	\$77.94
	Invoice		Date	Description		Amount
	203072		04/30/2013	Fence rental		\$77.94
72984	05/24/2013	Open			DICKS, CHUCK	\$98.80
	Invoice		Date	Description		Amount
	2013-00000682		05/16/2013	Late Spring 2013 Instr.Payments		\$98.80
72985	05/24/2013	Open			DOGHERRA'S INC.	\$129.20
	Invoice		Date	Description		Amount
	310913		04/30/2013	Wharf ramp Fund 1311, Wharf		\$129.20
72986	05/24/2013	Open			EDGEWAVE	\$1,080.00
	Invoice		Date	Description		Amount
	Q-05359-4		05/09/2013	Email Filtering Subscription Renewal Fund 2211, IT		\$1,080.00
72987	05/24/2013	Open			ELITE K-9 INC.	\$92.90
	Invoice		Date	Description		Amount
	58131		05/10/2013	Dog Collar, Weagle's dog-PD		\$92.90
72988	05/24/2013	Open			EVANS, PAT	\$98.80
	Invoice		Date	Description		Amount
	2013-00000684		05/16/2013	Late Spring 2013 Instr.Payments		\$98.80
72989	05/24/2013	Open			EWING IRRIGATION	\$53.98
	Invoice		Date	Description		Amount
	6274933		05/02/2013	Irrigation supplies		\$30.05
	6317352		05/09/2013	Irrigation supplies		\$23.93
72990	05/24/2013	Open			FAIA, MICHELE	\$637.00
	Invoice		Date	Description		Amount
	2013-00000685		05/16/2013	Late Spring 2013 Instr.Payments		\$637.00
72991	05/24/2013	Open			FARWEST NURSERY	\$26.92
	Invoice		Date	Description		Amount
	474716		05/08/2013	Plants		\$26.92
72992	05/24/2013	Open			FASTENAL COMPANY	\$310.01
	Invoice		Date	Description		Amount
	CASAT20092		04/29/2013	Shop Supplies, Corp Yd		\$110.78
	CASAT20176		05/06/2013	Fleet Supplies		\$199.23

City Checks Issued 5/24/2013

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
72993	05/24/2013 Invoice 631642	Open	Date 05/15/2013	Description Alarm at Community Center	FIRST ALARM	\$202.80
72994	05/24/2013 Invoice 2013-00000686	Open	Date 05/16/2013	Description Late Spring 2013 Instr.Payments	FITZGERALD, AIMEE	\$339.30
72995	05/24/2013 Invoice 13-846303 13-846301	Open	Date 05/10/2013 05/10/2013	Description 130 Gal Diesel 505 Gal Ethanol	FLYERS ENERGY, LLC	\$2,659.18
72996	05/24/2013 Invoice 2013-00000687	Open	Date 05/16/2013	Description Late Spring 2013 Instr.Payments	FOJACO, HANYA	\$414.70
72997	05/24/2013 Invoice 2013-00000688	Open	Date 05/16/2013	Description Late Spring 2013 Instr.Payments	FRANCA, CLAUDIO	\$169.00
72998	05/24/2013 Invoice 20130201	Open	Date 05/20/2013	Description Records Training	GARRETT-FRIAS, BARBARA	\$195.40
72999	05/24/2013 Invoice 2013-00000683	Open	Date 05/16/2013	Description Late Spring 2013 Instr.Payments	GEDDES, SESE EGAN	\$132.60
73000	05/24/2013 Invoice 20130515	Open	Date 05/15/2013	Description Mileage Reimb, Monterey Bay Climate Coi	GRUNOW, RICH	\$35.60
73001	05/24/2013 Invoice 2013-00000690	Open	Date 05/16/2013	Description Late Spring 2013 Instr.Payments	HARRELL, ADRIENNE	\$585.00
73002	05/24/2013 Invoice 2013-00000681	Open	Date 05/16/2013	Description Late Spring 2013 Instr.Payments	HO KUK MU SUL CORPORATION	\$48.10
73003	05/24/2013 Invoice 356974	Open	Date 05/03/2013	Description Auto parts	HOSE SHOP	\$163.31
73004	05/24/2013 Invoice 2013-00000704	Open	Date 05/22/2013	Description Late Spring Instr.Payments 2013	HOWELLS, NANCY	\$46.80

City Checks Issued 5/24/2013

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
73005	05/24/2013 Invoice Apr2013	Open	Date 05/06/2013	Description Stormwater Ordinance Preparation, Apr20	HYDROSCIENCE ENGINEERS INC.	\$2,580.00
73006	05/24/2013 Invoice 2013-00000691	Open	Date 05/16/2013	Description Late Spring 2013 Instr.Payments	JOHNSTON, DAVID L.	\$109.20
73007	05/24/2013 Invoice 2013-00000692	Open	Date 05/16/2013	Description Late Spring 2013 Instr.Payments	KAPLAN, PHIL	\$503.10
73008	05/24/2013 Invoice 2013-00000693	Open	Date 05/16/2013	Description Late Spring 2013 Instr.Payments	KINNAMON, LORRAINE	\$380.25
73009	05/24/2013 Invoice 2013-00000705	Open	Date 05/22/2013	Description Late Spring Instr.Payments 2013	KRAFT, MARC	\$228.80
73010	05/24/2013 Invoice 01083279	Open	Date 05/02/2013	Description New vehicle Electronics Fund 2212, Equip Replacement	LEHR AUTO ELECTRIC	\$130.18
73011	05/24/2013 Invoice PettyCashMay13	Open	Date 05/16/2013	Description Petty Cash Replenish, May 2013	MARCHESE, HELEN	\$474.43
73012	05/24/2013 Invoice Order #28422A	Open	Date 05/03/2013	Description Rescue equipment JG's	MARINE RESCUE PRODUCTS	\$1,008.20
73013	05/24/2013 Invoice 2013-00000694	Open	Date 05/16/2013	Description Late Spring 2013 Instr.Payments	MARRUJO, SANDY	\$345.80
73014	05/24/2013 Invoice 2013-00000695	Open	Date 05/16/2013	Description Late Spring 2013 Instr.Payments	MCCUTCHEN, SUELLEN	\$107.25
73015	05/24/2013 Invoice 48460186	Open	Date 04/28/2013	Description Internet Access Fund 2211, IT	MEGAPATH COVAD COMM	\$646.51
73016	05/24/2013 Invoice 339329 339354 339531 339813 339903	Open	Date 04/24/2013 04/25/2013 04/26/2013 04/29/2013 04/30/2013	Description Auto Parts, PD Ford Auto parts, PD 2011 Tahoe Auto Parts, PD 2011 Tahoe Auto Parts, Fleet Auto Parts, PD 112	MID-COUNTY AUTO SUPPLY	\$136.36

City Checks Issued 5/24/2013

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
73017	05/24/2013 Invoice 2013-00000696	Open	Date 05/16/2013	Description Late Spring 2013 Instr.Payments	MILES, MITCHELL A.	\$1,066.00
73018	05/24/2013 Invoice 23435	Open	Date 05/16/2013	Description New Underground Water Svc at Esplanade	Montano Plumbing, Inc.	\$4,247.00
73019	05/24/2013 Invoice 2013-00000697	Open	Date 05/16/2013	Description Late Spring 2013 Instr.Payments	MORRISSEY, YOSHIE	\$123.50
73020	05/24/2013 Invoice FOCS282423 FOCS282454	Open	Date 05/06/2013 05/07/2013	Description Auto Repair, PD082 Auto Repair, PD082	NORTH BAY FORD	\$247.00
73021	05/24/2013 Invoice 27031	Open	Date 01/08/2013	Description Pac Cove MHP Lock work Fund 1420, Pac Cove Bond	OPEN DOOR LOCKSMITH INC.	\$251.20
73022	05/24/2013 Invoice 6012-4796383 6012-1026563 6009-4388253 6009-5658888 6012-4798168 6012-4799333 6012-4798198 6012-4797425 6010-2271626 6012-1028513	Open	Date 05/02/2013 05/03/2013 05/03/2013 05/06/2013 05/09/2013 05/14/2013 05/09/2013 05/06/2013 05/06/2013 05/10/2013	Description Plants Plumbing parts Light bulb HPS Plumbing supplies Auto Parts, PD DUI Trailer Shop Equipment, Fleet Parts, PD DUI Trailer GFI Plumbing Misc.	ORCHARD SUPPLY HARDWARE	\$308.51
73023	05/24/2013 Invoice 30788	Open	Date 05/08/2013	Description Waders	OUTDOOR WORLD	\$538.92
73024	05/24/2013 Invoice 212536 212869	Open	Date 05/07/2013 05/08/2013	Description Office Supplies, City Hall Office Supplies, City Hall Fund 2210, Stores	PALACE ART & OFFICE SUPPLIES	\$202.57
73025	05/24/2013 Invoice 2013-34339	Open	Date 04/30/2013	Description Annual Support, Museum Software Fund 2211, IT	PAST PERFECT SOFTWARE INC.	\$352.00
73026	05/24/2013 Invoice 20130505	Open	Date 05/05/2013	Description K-9 supplies	PET PALS DISCOUNT PET SUPPLIES	\$1,071.34

City Checks Issued 5/24/2013

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
73027	05/24/2013 Invoice 17790	Open	Date 05/07/2013	Description Pumps	PHIL ALLEGRI ELECTRIC, INC.	\$85.00
73028	05/24/2013 Invoice 050-335154	Open	Date 05/16/2013	Description Storage May 31-Jun 30, 2013	PODS ENTERPRISES INC.	\$162.04
73029	05/24/2013 Invoice 2013-00000698	Open	Date 05/16/2013	Description Late Spring 2013 Instr.Payments	POT, TRENISE	\$1,147.25
73030	05/24/2013 Invoice 17813	Open	Date 05/01/2013	Description June 2013 through June 2014 Crime repor	PUBLIC ENGINES, INC./CRIME REPOF	\$1,188.00
73031	05/24/2013 Invoice Apr2013	Open	Date 05/16/2013	Description Citation Surcharges, April 2013	SCC AUDITOR-CONTROLLER	\$10,889.00
73032	05/24/2013 Invoice 102966	Open	Date 05/17/2013	Description Plumbing repair	SANTA CRUZ PLUMBING	\$125.00
73033	05/24/2013 Invoice 5202013	Open	Date 05/20/2013	Description Handrail	SMITH, BRET	\$1,376.18
73034	05/24/2013 Invoice 5019	Open	Date 04/22/2013	Description Sports t-shirt awards	SPORT ABOUT	\$198.10
73035	05/24/2013 Invoice 45664	Open	Date 04/24/2013	Description Portable Speaker, IT Fund 2211, IT	STAPLES	\$16.66
73036	05/24/2013 Invoice May2013	Open	Date 05/16/2013	Description Replenish Flex Cash	TLC ADMINISTRATORS, INC.	\$1,337.70
73037	05/24/2013 Invoice 954791293	Open	Date 05/15/2013	Description shipping-PD	UNITED PARCEL SERVICE	\$20.43
73038	05/24/2013 Invoice 227912391 228104899	Open	Date 05/04/2013 05/04/2013	Description May2013 Konica C452 Copier, Contract50 Copier Lease, Canon IR2525, Contract 50I	US BANCORP EQUIPMENT FINANCE	\$375.33

City Checks Issued 5/24/2013

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
73039	05/24/2013 Invoice 5675	Open	Date 05/17/2013	Description Concrete work - trippers & Esplanade wate	WHITLOW CONCRETE, INC.	\$3,250.00 \$3,250.00
73040	05/24/2013 Invoice 2013-00000699	Open	Date 05/16/2013	Description Tree Permit #12-122 Deposit Refund	Killoran, David	\$500.00 \$500.00
73041	05/24/2013 Invoice 2013-00000701	Open	Date 05/20/2013	Description Bandstand refund	Lifestyles Escapes	\$1,500.00 \$1,500.00
73042	05/24/2013 Invoice 1500079-2013	Open	Date 04/23/2013	Description Annual Membership, Wheeler 8/12 to 8/13	IAPMO/INTERNAT'L ASSOC OF PLUMBING & M	\$150.00 \$150.00
Check Totals:				Count	84	TOTAL \$94,580.00

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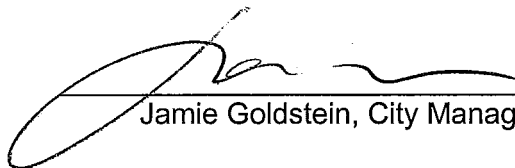
Checks dated 5/31/13 numbered 73043 to 73089 for a total of \$78,974.45 have been reviewed and authorized for distribution by the City Manager and City Treasurer.

As of 5/31/13 the unaudited cash balance is \$4,198,446

CASH POSITION - CITY OF CAPITOLA 5/31/13

	<u>Net Balance</u>
General Fund	2,629,203
Contingency Reserve Fund	671,646
Worker's Comp. Ins. Fund	163,250
Self Insurance Liability Fund	198,703
Stores Fund	(3,725)
Information Technology Fund	71,684
Equipment Replacement	113,314
Compensated Absences Fund	62,240
Public Employee Retirement - PERS	-
Open Space Fund	256
Capital Improvement Projects	291,875
TOTAL GENERAL FUND & COUNCIL DESIGNATED FUNDS	<u><u>4,198,446</u></u>

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



 Jamie Goldstein, City Manager

5/31/2013

 Date

 Kimberly V. DeWitt, City Treasurer

 Date

City Checks Issued 5/31/13

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
73043	05/31/2013 Invoice 44741	Open	Date 05/13/2013	Description Key, PD Mazda Pickup	ALLSAFE LOCK COMPANY	\$14.29
73044	05/31/2013 Invoice 39889	Open	Date 05/22/2013	Description May2013 Wharf Meter Reading Fund 1311, Wharf Fund	AUTOMATED TEST ASSOCIATES	\$25.00
73045	05/31/2013 Invoice 3048462	Open	Date 04/02/2013	Description Museum Display Expense	BAY PHOTO LAB	\$26.10
73046	05/31/2013 Invoice 1488 1486 1493 1492 1485	Open	Date 05/07/2013 05/07/2013 05/07/2013 05/07/2013 05/07/2013	Description Uniform Exp, Sloma Uniform Expense, Iniguez - PD Uniform Expense, Evans-PD Uniform Expense, Held - PD Uniform Expense, Eller -PD	CALIFORNIA COAST UNIFORM CO	\$597.69
73047	05/31/2013 Invoice POA5-31-13	Open	Date 05/29/2013	Description POA dues, Employee funded	CAPITOLA PEACE OFFICERS ASSOC.	\$1,488.75
73048	05/31/2013 Invoice 23317011	Open	Date 05/10/2013	Description Summer brochure 2013	CASEY PRINTING	\$4,477.28
73049	05/31/2013 Invoice 186846	Open	Date 05/17/2013	Description Auto Parts, PD-041	CHEVROLET OF WATSONVILLE	\$31.31
73050	05/31/2013 Invoice 1364200	Open	Date 05/03/2013	Description Cleaning supplies	CLEAN SOURCE	\$1,816.36
73051	05/31/2013 Invoice SOP34627	Open	Date 05/09/2013	Description Maint Worker Exams	CPS	\$770.00
73052	05/31/2013 Invoice 568	Open	Date 05/19/2013	Description Repair Lagoon Outfall Structure	EARTHWORKS PAVING CONTRACTOR	\$1,222.50
73053	05/31/2013 Invoice 6368105	Open	Date 05/17/2013	Description Irrigation supplies	EWING IRRIGATION	\$10.01
73054	05/31/2013 Invoice CASAT20263	Open	Date 05/10/2013	Description Auto Part	FASTENAL COMPANY	\$52.67

City Checks Issued 5/31/13

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
73055	05/31/2013 Invoice 13-848620 13-848622	Open	Date 05/17/2013 05/17/2013	Description 576 Gal Ethanol 150 Gal Diesel	FLYERS ENERGY, LLC	\$2,909.21 Amount \$2,327.27 \$581.94
73056	05/31/2013 Invoice May2013	Open	Date 05/24/2013	Description Reimb BIA expenses Fund 1321, BIA	HANNA, CARIN	\$305.54 Amount \$305.54
73057	05/31/2013 Invoice May 2013	Open	Date 05/24/2013	Description Insurance for CC rentals	HUB INTERNATIONAL OF CA	\$107.40 Amount \$107.40
73058	05/31/2013 Invoice ICMA5-31-13	Open	Date 05/29/2013	Description Vacation Cashout Allocations to Retiremer	ICMA RETIREMENT TRUST 457	\$10,000.00 Amount \$10,000.00
73059	05/31/2013 Invoice 50233151	Open	Date 05/07/2013	Description Battery, PD112	INTERSTATE BATTERY SYSTEM OF S	\$93.47 Amount \$93.47
73060	05/31/2013 Invoice 5429	Open	Date 05/06/2013	Description Traffic paint Fund 1310, Gas Tax	INTERSTATE SALES	\$307.86 Amount \$307.86
73061	05/31/2013 Invoice 52113	Open	Date 05/21/2013	Description Backflow testing	JIM CLARK BACKFLOW	\$121.21 Amount \$121.21
73062	05/31/2013 Invoice 192007	Open	Date 05/13/2013	Description Copier Exp, Canon IR2525 Fund 2211, IT	KBA Docusys	\$97.35 Amount \$97.35
73063	05/31/2013 Invoice A179382	Open	Date 05/09/2013	Description Titan tip	KING'S PAINT AND PAPER, INC.	\$22.18 Amount \$22.18
73064	05/31/2013 Invoice 26-21897 26-21715	Open	Date 05/17/2013 05/10/2013	Description Weekly Maint Worker Support, Corp Yd Weekly Maint Worker Support, Corp Yd	LABORMAX STAFFING	\$3,787.85 Amount \$1,902.17 \$1,885.68
73065	05/31/2013 Invoice LIUNA-May2013	Open	Date 05/29/2013	Description Union Pension Dues, Employee Funded	LIUNA PENSION FUND	\$720.00 Amount \$720.00

City Checks Issued 5/31/13

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
73066	05/31/2013	Open			MID-COUNTY AUTO SUPPLY	\$195.13
	Invoice		Date	Description		Amount
	340531		05/06/2013	Auto Parts-PD112		\$21.46
	340530		05/06/2013	Auto Parts-PD112		\$55.29
	340590		05/06/2013	Auto Parts-PD112		\$36.36
	340018		05/01/2013	Auto Parts-PD112		\$4.11
	340182		05/02/2013	Auto Parts-Fleet		\$77.91
73067	05/31/2013	Open			NEOGOV	\$1,950.00
	Invoice		Date	Description		Amount
	07-9167		03/03/2013	Apr13 to Apr14 Perf Eval Software		\$1,950.00
				Fund 2210, Stores		
73068	05/31/2013	Open			ORCHARD SUPPLY HARDWARE	\$474.39
	Invoice		Date	Description		Amount
	6012-4797911		05/08/2013	Misc. Hardware		\$29.70
	6010-8092083		05/09/2013	Parts, PD DUI Trailer		\$8.19
	6012-4799179		05/13/2013	Misc. plumbing-Wharf Fund (1311)		\$76.08
	6005-4762669		05/13/2013	Plastic for lagoon		\$360.42
	6009-8011781		05/20/2013	Batteries		\$42.38
	16112		05/22/2013	Return Batteries		(\$42.38)
73069	05/31/2013	Open			PALACE ART & OFFICE SUPPLIES	\$70.27
	Invoice		Date	Description		Amount
	212657		05/07/2013	Paper-PD		\$93.31
	8904524		05/14/2013	Paper		\$38.01
	213901		05/15/2013	Certificates, Volunteer Recognitions		\$19.31
	C990005		05/01/2013	Take credit for Inv paid twice		(\$80.36)
				Fund 2210, Stores		
73070	05/31/2013	Open			PHIL ALLEGRI ELECTRIC, INC.	\$1,393.89
	Invoice		Date	Description		Amount
	17824		05/22/2013	Downstairs CH bathrooms		\$940.79
	17825		05/22/2013	Stockton bridge		\$453.10
73071	05/31/2013	Open			PITNEY BOWES INC.	\$146.82
	Invoice		Date	Description		Amount
	574414		05/16/2013	Postage machine rental-Rec		\$146.82
73072	05/31/2013	Open			SCC INFORMATION SERVICES	\$1,654.99
	Invoice		Date	Description		Amount
	20130513		05/13/2013	Q3 radio shop Charges		\$1,654.99
73073	05/31/2013	Open			SCC OFFICE OF EDUCATION	\$30.00
	Invoice		Date	Description		Amount
	13257		05/07/2013	Fingerprinting, New Hire		\$30.00
73074	05/31/2013	Open			SIEMENS INDUSTRY INC.	\$698.24
	Invoice		Date	Description		Amount
	400101340		04/29/2013	Apr2013 Signal Maint		\$698.24
				Fund 1310, Gas Tax		

City Checks Issued 5/31/13

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
73075	05/31/2013	Open			SKI MOUNTAIN SUPPLY	\$459.67
	Invoice		Date	Description		Amount
	00014683		05/09/2013	Fencing for Jr. Guard program		\$459.67
73076	05/31/2013	Open			SOQUEL CREEK ANIMAL HOSPITAL	\$596.60
	Invoice		Date	Description		Amount
	26468		05/23/2013	Rukus (PD K9) visit to vet		\$596.60
73077	05/31/2013	Open			SOQUEL CREEK WATER DISTRICT	\$13,059.56
	Invoice		Date	Description		Amount
	2013-00000700		05/13/2013	Semi-Monthly Water Usage, Irrigation (ear		\$7,627.39
	2013-00000712		05/16/2013	Semi-monthly water use (late)		\$5,432.17
				Fund 1000, Gen Fund=\$12279.60		
				Fund 1311, Wharf Fund=\$779.96		
73078	05/31/2013	Open			SPRINT	\$3,395.06
	Invoice		Date	Description		Amount
	974855313-137		05/02/2013	City Cell Phones		\$3,395.06
				Fund 1000, Gen Fund=\$3315.06		
				Fund 2211, IT=\$80.00		
73079	05/31/2013	Open			THE HARTFORD -PRIORITY ACCOUNT	\$1,827.70
	Invoice		Date	Description		Amount
	6327843-6		05/24/2013	Jun 2013 Life & Long Term Dis Ins		\$1,827.70
				Fund 1000, Gen Fund=\$1794.25		
				Fund 1301, SCCACT=\$33.45		
73080	05/31/2013	Open			TOYOTA OF SANTA CRUZ	\$20,000.00
	Invoice		Date	Description		Amount
	26674		05/22/2013	2011 Toyota Camry, PD		\$20,000.00
				Fund 2212, Equip Replacement		
73081	05/31/2013	Open			UNITED PARCEL SERVICE	\$5.91
	Invoice		Date	Description		Amount
	954791203		05/18/2013	Shipping-PD		\$5.91
73082	05/31/2013	Open			UNITED WAY OF SCC	\$85.00
	Invoice		Date	Description		Amount
	May2013		05/29/2013	Employee Contributions, May 2013		\$85.00
73083	05/31/2013	Open			US Bank Institutional Trust-Western Reg	\$383.93
	Invoice		Date	Description		Amount
	PARS-5-31-13		05/29/2013	Retirement Plan Contr, Employee Funded		\$383.93
73084	05/31/2013	Open			VISION COMMUNICATION	\$1,906.84
	Invoice		Date	Description		Amount
	160828-in		05/07/2013	Digitac channel receiver		\$1,906.84
				Fund 1300, SLESF		
73085	05/31/2013	Open			ZEP SALES & SERVICE	\$485.42
	Invoice		Date	Description		Amount
	9000295432		05/17/2013	Cleaning supplies		\$485.42

City Checks Issued 5/31/13

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
73086	05/31/2013	Open			Finkel, Daniel	\$500.00
	Invoice		Date	Description		Amount
	2013-00000708		05/23/2013	Tree Permit #13-021 refund deposit		\$500.00
73087	05/31/2013	Open			Goudreau, Gail	\$61.00
	Invoice		Date	Description		Amount
	2013-00000702		05/24/2013	Class refund		\$61.00
73088	05/31/2013	Open			LA County Sheriff's Department	\$90.00
	Invoice		Date	Description		Amount
	2013-00000706		05/23/2013	Moreno Sexual Assault class		\$90.00
73089	05/31/2013	Open			Villas of Capitola	\$500.00
	Invoice		Date	Description		Amount
	2013-00000707		05/23/2013	Tree Permit #13-043 refund deposit		\$500.00
Check Totals:				Count	47	TOTAL \$78,974.45

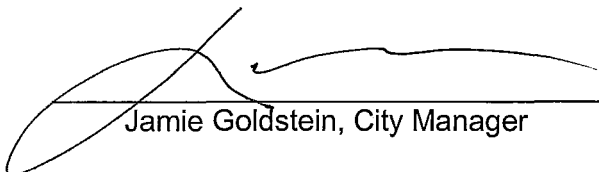
Checks dated 6/7/13 numbered 73090 to 73140 plus one EFT for a total of \$100,830.93 have been reviewed and authorized for distribution by the City Manager and City Treasurer.

As of 6/7/13 the unaudited cash balance is \$3,977,202

CASH POSITION - CITY OF CAPITOLA 6/7/13

	<u>Net Balance</u>
General Fund	2,449,114
Contingency Reserve Fund	671,646
Worker's Comp. Ins. Fund	163,250
Self Insurance Liability Fund	198,703
Stores Fund	(3,844)
Information Technology Fund	68,315
Equipment Replacement	113,314
Compensated Absences Fund	28,274
Public Employee Retirement - PERS	-
Open Space Fund	256
Capital Improvement Projects	288,175
TOTAL GENERAL FUND & COUNCIL DESIGNATED FUNDS	<u>3,977,202</u>

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



 Jamie Goldstein, City Manager

6/7/2013

 Date

 Kymberly V. DeWitt, City Treasurer

 Date

City Checks Issued 6/7/2013

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
73090	06/07/2013 Invoice CV-9051913	Open	Date 05/19/2013	Description BIA Brochure Update Fund 1321, BIA	57 DESIGN INC.	\$150.00 \$150.00
73091	06/07/2013 Invoice May2013	Open	Date 05/29/2013	Description Suppl Health Ins, May2013, Employee Fur	AFLAC	\$700.14 \$700.14
73092	06/07/2013 Invoice 29594	Open	Date 06/01/2013	Description Rental Service, Volunteer Dinner	ALEXIS PARTY RENTALS	\$594.25 \$594.25
73093	06/07/2013 Invoice 4422037 4359344	Open	Date 05/13/2013 05/13/2013	Description Circuit Installation Telephone Service Fund 1000, Gen Fund=\$1713.13 Fund 2211, IT=\$1545.47	AT&T/CALNET 2	\$3,258.60 Amount \$1,270.87 \$1,987.73
73094	06/07/2013 Invoice VolDinner	Open	Date 06/01/2013	Description Catering Service, Volunteer Dinner	BARBARA & COMPANY	\$3,148.66 Amount \$3,148.66
73095	06/07/2013 Invoice 39584	Open	Date 05/16/2013	Description Wood for flume	BIG CREEK LUMBER	\$82.34 Amount \$82.34
73096	06/07/2013 Invoice EBReg-2013	Open	Date 06/04/2013	Description Conference Registration, Building Officials	CALIFORNIA BUILDING OFFICIALS	\$970.00 Amount \$970.00
73097	06/07/2013 Invoice 1498 1504	Open	Date 05/08/2013 05/10/2013	Description Uniform Exp, Gonzalez Uniform Exp, Valdez	CALIFORNIA COAST UNIFORM CO	\$197.76 Amount \$119.57 \$78.19
73098	06/07/2013 Invoice Jun2013	Open	Date 05/21/2013	Description Long Term Disability Ins, PD	CALIF. LAW ENFORCEMENT ASSOC.	\$514.50 Amount \$514.50
73099	06/07/2013 Invoice 186849	Open	Date 05/20/2013	Description Auto Parts, PD-112	CHEVROLET OF WATSONVILLE	\$95.45 Amount \$95.45
73100	06/07/2013 Invoice 1369927	Open	Date 05/17/2013	Description Cleaning supplies	CLEAN SOURCE	\$1,121.64 Amount \$1,121.64
73101	06/07/2013 Invoice 9755	Open	Date 05/24/2013	Description Office supplies - PD	CVS PHARMACY INC.	\$52.04 Amount \$52.04

City Checks Issued 6/7/2013

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
73102	06/07/2013	Open			DYNAMIC PRESS	\$85.81
	Invoice 12884		Date 05/16/2013	Description Personnel Action Forms Fund 2210, Stores		Amount \$85.81
73103	06/07/2013	Open			FEDERAL EXPRESS	\$136.59
	Invoice 2-274-93785		Date 05/24/2013	Description Shipping Expense		Amount \$136.59
73104	06/07/2013	Open			FERRASCI-HARP, AMY	\$1,075.00
	Invoice 23		Date 06/04/2013	Description Advertising Contract Svcs, BIA Fund 1321, BIA		Amount \$1,075.00
73105	06/07/2013	Open			FLYERS ENERGY, LLC	\$3,869.02
	Invoice 13-850638		Date 05/23/2013	Description 300 Gal Diesel		Amount \$1,160.56
	13-851287		05/28/2013	495 Gal Ethanol		\$1,974.51
	13-851289		05/28/2013	200 Gal Diesel		\$733.95
73106	06/07/2013	Open			FRANK MAY & ASSOCIATES	\$3,500.00
	Invoice 13-0162		Date 04/25/2013	Description Appraisal, Corp Yd Property Fund 1200, CIP		Amount \$3,500.00
73107	06/07/2013	Open			GRAHAM-GARCIA, BARBARA	\$250.00
	Invoice 157		Date 05/23/2013	Description Ergonomic Eval, Laurent		Amount \$250.00
73108	06/07/2013	Open			HOSE SHOP	\$339.98
	Invoice 357499		Date 05/21/2013	Description Parts for Beach Sand Sifter		Amount \$339.98
73109	06/07/2013	Open			HUBB SYSTEMS, LLC dba DATA 911	\$420.59
	Invoice 21884		Date 05/16/2013	Description PD Radio Installation Fund 2211, IT		Amount \$420.59
73110	06/07/2013	Open			KBA Docusys	\$83.48
	Invoice 193530		Date 05/20/2013	Description Copier Exp Fund 2211, IT		Amount \$83.48
73111	06/07/2013	Open			KING'S CLEANERS	\$696.75
	Invoice 20130513		Date 05/13/2013	Description Uniform cleaning		Amount \$696.75
73112	06/07/2013	Open			KING'S PAINT AND PAPER, INC.	\$135.91
	Invoice A179648		Date 05/13/2013	Description Graffiti paint		Amount \$135.91
73113	06/07/2013	Open			LABORMAX STAFFING	\$2,693.87
	Invoice 26-22085		Date 05/24/2013	Description Contract Labor, Corp Yd		Amount \$2,693.87

City Checks Issued 6/7/2013

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
73114	06/07/2013	Open			Mainstreet Media dba GOODTIMES	\$255.00
	Invoice		Date	Description		Amount
	00082886		05/02/2013	Advertising, Rec		\$255.00
73115	06/07/2013	Open			MID-COUNTY AUTO SUPPLY	\$211.07
	Invoice		Date	Description		Amount
	341530		05/14/2013	Auto Parts-Fleet		\$62.52
	341450		05/13/2013	Auto Parts-PD 2006 Impala		\$71.82
	341717		05/15/2013	Auto Parts-PD112		\$25.11
	341018		05/09/2013	Auto Parts-PD112		\$30.11
	341130		05/10/2013	Auto Parts-PD112		\$6.38
	340852		05/08/2013	Auto Parts-PD112		\$12.74
	341439		05/13/2013	Auto Parts		\$2.39
73116	06/07/2013	Open			MISSION LINEN SUPPLY	\$928.99
	Invoice		Date	Description		Amount
	May2013		05/31/2013	May2013 Mat and Uniform Cleaning		\$928.99
73117	06/07/2013	Open			MISSION PRINTERS	\$319.19
	Invoice		Date	Description		Amount
	46113		05/09/2013	Volunteer Dinner Invitations		\$319.19
73118	06/07/2013	Open			MORRISON, EDWARD	\$2,500.00
	Invoice		Date	Description		Amount
	11		06/03/2013	Contract Services, May 2013		\$2,500.00
73119	06/07/2013	Open			NATIVE REVIVAL NURSERY	\$38.34
	Invoice		Date	Description		Amount
	37066		05/15/2013	Plants, Jade St Park		\$38.34
73120	06/07/2013	Open			NICHOLS, LIZ	\$200.00
	Invoice		Date	Description		Amount
	5391		06/01/2013	Reimb Payment for Volunteer Dinner Exp		\$200.00
73121	06/07/2013	Open			ORCHARD SUPPLY HARDWARE	\$192.53
	Invoice		Date	Description		Amount
	6012-4790934		05/22/2013	Batteries		\$76.07
	6008-5217903		05/22/2013	Lifeguard towers supplies		\$25.26
	6011-6064162		05/24/2013	Lifeguard tower supplies		\$36.67
	6007-3525813		05/24/2013	Paint		\$7.61
	6008-3527743		05/21/2013	Misc parts, PD112		\$38.24
	05132013		05/13/2013	Duct tape		\$8.68
73122	06/07/2013	Open			PACIFIC GAS & ELECTRIC	\$6,186.60
	Invoice		Date	Description		Amount
	2013-00000710		05/15/2013	Monthly Elec		\$6,186.60
				Fund 1000, Gen Fund=\$4903.14		
				Fund 1300, SLESF=\$161.42		
				Fund 1310, Gas Tax=\$-679.07		
				Fund 1311, Wharf=\$1801.11		

City Checks Issued 6/7/2013

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
73123	06/07/2013	Open			PACIFIC GAS & ELECTRIC	\$3.78
	Invoice		Date	Description		Amount
	2013-00000711		05/15/2013	Pac Cove MHP Elec and Gas		\$3.78
73124	06/07/2013	Open			PALACE ART & OFFICE SUPPLIES	\$295.35
	Invoice		Date	Description		Amount
	214974		05/23/2013	Office supplies		\$158.93
	214750		05/22/2013	Office Supplies, City Hall		\$28.51
	215089		05/24/2013	office supplies-PD		\$84.03
	215222		05/24/2013	Storage Boxes, City Hall		\$33.54
	C213901		05/22/2013	Return Certificates		(\$9.66)
				Fund 1000, Gen Fund=\$242.96		
				Fund 2210, Stores=\$52.39		
73125	06/07/2013	Open			ProBUILD COMPANY LLC	\$397.58
	Invoice		Date	Description		Amount
	5719045		05/08/2013	Plumbing Supplies		\$26.26
	30002250		05/17/2013	Nuts & washers - Lifeguard towers		\$168.68
	30003495		05/22/2013	Tree stakes		\$51.83
	30003502		05/22/2013	Caution tape		\$35.04
	30003581		05/22/2013	Cut off wheels		\$115.77
73126	06/07/2013	Open			ROYE, SAMUEL L.	\$1,000.00
	Invoice		Date	Description		Amount
	20130612		06/04/2013	Twilight Concert Band, 6/12/13		\$1,000.00
73127	06/07/2013	Open			SANTA CRUZ ELECTRONICS, INC.	\$12.94
	Invoice		Date	Description		Amount
	544788		05/13/2013	Computer Cable		\$12.94
				Fund 2211, IT		
73128	06/07/2013	Open			SANTA CRUZ MUNICIPAL UTILITIES	\$846.50
	Invoice		Date	Description		Amount
	2013-00000713		05/22/2013	WATER BILLS FOR STREET MEDIANS		\$846.50
73129	06/07/2013	Open			SOQUEL NURSERY GROWERS, INC.	\$64.00
	Invoice		Date	Description		Amount
	312948		05/08/2013	Plants - City Hall		\$44.58
	312949		05/08/2013	Potting soil		\$19.42
73130	06/07/2013	Open			STATE WATER RESOURCES CONTROL BOARD	\$200.00
	Invoice		Date	Description		Amount
	438325		06/05/2013	Fee, Pac Cove Pkg Lot Permit		\$200.00
				Fund 1200, CIP		
73131	06/07/2013	Open			SWIFT, STEVE	\$195.93
	Invoice		Date	Description		Amount
	Swift-Jun2013		06/04/2013	Reimb Museum Supplies Purchased		\$195.93
73132	06/07/2013	Open			TLC ADMINISTRATORS, INC.	\$5,582.44
	Invoice		Date	Description		Amount
	93030-Jun2013		06/01/2013	Jun2013 Dental & Vision Ins		\$5,582.44

City Checks Issued 6/7/2013

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
73133	06/07/2013 Invoice 3	Open	Date 06/03/2013	Description Professional Services May 2013	TSCHANTZ, KIM CARLOS	\$1,650.00
73134	06/07/2013 Invoice 954791213	Open	Date 05/25/2013	Description Shipping-PD	UNITED PARCEL SERVICE	\$6.99
73135	06/07/2013 Invoice 20130606	Open	Date 06/04/2013	Description Postage, Twilight Concert Postcards	UNITED STATES POSTAL SERVICE	\$974.84
73136	06/07/2013 Invoice May2013	Open	Date 05/31/2013	Description May Union Dues, Employee Funded	UPEC LIUNA LOCAL 792	\$1,012.50
73137	06/07/2013 Invoice 300002986	Open	Date 06/04/2013	Description Reimb IAEI Membership charged to pers c	WHEELER, MARK, S	\$102.00
73138	06/07/2013 Invoice 20130510	Open	Date 05/10/2013	Description Travel Exp, PTO School	ZAMORA, PEDRO	\$243.19
73139	06/07/2013 Invoice 2001676.002	Open	Date 05/31/2013	Description Jr Guard Refund	Brown, Sarah	\$225.00
73140	06/07/2013 Invoice 2013-00000714	Open	Date 06/04/2013	Description Refund Overpayment for Copies Fund 2210, Stores	Senninger Powers LLP	\$3.25
201306	06/07/2013 Invoice June2013	Open	Date 05/16/2013	Description Jun2013 Employee Health Ins, Employee I	CalPERS Health Insurance	\$53,010.54

Check Totals: Count 52 Total \$100,830.93

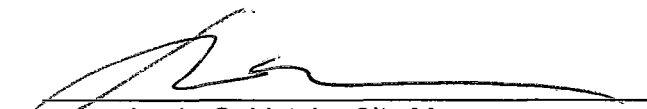
Checks dated 6/14/13 numbered 73141 to 73222 for a total of \$200,537.67 have been reviewed and authorized for distribution by the City Manager and City Treasurer.

As of 6/14/13 the unaudited cash balance is \$3,664,916

CASH POSITION - CITY OF CAPITOLA 6/14/13

	<u>Net Balance</u>
General Fund	1,987,553
Contingency Reserve Fund	813,146
Worker's Comp. Ins. Fund	163,250
Self Insurance Liability Fund	198,703
Stores Fund	(4,239)
Information Technology Fund	68,013
Equipment Replacement	113,102
Compensated Absences Fund	28,274
Public Employee Retirement - PERS	-
Open Space Fund	256
Capital Improvement Projects	296,859
TOTAL GENERAL FUND & COUNCIL DESIGNATED FUNDS	<u><u>3,664,916</u></u>

The Emergency Reserve Fund balance is \$347,795.54 and is not included above.



 Jamie Goldstein, City Manager

6/14/2013

 Date

 KyMBERLY V. DeWitt, City Treasurer

 Date

City Checks Issued 6/14/13

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
73141	6/14/2013 Invoice 20130610	Open	Date 06/10/2013	Description Deposit on Village sculpture Fund 1315, Public Art	KIMBERLY P CHAVEZ	\$7,500.00 \$7,500.00
73142	06/14/2013 Invoice 899029-5 906268-5	Open	Date 05/17/2013 06/11/2013	Description Pump Peery Park benches	A TOOL SHED	\$390.80 \$168.56 \$222.24
73143	06/14/2013 Invoice 20130601	Open	Date 05/26/2013	Description Elder Abuse Investigative Services	ADVOCACY INC.	\$2,000.00 \$2,000.00
73144	06/14/2013 Invoice 0513-01	Open	Date 05/31/2013	Description Soquel Lagoon Monitoring, May 2013	ALLEY, DONALD	\$6,267.87 \$6,267.87
73145	06/14/2013 Invoice 354915	Open	Date 06/06/2013	Description Top soil	APTOS LANDSCAPE SUPPLY, INC.	\$20.57 \$20.57
73146	06/14/2013 Invoice 20130605 20130529	Open	Date 06/05/2013 05/29/2013	Description 40 Soquel History Books, Museum 400 Capitola History Books, Museum	ARCADIA PUBLISHING COMPANY	\$4,522.22 \$504.65 \$4,017.57
73147	06/14/2013 Invoice 674-Jun2013	Open	Date 06/01/2013	Description Long Distance Service	AT&T	\$3.81 \$3.81
73148	06/14/2013 Invoice 2244	Open	Date 05/31/2013	Description May Pac Cove Relocation Services Fund 1420, Pac Cove Bond	AUTOTEMP INC.	\$420.00 \$420.00
73149	06/14/2013 Invoice 287030	Open	Date 06/07/2013	Description Stihl blower repair	B & B SMALL ENGINE REPAIR	\$32.55 \$32.55
73150	06/14/2013 Invoice Beyers-Jun6	Open	Date 06/07/2013	Description Sports Officials, Rec	BEYERS, FRED C	\$330.00 \$330.00
73151	06/14/2013 Invoice 7673	Open	Date 06/04/2013	Description May Pac Cove MHP engineering services Fund 1200, CIP	BOWMAN & WILLIAMS, INC.	\$3,528.75 \$3,528.75
73152	06/14/2013 Invoice Bum-Jun6	Open	Date 06/07/2013	Description Sports Officials, Rec	BUMGARNER, ERIC D	\$165.00 \$165.00

City Checks Issued 6/14/13

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
73153	06/14/2013	Open			CA DEPARTMENT OF JUSTICE	\$32.00
	Invoice		Date	Description		Amount
	972982		06/05/2013	Fingerprints-PD		\$32.00
73154	06/14/2013	Open			CALIFORNIA COAST UNIFORM CO.	\$392.31
	Invoice		Date	Description		Amount
	1527		05/20/2013	Uniform Expense, Blankenship - PD		\$5.38
	1520		05/15/2013	Uniform Expense, Valdez - PD		\$386.93
73155	06/14/2013	Open			CAPITOLA PEACE OFFICERS ASSOC.	\$1,484.00
	Invoice		Date	Description		Amount
	POA6-14-13		06/07/2013	POA Dues, Employee Funded		\$1,484.00
73156	06/14/2013	Open			COASTAL WATERSHED COUNCIL	\$2,144.97
	Invoice		Date	Description		Amount
	1208		05/31/2013	May Stormwater Education Services		\$2,144.97
73157	06/14/2013	Open			CONOCO-PHILLIPS FLEET SERVICES	\$142.01
	Invoice		Date	Description		Amount
	33111378		05/31/2013	Fuel for training-PD		\$142.01
73158	06/14/2013	Open			CRUZIO THE INTERNET STORE INC.	\$39.95
	Invoice		Date	Description		Amount
	28750-69		06/02/2013	General Plan webhosting 6/23/13-7/22/13 Fund 1313, Gen Plan Update		\$39.95
73159	06/14/2013	Open			CVS PHARMACY INC.	\$7.26
	Invoice		Date	Description		Amount
	6544		06/05/2013	Parking supplies		\$7.26
73160	06/14/2013	Open			D & G SANITATION	\$435.57
	Invoice		Date	Description		Amount
	203727		05/31/2013	Security fence - PCHMP		\$77.94
	203728		05/31/2013	Portable toilets-Fund 1311, Wharf Fund		\$357.63
73161	06/14/2013	Open			DE LAGE LANDEN FINANCIAL SVCS	\$352.40
	Invoice		Date	Description		Amount
	18105233		05/25/2013	City Hall Copier Lease Fund 2210, Stores		\$352.40
73162	06/14/2013	Open			ENVIRONMENTAL FILTRATIONS, INC.	\$237.72
	Invoice		Date	Description		Amount
	97720		05/20/2013	Bathroom fan		\$237.72
73163	06/14/2013	Open			EWING IRRIGATION	\$154.95
	Invoice		Date	Description		Amount
	6403925		05/23/2013	Irrigation supplies		\$67.65
	6436081		06/01/2013	Soil		\$18.36
	6455652		06/03/2013	Irrigation supplies		\$15.17
	6464358		06/04/2013	Misc. landscaping supplies		\$33.90
	6472311		06/05/2013	Irrigation supplies		\$19.87

City Checks Issued 6/14/13

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
73164	06/14/2013 Invoice B120-Jun13	Open	Date 05/26/2013	Description Storage Unit Rent, PD	EXTRA SPACE STORAGE OF SC	\$303.00 \$303.00
73165	06/14/2013 Invoice CASAT20394	Open	Date 05/20/2013	Description Shop Supplies	FASTENAL COMPANY	\$9.31 \$9.31
73166	06/14/2013 Invoice 13-852476 13-853750	Open	Date 05/30/2013 05/31/2013	Description 270 Gal Diesel 457 Gal Ethanol	FLYERS ENERGY, LLC	\$2,809.37 \$1,014.69 \$1,794.68
73167	06/14/2013 Invoice 88761A	Open	Date 05/31/2013	Description Field paint-Rec	FOLD A GOAL	\$1,728.05 \$1,728.05
73168	06/14/2013 Invoice 4546393	Open	Date 05/07/2013	Description TopKat for Windows, Contract 276983 Fund 2211, IT	GILBARCO INC.	\$154.43 \$154.43
73169	06/14/2013 Invoice 108371	Open	Date 05/10/2013	Description Successor Agency Legal Services	GOLDFARB & LIPMAN, LLP	\$2,232.00 \$2,232.00
73170	06/14/2013 Invoice SEA2	Open	Date 06/07/2013	Description Music at the Beach Band SEA2	Harvey, Mark D	\$400.00 \$400.00
73171	06/14/2013 Invoice 2013-00000716	Open	Date 06/07/2013	Description LATE SPRING LAST PAYMENT 2013	HOWELLS, NANCY	\$29.90 \$29.90
73172	06/14/2013 Invoice ICMA6-14-13	Open	Date 06/13/2013	Description Retirement Contribution, Employee Funder	ICMA RETIREMENT TRUST 457	\$4,260.64 \$4,260.64
73173	06/14/2013 Invoice 14670	Open	Date 05/20/2013	Description Apr2013 Building Plan Review Services	INTERWEST CONSULTING GROUP INC	\$2,306.39 \$2,306.39
73174	06/14/2013 Invoice 1462	Open	Date 06/07/2013	Description Memorial bench	JAQUA OF CALIFORNIA	\$369.75 \$369.75
73175	06/14/2013 Invoice 100756354	Open	Date 06/07/2013	Description Kiosk Project, Outdoor Poster Board Fund 1315, Public Art	Johnson, Roy	\$467.40 \$467.40

City Checks Issued 6/14/13

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
73176	06/14/2013	Open			KBA Docusys	\$56.12
	Invoice		Date	Description		Amount
	196378		06/03/2013	Rec Copier Service IR1750, Acct C012		\$56.12
				Fund 2211, IT		
73177	06/14/2013	Open			KING'S PAINT AND PAPER, INC.	\$199.92
	Invoice		Date	Description		Amount
	A181109		06/07/2013	Graffiti paint		\$135.91
	A179269		05/07/2013	Traffic Paint-Fund 1310, Gas Tax		\$64.01
73178	06/14/2013	Open			LABOR READY SOUTHWEST INC.	\$1,661.00
	Invoice		Date	Description		Amount
	17099284		05/24/2013	Contract labor, Corp Yd		\$1,661.00
73179	06/14/2013	Open			LABORMAX STAFFING	\$1,935.17
	Invoice		Date	Description		Amount
	26-22291		05/31/2013	Contract Maint Workers		\$1,935.17
73180	06/14/2013	Open			LEHR AUTO ELECTRIC & EMERGENCY EQUIP.	\$211.88
	Invoice		Date	Description		Amount
	01-084108		05/31/2013	New vehicle Equip Mounts		\$211.88
				Fund 2212, Equip Replacement		
73181	06/14/2013	Open			LOOMIS	\$907.80
	Invoice		Date	Description		Amount
	11250814		05/31/2013	Armored car service		\$907.80
73182	06/14/2013	Open			LUICH, JAY	\$88.00
	Invoice		Date	Description		Amount
	Luich-Jun1		06/07/2013	Sports Officials, Rec		\$88.00
73183	06/14/2013	Open			MID-COUNTY AUTO SUPPLY	\$90.71
	Invoice		Date	Description		Amount
	342169		05/20/2013	Auto Parts-Fleet		\$8.37
	341906		05/16/2013	Auto Parts		\$1.86
	341908		05/16/2013	Auto Parts		(\$1.86)
	341905		05/16/2013	Auto Parts-PD112		\$24.61
	341858		05/16/2013	Auto Parts-Fleet		\$38.35
	342660		05/23/2013	Auto Parts, PD112		\$6.41
	342204		05/20/2013	Auto parts, City vehicles		\$12.97
73184	06/14/2013	Open			MILLER'S TRANSFER & STORAGE CO	\$736.00
	Invoice		Date	Description		Amount
	84418		05/03/2013	May Rcds Storage, Apr Rcds Handling		\$408.35
	84517		06/03/2013	Rcds Storage, Jun2013; Rcds Handling, M		\$327.65
73185	06/14/2013	Open			NORTH BAY FORD	\$385.69
	Invoice		Date	Description		Amount
	235269		05/29/2013	Auto parts, PD 081		\$385.69

City Checks Issued 6/14/13

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
73186	06/14/2013	Open			ORCHARD SUPPLY HARDWARE	\$106.00
	Invoice		Date	Description		Amount
	6010-6124023		05/23/2013	Shop Equipment		\$21.73
	6007-3527142		05/31/2013	Misc Supplies, PD112		\$23.89
	46263682		05/30/2013	Welding Wire		\$33.54
	6009-1022308		05/24/2013	Wrenches		\$26.84
73187	06/14/2013	Open			PACIFIC VETERINARY SPECIALISTS	\$95.60
	Invoice		Date	Description		Amount
	266625		05/11/2013	Animal Control Exp, PD		\$95.60
73188	06/14/2013	Open			PALACE ART & OFFICE SUPPLIES	\$249.29
	Invoice		Date	Description		Amount
	215307		05/28/2013	Office Supplies, City Hall		\$81.98
	215784		05/30/2013	office supplies-PD		\$112.51
	216411		06/05/2013	office supplies-PD		\$54.80
73189	06/14/2013	Open			PDM STEEL SERVICE CENTERS INC.	\$974.26
	Invoice		Date	Description		Amount
	619861-01		05/22/2013	Lifeguard tower supplies		\$974.26
73190	06/14/2013	Open			PHIL ALLEGRI ELECTRIC, INC.	\$550.60
	Invoice		Date	Description		Amount
	17850		06/05/2013	City Hall Fan		\$550.60
73191	06/14/2013	Open			PITNEY BOWES INC.	\$207.99
	Invoice		Date	Description		Amount
	MayRefill-Rec		06/04/2013	Postage for meter-Rec		\$207.99
73192	06/14/2013	Open			PK SAFETY SUPPLY	\$250.64
	Invoice		Date	Description		Amount
	190371		06/06/2013	Safety supplies		\$250.64
73193	06/14/2013	Open			PODS ENTERPRISES INC.	\$116.93
	Invoice		Date	Description		Amount
	50-336073		05/30/2013	Relocate PD Storage Container		\$116.93
73194	06/14/2013	Open			POT, TRENISE	\$295.75
	Invoice		Date	Description		Amount
	2013-00000715		06/07/2013	LATE SPRING LAST PAYMENT 2013		\$295.75
73195	06/14/2013	Open			PRAXAIR DISTRIBUTION INC.	\$105.55
	Invoice		Date	Description		Amount
	46135830		05/20/2013	Tank Rental, High Pressure Gases, Corp \		\$105.55
73196	06/14/2013	Open			PRINTWORX	\$1,933.47
	Invoice		Date	Description		Amount
	15385		05/31/2013	Capitola Visitor Brochure, BIA Fund 1321, BIA		\$1,933.47

City Checks Issued 6/14/13

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
73197	06/14/2013	Open			ProBUILD COMPANY LLC	\$91.44
	Invoice		Date	Description		Amount
	30005359		05/29/2013	Tree stakes		\$51.83
	30005794		05/30/2013	Bolts - lifeguard towers		\$16.25
	30006501		06/03/2013	Caution tape		\$23.36
73198	06/14/2013	Open			QUARTARARO, ROD V.	\$198.00
	Invoice		Date	Description		Amount
	Quart-Jun4		06/07/2013	Sports Officials, Rec		\$198.00
73199	06/14/2013	Open			RED SHIFT INTERNET SERVICES	\$115.11
	Invoice		Date	Description		Amount
	1576302		06/01/2013	Internet Access, PD		\$49.94
	1576301		06/01/2013	Internet Access, City Hall		\$65.17
73200	06/14/2013	Open			REED, DANIEL H.	\$231.00
	Invoice		Date	Description		Amount
	Reed-Jun7		06/07/2013	Sports Officials, Rec		\$231.00
73201	06/14/2013	Open			ROBERT A. BOTHMAN INC.	\$130,287.76
	Invoice		Date	Description		Amount
	SIX		05/31/2013	Progress payment, Traffic Calming Proj Fund 1200, CIP		\$130,287.76
73202	06/14/2013	Open			SCC INFORMATION SERVICES	\$521.99
	Invoice		Date	Description		Amount
	June 2013		06/04/2013	June 2013 scan open query		\$521.99
73203	06/14/2013	Open			SANTA CRUZ FIRE EQUIPMENT CO.	\$191.53
	Invoice		Date	Description		Amount
	94201		06/07/2013	Wharf fuel shed Fund 1311, Wharf Fund		\$191.53
73204	06/14/2013	Open			SANTA CRUZ SENTINEL	\$170.70
	Invoice		Date	Description		Amount
	0004851352		05/31/2013	May Advertising-Rec		\$170.70
73205	06/14/2013	Open			SHERWIN-WILLIAMS	\$3,915.00
	Invoice		Date	Description		Amount
	65913		05/07/2013	Titan painter		\$3,915.00
73206	06/14/2013	Open			SOQUEL CREEK ANIMAL HOSPITAL	\$296.60
	Invoice		Date	Description		Amount
	26535		05/30/2013	Rukus vet bill-PD K9		\$296.60
73207	06/14/2013	Open			SPORT ABOUT	\$1,258.41
	Invoice		Date	Description		Amount
	5082		05/23/2013	Camp t-shirts		\$1,258.41
73208	06/14/2013	Open			STAPLES	\$162.02
	Invoice		Date	Description		Amount
	4016896001		05/30/2013	Toner Fund 2211, IT		\$162.02

City Checks Issued 6/14/13

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
73209	06/14/2013	Open			THE INTERNET CONNECTION INC.	\$150.00
	Invoice		Date	Description		Amount
	3917-16188		06/01/2013	Monthly Web Hosting, City Web Site		\$150.00
73210	06/14/2013	Open			THILL, WENDY	\$320.00
	Invoice		Date	Description		Amount
	Thill-Jun1		06/07/2013	Sports Officials, Rec		\$320.00
73211	06/14/2013	Open			TIMES PUBLISHING GROUP	\$350.00
	Invoice		Date	Description		Amount
	45068		05/30/2013	Advertising-Rec		\$350.00
73212	06/14/2013	Open			TLC ADMINISTRATORS, INC.	\$175.00
	Invoice		Date	Description		Amount
	18543		06/04/2013	Cafeteria Plan Administration Fee, Jun201		\$175.00
73213	06/14/2013	Open			US BANCORP EQUIPMENT FINANCE	\$413.38
	Invoice		Date	Description		Amount
	229032651		05/22/2013	Copier, Contract 500-0332356, IR1750		\$73.05
	229152335		05/24/2013	Rec Copier Lease, IR2525, Con 500-02961		\$80.48
	230042681		06/04/2013	Copier Lease, PD Contract 500-0332346, I		\$259.85
73214	06/14/2013	Open			US Bank Institutional Trust-Western Reg	\$583.91
	Invoice		Date	Description		Amount
	PARS6-14-13		06/07/2013	Retirement Plan Contr, Employee Funded		\$583.91
73215	06/14/2013	Open			WATKINS, EDWIN	\$66.00
	Invoice		Date	Description		Amount
	Watkins-Jun1		06/07/2013	Sports Officials, Rec		\$66.00
73216	06/14/2013	Open			WOOSTER	\$1,000.00
	Invoice		Date	Description		Amount
	061913		06/04/2013	Twilight Concert Band, 6/19/13		\$1,000.00
73217	06/14/2013	Open			Davis, Mary	\$137.50
	Invoice		Date	Description		Amount
	2013-00000719		06/11/2013	JG Refund		\$137.50
73218	06/14/2013	Open			Padilla, Noel	\$10.00
	Invoice		Date	Description		Amount
	11140736		06/11/2013	Refund parking citation 11140736		\$10.00
73219	06/14/2013	Open			Schomer, Todd	\$39.00
	Invoice		Date	Description		Amount
	11141517		06/07/2013	refund cite 11141517		\$39.00
73220	06/14/2013	Open			Snider, Jennifer	\$220.00
	Invoice		Date	Description		Amount
	2013-00000720		06/11/2013	Refund		\$220.00

City Checks Issued 6/14/13

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
73221	06/14/2013	Open			CLASSIFIED SOUND	\$1,800.00
	Invoice 130612-0703A		Date 06/06/2013	Description Sound Engineer, Twilight Concerts		Amount \$1,800.00
73222	6/14/2013	Open			ROYE, SAMUEL L.	\$1,000.00
	Invoice 20130612		Date 06/04/2013	Description Twilight Concert Band, 6/12/13		Amount \$1,000.00
Check Totals:				Count	82	TOTAL \$200,537.67

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CITY COUNCIL AGENDA REPORT

MEETING OF JUNE 27, 2013

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: MONARCH COVE HOTEL ENVIRONMENTAL IMPACT REPORT – AWARD
CONSULTANT CONTRACT

RECOMMENDED ACTION: Authorize the City Manager to execute a standard City contract with Rincon Consulting, Inc. for an amount not-to-exceed \$142,295 to prepare an Environmental Impact Report for the Monarch Cove Hotel Project (Project) funded by the Project applicant.

BACKGROUND: An application for a Conditional Use Permit, Coastal Development Permit and a Design Permit was submitted on April 24, 2013, to allow redevelopment and expansion of the existing Monarch Cove Hotel (aka El Salto Resort). The proposed Project would include renovations to the existing historic Victorian inn; expansion of the facility from 11 to 41 rooms; construction of a two-level, 56-stall, underground parking structure; demolition of two small cottages and an outdoor event deck; new landscaping, drainage facilities, and other associated site improvements. Nine rooms would be accommodated in the existing Victorian inn and 32 additional rooms would be added to the facility through approximately 22,600 square-feet of new buildings.

Based on staff's analysis, the Project has the potential to result in a significant environmental impact; therefore, preparation of an Environmental Impact Report (EIR) is required pursuant to the California Environmental Quality Act (CEQA).

DISCUSSION: On May 6, 2013, staff issued a Request for Proposals (RFP) to five environmental planning firms. Three firms attended a mandatory pre-proposal meeting on May 20, 2013. Two firms submitted proposals by the May 31, 2013, deadline: Rincon Consultants, Inc. and RBF Consulting, Inc. Staff reviewed the proposals for completeness and responsiveness, technical knowledge and experience with similar projects, local familiarity, approach, cost, and schedule.

Both proposals were responsive to the RFP and staff concluded that each firm was qualified to perform the work. Based on their low-bid submittal, successful track record preparing comparable EIRs, and proposal to complete the work in a shorter timeframe, staff recommends that the contract be awarded to Rincon Consultants, Inc.

FISCAL IMPACT: The contract would not result in any fiscal impact to the City. The contract would be paid through the applicant's developer deposit, which includes a 17% administration fee to cover staff's overhead costs.

ATTACHMENTS: None

Report Prepared By: Rich Grunow
Community Development Director

Reviewed and Forwarded
By City Manager: 

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CITY COUNCIL AGENDA REPORT

MEETING OF JUNE 27, 2013

FROM: CITY MANAGER'S DEPARTMENT

SUBJECT: LIABILITY CLAIMS

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

DISCUSSION:

The following claimant has filed a liability claim against the City of Capitola:

1. David Curry; \$49.52

ATTACHMENTS: None

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

Reviewed and Forwarded
by City Manager: 

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CITY COUNCIL AGENDA REPORT

MEETING OF JUNE 27, 2013

FROM: CITY MANAGER'S DEPARTMENT

SUBJECT: AMENDMENT TO THE JOINT EXERCISE OF POWERS AGREEMENT
ESTABLISHING THE SANTA CRUZ COUNTY LIBRARY FINANCING
AUTHORITY

RECOMMENDED ACTION: Approve an Amendment to the Library Joint Exercise Powers Agreement (JPA) for the Library Financing Authority (LFA) to allow for the appointment of an alternate member to serve in the place of the regular member when the regular member is absent or disqualified from participating in a meeting of the Board of Directors and authorize the City Manager to execute the Agreement.

BACKGROUND: The Library JPA already provides for alternate members to sit in the place of regular members when regular members are not able to attend a JPA Board Meeting. The LFA, which is a separate entity that includes Watsonville representation, does not have a similar provision in its bylaws.

The proposed Amendment to Section 1.3 of the JPA for the LFA is as follows:

The appointing entity for each regular member it appoints may also appoint an alternate member from that entity's governing board, to serve in the place of the regular member when the regular member is absent or disqualified from participating in a meeting of the Board of Directors. An alternate shall serve at the pleasure of the appointing entity's governing board.

DISCUSSION: The LFA Board has determined it would be advisable and beneficial to have alternate board members available to cover for absentee regular members from time to time. The LFA Board is therefore requesting the member jurisdictions approve an amendment to the original 1996 JPA providing for the appointment of alternate members. Pursuant to that agreement, any amendment to that agreement must be unanimously approved by the governing bodies of the member jurisdictions which include the County and the four cities within the County.

FISCAL IMPACT: None

ATTACHMENT:

1. Amendment to the Santa Cruz County Library Financing Authority JPA
2. May 1996 Santa Cruz County Library Financing Authority JPA

Report Prepared By: Susan Sneddon
City Clerk

Reviewed and Forwarded
by City Manager: 

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**AN AGREEMENT AMENDING THE JOINT EXERCISE OF POWERS
AGREEMENT ESTABLISHING THE SANTA CRUZ COUNTY LIBRARY
FINANCING AUTHORITY**

WHEREAS, the Santa Cruz County Library Financing Authority (“the Authority”) was created in 1996 for the purpose of financing library services and facilities; and

WHEREAS, the Authority was established pursuant to the Joint Exercise of Powers Law of the State of California, constituting Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California (“the Act”); and

WHEREAS, an Agreement entitled the “Joint Exercise of Powers Agreement Santa Cruz County Library Financing Authority” and dated May 1996 (“the Agreement”) was entered into by each of the parties; and

WHEREAS, said Section 8.5 of said Agreement authorizes its amendments at any time by the unanimous consent of the parties.

NOW THEREFORE, the Board of Supervisors of the County of Santa Cruz, and the City Councils for the Cities of Santa Cruz, Watsonville, Scotts Valley and Capitola agree to amend said Agreement as follows:

1. Section 1.3 of the Joint Exercise of Powers Agreement Santa Cruz County Library Financing Authority is hereby amended to read as follows:

Section 1.3 – Board of Directors. The Authority shall be administered by a board of directors consisting of five directors, unless and until such number is changed by amendment of this Agreement. The Board of Directors shall consist of the following:

(A) One member of the Board of Supervisors, appointed by and serving at the pleasure of the Board of Supervisors.

(B) One member of the Santa Cruz City Council, appointed by and serving at the pleasure of the Santa Cruz City Council.

(C) One member of the Watsonville City Council, appointed by and serving at the pleasure of the Watsonville City Council.

(D) One member of the Capitola City Council, appointed by and serving at the pleasure of the Capitola City Council.

(E) One member of the Scotts Valley City Council, appointed by and serving at the pleasure of the Scotts Valley City Council.

Item #: 7.E. Attach 1.pdf

All voting power of the Authority shall reside in the Board. The appointing entity for each regular member it appoints may also appoint an alternate member from that entity's governing board, to serve in the place of the regular member when the regular member is absent or disqualified from participating in a meeting of the Board of Directors. An alternate shall serve at the pleasure of the appointing entity's governing board.

All other provisions of said Agreement shall remain the same.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement Amendment to be executed and attested by their proper officers thereunto duly authorized on the day and year stated below the name of each of the parties.

This amendment may be signed in counter parts, each of which shall be deemed an original, and all of which shall constitute one and the same agreement.

COUNTY OF SANTA CRUZ

County Administrative Officer

Dated: _____, 2013

ATTESTED

Clerk of the Board of Supervisors

Approved as to Form:

County Counsel

IN WITNESS WHEREOF, the parties hereto have caused this Agreement Amendment to be executed and attested by their proper officers thereunto duly authorized on the day and year stated below the name of each of the parties.

This amendment may be signed in counter parts, each of which shall be deemed an original, and all of which shall constitute one and the same agreement.

CITY OF SANTA CRUZ

City Manager

Dated: _____, 2013

ATTESTED

City Clerk

Approved as to Form:

City Attorney

Item #: 7.E. Attach 1.pdf

IN WITNESS WHEREOF, the parties hereto have caused this Agreement Amendment to be executed and attested by their proper officers thereunto duly authorized on the day and year stated below the name of each of the parties.

This amendment may be signed in counter parts, each of which shall be deemed an original, and all of which shall constitute one and the same agreement.

CITY OF WATSONVILLE

City Manager

Dated: _____, 2013

ATTESTED

City Clerk

Approved as to Form:

City Attorney

IN WITNESS WHEREOF, the parties hereto have caused this Agreement Amendment to be executed and attested by their proper officers thereunto duly authorized on the day and year stated below the name of each of the parties.

This amendment may be signed in counter parts, each of which shall be deemed an original, and all of which shall constitute one and the same agreement.

CITY OF CAPITOLA

City Manager

Dated: _____, 2013

ATTESTED

City Clerk

Approved as to Form:

City Attorney

Item #: 7.E. Attach 1.pdf

IN WITNESS WHEREOF, the parties hereto have caused this Agreement Amendment to be executed and attested by their proper officers thereunto duly authorized on the day and year stated below the name of each of the parties.

This amendment may be signed in counter parts, each of which shall be deemed an original, and all of which shall constitute one and the same agreement.

CITY OF SCOTTS VALLEY

City Manager

Dated: _____, 2013

ATTESTED

City Clerk

Approved as to Form:

City Attorney

**JOINT EXERCISE OF POWERS AGREEMENT
SANTA CRUZ COUNTY LIBRARY FINANCING AUTHORITY**

May 1996

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**JOINT EXERCISE OF POWERS AGREEMENT
SANTA CRUZ COUNTY LIBRARY FINANCING AUTHORITY**

THIS agreement is dated as of _____, 199_ by and between the County of Santa Cruz ("the County"), the City of Santa Cruz ("Santa Cruz"), the City of Watsonville ("Watsonville"), the City of Capitola ("Capitola") and the City of Scotts Valley ("Scotts Valley"), collectively known as the Cities, each duly organized and existing under the laws of the State of California.

Recitals

WHEREAS, the County, Santa Cruz, Watsonville, Capitola and Scotts Valley may provide for the financing of library services and wish to form a joint powers authority under the Joint Exercise of Powers Law of the State of California, constituting Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California ("the Act"), for the purpose of establishing a vehicle which will:

1. ensure that library facilities and services will continue to be provided to the residents of each city and the County unincorporated area without regard to political or jurisdictional boundaries which now exist or may exist in the future;

2. receive General and Special Purpose Funds budgeted by the cities and the county for library purposes and any new library funds which may become available for library purposes as the result of new taxes or fees which are uniformly levied in each jurisdiction;

3. provide for the equitable distribution of funds made available to qualified and participating libraries; and

4. promote the efficient and effective operation of the libraries in the County and the maintenance of high quality library services.

NOW, THEREFORE, in consideration of the above premises and of the mutual promises herein contained, the County and the cities of Santa Cruz, Watsonville, Capitola and Scotts Valley do hereby agree as follows:

Article I - General Provisions

Section 1.1 - Purpose. This Agreement is made pursuant to the Act providing for the joint exercise of powers common to the County and the Cities. The purpose of this Agreement is to ensure that library services shall remain available to all citizens of this County without regard to jurisdictional boundaries; provide for the equitable financing of library services in Santa Cruz County; and to promote the efficient and effective provision of high quality library services throughout the County.

Section 1.2 - Creation of Authority. Pursuant to the Act, there is hereby created a public entity to be known as the "Santa Cruz County Library Financing Authority." The Authority shall be a public entity separate and apart from the County and the cities and shall administer this Agreement.

Section 1.3 - Board of Directors. The Authority shall be administered by a board of directors consisting of five directors, unless and until such number is changed by amendment of this Agreement. The Board of Directors shall consist of the following:

(A) one member of the Board of Supervisors, appointed by and serving at the pleasure of the Board of Supervisors.

(B) one member of the Santa Cruz City Council, appointed by and serving at the pleasure of the Santa Cruz City Council.

(C) one member of the Watsonville City Council, appointed by and serving at the pleasure of the Watsonville Council.

(D) one member of the Capitola City Council, appointed by and serving at the pleasure of the Capitola City Council.

(E) one member of the Scotts Valley City Council, appointed by and serving at the pleasure of the Scotts Valley City Council.

All voting power of the Authority shall reside in the Board.

Section 1.4 - Meetings of the Board.

(A) Regular Meetings. The Board shall provide for its regular meetings; provided, however, that at least two regular meetings shall be held each year in January and June for the purpose of establishing preliminary and final distributions of

funds for the upcoming fiscal year. The date, hour and place of the holding of regular meetings may be fixed by resolution of the Board and a copy of such resolution shall be filed with the County and the cities.

(B) Special Meetings. Special meetings of the Board may be called in accordance with the provisions of Section 54956 of the Government Code of the State of California.

(C) Call, Notice and Conduct of Meetings. All meetings of the Board, including without limitation, regular, adjourned regular and special meetings, shall be called, noticed and conducted in accordance with the provisions of the Ralph M. Brown Act (California Government Code Sections 54950 et. seq.)

Section 1.5 - Minutes. The Secretary shall cause to be kept minutes of the meetings of the Board and shall, as soon as possible after each meeting, cause a copy of the minutes to be filed in the official records of the Authority.

Section 1.6 - Voting. Each Director shall have one vote.

Section 1.7 - Quorum; Required Votes; Approvals. A majority of the total membership of the Board of Directors shall constitute a quorum for the transaction of business, except that less than a quorum may adjourn from time to time. The affirmative votes of three of the Directors present at any meeting at which a quorum is present shall be required to take any action by the Board.

Section 1.8 - Bylaws. The Board may adopt, from time to time, such bylaws, rules and regulations for the conduct of its meetings as are necessary for the purposes hereof.

Article II - Officers and Employees

Section 2.0 - Chairperson, Vice-Chairperson and Secretary. The Board of Directors shall elect a Chairperson and Vice-Chairperson of the Authority at its annual meeting in January. The Clerk of the Board of Supervisors shall be its Secretary. The officers shall perform the duties normal to said offices. The Chairperson shall sign all contracts on behalf of the Authority and shall perform such other duties as may be imposed by the Board. The Vice-Chairperson shall sign contracts and perform all of the Vice-Chairperson's duties in the absence of the Chairperson. The Secretary shall countersign all contracts signed by the Chairperson or Vice-Chairperson on behalf of the Authority, perform such other duties as may be imposed by the Board and cause a notice of this

Agreement to be filed with the Secretary of State pursuant to the Act.

Section 2.1 - Treasurer. Pursuant to Section 6505.5 of the Act, the County Treasurer is hereby designated as the Treasurer of the Authority. The Treasurer shall be the depository, shall have custody of all funds and money of the Authority from whatever source and shall have the duties and obligations set forth in Sections 6505 and 6505.5 of the Act.

Section 2.2 - Controller. Pursuant to Section 6505.5 of the Act, the County Auditor-Controller is hereby designated as the Controller of the Authority, and shall assure that there shall be strict accountability of all funds and reporting of all receipts and disbursements of the Authority. As provided in Section 6505 and Section 6505.5 of the Act, the Controller shall make arrangements with a certified public accountant or firm of certified public accountants for the annual audit of accounts and records of the Authority.

Section 2.3 - Officers in Charge of Records, Funds and Accounts. Pursuant to Section 6505.5 of the Act, the Controller shall have charge of, handle and have access to all accounts, funds and money of the Authority and all records of the Authority relating thereto. The Secretary shall have charge of, handle and have access to all other records of the Authority.

Section 2.4 - Legal Advisor. The Board shall have the power to appoint the legal advisor of the Authority who shall perform such duties as may be prescribed by the Board.

Until such time as there is a different appointment, the County Counsel shall act as legal advisor for the Authority.

Section 2.5 - Other Employees. The Board shall have the power by resolution to appoint and employ such other consultants and independent contractors as may be necessary for the purposes of this Agreement.

All of the privileges and immunities from liability, exemption from laws, ordinances and rules, all pension, relief, disability, workers' compensation and other benefits which apply to the activities of officers, agents, or employees of a public agency when performing its functions shall apply to the officers, agents or employees of the Authority to the same degree and extent while engaged in the performance of any of the functions and other duties of such officers, agents or employees under this Agreement.

None of the officers, agents, or employees directly employed by the Board shall be deemed, by reason of their employment by the Board to be employed by the County or the cities or, by reason of their employment by the Board, to be subject to any of the requirements of the County or the cities.

Section 2.7 - Assistant Officers. The Board may by resolution appoint such assistants to act in the place of the Secretary or other officers of the Authority (other than any Director) and may by resolution provide for the appointment of additional officers of the Authority who may or may not be Directors, as the Board shall from time to time deem appropriate.

Article III - Contributions

Section 3.1 - Maintenance of Effort Contributions of the Cities. The cities of Santa Cruz, Watsonville, Capitola and Scotts Valley shall contribute each year, commencing with the 1997-98 fiscal year, for the purposes set forth herein a maintenance of effort amount equal to the amount shown below:

City of Santa Cruz	\$1,394,751
City of Watsonville	541,684
City of Capitola	0
City of Scotts Valley	0

The maintenance of effort amounts shown for the cities of Santa Cruz and Watsonville are equal to each city's 1995-96 net General Fund Budget amount for Library Services for its residents. The City of Santa Cruz budget amount has been adjusted downward by \$77,000 to reflect the amount budgeted for debt service for the automation system which debt shall be retired before 1997-98.

Section 3.2 - Maintenance of Effort Contributions of the County. The County of Santa Cruz on behalf of the Unincorporated Area and the cities of Capitola and Scotts Valley shall contribute each year, commencing with the 1997-98 fiscal year, for the purposes set forth herein, a maintenance of effort amount equal to the amount of allocated taxes received by the County Library Fund through the operation of State Law less the County Library Fund's share of the Property Tax Administration Fee and the General County Overhead allocated to the County Library Fund. Allocated taxes shall include current secured property taxes, current unsecured property taxes, supplemental secured property taxes, supplemental unsecured property taxes, State Homeowners Property Tax Relief and such funds as the County Library Fund may receive as a result of Redevelopment Pass Through Agreements. Allocated taxes does not

include payments which the County may receive from the Scotts Valley and Capitola Redevelopment Agencies in lieu of the construction of branch libraries. The estimated amount of the County's Maintenance of Effort Contribution for 1997-98 is \$2,075,000.

Section 3.3 - Library Operating Revenues. In addition to the maintenance of effort contributions set forth in the preceding section, it is agreed that Library Operating Revenues such as fines, State grants, donations and bequests shall be retained by the cities or the County and shall be made available to the libraries to finance library operations.

Section 3.4 - Contribution of Revenues from New Taxes or Fees. The County shall pay to the Authority the net proceeds of any new tax or fee uniformly levied in the County and the cities of Santa Cruz, Watsonville, Capitola and Scotts Valley for library purposes upon receipt.

Section 3.5 - Method of Payment. The City and County maintenance of effort contributions provided for in Sections 3.1 and 3.2 shall be payable in twelve equal monthly installments which shall be due to the Authority on the fifteenth day of each month. Interest shall be levied on late payments at the rate of 1.5% per month.

Article IV - Annual Budget/Disbursement of Funds

Section 4.1. General. The Authority shall adopt an annual budget which provides for allocating the funds it receives to qualifying public libraries. The budget allocations shall be based on a per capita amount and service area population as defined herein. The authority shall allocate and disburse all of the funds it receives each year.

Section 4.2 - Budget Process. On or before January 15th of each year the County Administrative Office, after consulting with the Authority's Controller, shall provide Authority's Board with a report including an estimate of the funds available to the authority for the upcoming fiscal year and the population of the cities and county for the preceding January as contained in the Official State Estimates of the Population for California Cities and Counties (Report E-1 or its successor) a sample of which is attached as Exhibit 1 of this agreement. As used herein, the fiscal year begins on July 1 and ends on June 30. The Report shall include:

(A) the Estimated Amount Available under Section 3.1 and Section 3.2 of this Agreement (Maintenance of Effort Contributions;)

(B) the Estimated Amount Available from the proceeds of any new taxes or fees received by the Authority pursuant to Section 3.4; and

(C) an estimate of any carryover balances which may be available from preceding fiscal years.

Based on the Report on funds available, the Board shall make a determination for the upcoming fiscal year of the Proposed Amount to be Distributed to qualified public libraries; and the Per Capita Amount to be Distributed for the upcoming fiscal year.

A qualified public library's proposed distribution amount for the upcoming fiscal year shall be equal to the Per Capita Amount to be Distributed multiplied times the service area population of the library as defined in Section 4.3 below. The per capita amount shall be determined by dividing the Amount to be Distributed by the County's Total Population for the previous January as estimated by the State of California in its Official State Estimates (Report E-1). The final distribution amount for the upcoming fiscal year shall be determined in June following the issuance of updated population numbers by the State.

Section 4.3 - Service Area Population. For the purpose of determining the distributions provided for in this agreement the population service area of each library shall be determined as follows:

(A) Service area population shall be defined as the population, as determined by the State of California, of the city and the County unincorporated area or combinations of cities and the unincorporated area for libraries serving more than one jurisdiction such as the Santa Cruz City/County Library System, except that for the purposes of the distributions provided for in this agreement the City of Watsonville population shall be increased by five percent (5%) of the County-wide total population and the County Unincorporated Area shall be decreased by five percent (5%) of the County-wide total population. The five percent (5%) adjustment is intended to reflect the fact that Watsonville's service area is larger than the population of Watsonville and includes portions of the unincorporated area of the County. The Table below illustrates the Service Area Population for the Santa Cruz City County Library System and each of its member

jurisdictions and the Watsonville Library based on the State of California's January 1995 E-1 Population Estimate.

Jurisdiction	1995 Pop.	Adj.	1995 Adj. Popu.	% of Total	% of System
Watsonville Library	33,800	12,133	45,933	18.9%	
Library System					
-- City of Santa Cruz	52,700		52,700		26.8%
-- County Library Fund					
..Unincorporated Area	135,600	(12,133)	123,467		62.8%
..Scotts Valley	9,750		9,750		5.0%
..Capitola	10,800		10,800		5.5%
Total Library System	208,850	0	196,717	81.1%	100.0%
Grand Total	242,650	0	242,650	100.0%	NA

(B) The five percent (5%) adjustment to the population of Watsonville and the Unincorporated Area provided in Section 4.3 (A) shall be adjusted when Watsonville annexes portions of the Unincorporated Area of the County. The adjustment will decrease the amount added to Watsonville's population and the amount subtracted from the Unincorporated Area population by the number produced by the following computation: the number of households annexed multiplied times the average persons per household in the County. This adjustment is intended to eliminate a double counting of population, which would distort the population-based distribution provided in this agreement, by an annexation being included in both the Official State Population Estimates and the City of Watsonville's 5% population adjustment factor. For the purpose of the annexation computation, the average number of persons per household shall be 2.7 persons, and the number of households shall be determined by County Planning, or if either the County or the City Watsonville so requests, by a joint count of the City of Watsonville and the County.

Example: The annexation of 50 households would result in the following adjustment:

--	Number of Households Annexed	50
--	Times 2.7 persons per household	2.7

-- Equals an adjustment of 135

The five percent (5%) adjustment figure shall be computed each year in June using the county's total population for the previous January as estimated by the State of California in its Official State Estimates. The five percent (5%) adjustment shall then be decreased for the City of Watsonville and increased for the County unincorporated area by all annexations completed between the date of this Agreement and the previous December 1. If at any time the annexations reduce the five percent (5%) adjustment to zero, then no further adjustment shall be made for the duration of this Agreement other than the annual adjustments of service area populations.

Section 4.4 - Qualifying Public Library. The authority shall distribute funds to any jurisdiction or combination of jurisdictions operating a qualifying public library as provided below:

(A) The Watsonville Library, operated pursuant to the terms of the agreement contained in Exhibit 2 and the Santa Cruz City County Library operated pursuant to the contract in Exhibit 3 shall be deemed qualified upon certification to the authority by the administering jurisdiction that the library:

(1) is duly organized under the laws of the State of California;

(2) will allow free access to its facilities, materials and services to all residents of Santa Cruz County without regard to jurisdictional boundaries on a nondiscriminatory basis;

(3) will assign all library operating revenues, including but not limited to fines, state grants, donations and bequests, to the library for library purposes;

(4) will use all of the funds received from the Authority exclusively for operating and maintaining its library including the cost of insurance, a charge for administrative support not to exceed an amount equal to 5.5% of the net operating costs of the library system and capital improvements, provided, however, that funds for capital improvements shall not be used to supplant the obligations and plans of the Santa Cruz County, Capitola and Scotts Valley Redevelopment Agencies to construct branch libraries: and

(5) the administering agency agrees to: establish accounts and accounting procedures acceptable to the Authority's Controller which provide an accounting of all funds made available by the Authority; provide such reports on the expenditure of the funds made available as the Authority or its Controller may request; and to be subject to examination and audit for a period of five (5) years.

(B) A New City or Independent Special District

(1) It is the policy of the parties to this Agreement that any new city or independent special district with authority to provide library services to its residents be encouraged to secure library services through the libraries operated by Watsonville and the City/County Library System. However, the Authority may determine to make a per capita distribution to a new city or independent special district upon:

(a) the filing of an application with the Authority which contains the certifications in Section 4.4(A) (1) through (5); an enforceable commitment to make a maintenance of effort contribution to the Authority each year equal to the property taxes assigned to the new City for library services; and a statement explaining the City's library facility, and the reasons it believes that a new stand alone City library would contribute to the efficient and effective provision of library services in the County; and

(b) a finding by the Authority that the new City has a suitable facility, a sound management plan for operating a stand alone facility; and that the new library would contribute to the efficient and effective provision of Library Services in the County.

Section 4.5 - Payments to Qualifying Public Libraries. On the last business day of the month the Authority's Controller shall determine the amount available for payment to Qualifying Public Libraries as a result of payments made to the Authority pursuant to Sections 3.4 and 3.5 of this agreement and calculate the proportional amount due to each of the Qualifying Public Libraries. Payments shall follow within seven working days.

Article V - Powers and Duties

Section 5.1 - Powers. The Authority shall have powers common to the parties as set forth in the recitals of this agreement, to wit: the power to assist in the financing of library services.

The Authority is hereby authorized, in its own name, to do all acts necessary for the exercise of common powers, including but not limited to, any or all of the following:

- (a) to make and enter into contracts;
- (b) to sue and be sued in its own name;
- (c) to incur obligations; and
- (d) to carry out and enforce all the provisions of this Agreement.

Section 5.2 - Restrictions on Exercise of Powers. The powers of the Authority shall be exercised in the manner provided in the Act and as needed to implement the purposes of this agreement.

Section 5.3 - Obligations of Authority. Any obligations of the Authority shall not be obligations of the County and of the Cities.

Article VI - Term and Withdrawal

Section 6.1 - Term. This Agreement shall become effective upon the passage of a ballot measure on the November 1996 ballot which provides for a uniform tax levy or service charge in the County Unincorporated Area and the Cities. The agreement shall continue in full force and effect as long as the tax levy or service charge continues to exist, provided that on or after the end of the first ten years of the agreement any party may withdraw upon satisfying the notice provisions of Section 6.2. Upon withdrawal the party shall cease to have representation on the Board of Directors and will no longer have a maintenance of effort obligation or a right to participate in the distribution of Maintenance of Effort Distributions. The withdrawing party shall have a continuing right to a per capita distribution of the uniform tax levy or service charge authorized on the November 1996 ballot provided it makes the certifications required of in Section 4.4 (A). A withdrawing party shall perform all obligations under this Agreement until the effective date of the withdrawal.

Section 6.2 - Withdrawal Notice. The County or an individual city may withdraw from the Authority as provided in Section 6.1 upon the giving of three years notice no later than July 1 of any given year of its intent to withdraw from the Authority effective on July 1 three years thereafter.

Article VII - Disposition of Funds

Section 7.1 - Surplus Funds. Upon any termination of this Agreement, any surplus funds on hand shall be distributed to the County and the cities in accordance with Sections 4.2 and 4.3 of this Agreement.

Article VIII - Miscellaneous Provisions

Section 8.1 - Notices. Notices hereunder shall be in writing and shall be sufficient if delivered to:

County Administrative Officer
County of Santa Cruz
701 Ocean Street
Santa Cruz, California 95060

City Manager
City of Santa Cruz
809 Center Street
Santa Cruz, CA 95060

City Manager
City of Watsonville
250 Main Street
Watsonville, California 95077

City Manager
City of Capitola
420 Capitola Avenue
Capitola, California 95010

City Manager
City of Scotts Valley
One Civic Center Drive
Scotts Valley, CA 95066

Section 8.2 - Section Headings. All section headings in this Agreement are for convenience of reference only and are not to be construed as modifying or governing the language in the section referred to or to define or limit the scope of any provision of this Agreement.

Section 8.3 - Consent. Whenever in this Agreement any consent or approval is required, the same shall not be unreasonably withheld.

Section 8.4 - Law Governing. This Agreement is made in the State of California under the Constitution and laws of the State of California and is to be so construed.

Section 8.5 - Amendments. This Agreement may be amended at any time, or from time to time, only by the unanimous consent of the parties to the agreement.

Section 8.6 - Enforcement by Authority. The Authority is hereby authorized to take any or all legal or equitable actions, including but not limited to injunction and specific performance, necessary or permitted by law to enforce this Agreement.

Section 8.7 - Severability. Should any part, term or provision of this Agreement be decided by any court of competent jurisdiction to be illegal or in conflict with any law of the State of California, or otherwise be rendered unenforceable or ineffectual, the validity of the remaining portions or provisions shall not be affected thereby.

Section 8.8 - Successors. Except as otherwise provided in Section 4.4(B), this Agreement shall be binding upon and shall inure to the benefit of the successors of the County or the Cities, respectively. Neither the County nor the Cities may assign any right or obligation hereunder without the written consent of the other.

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IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and attested by their proper officers thereunto duly authorized on the day and year stated below the name of each of the parties.

This Agreement may be signed in counter parts, each of which shall be deemed an original, and all of which shall constitute one and the same agreement.

COUNTY OF SANTA CRUZ

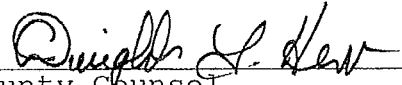

County Administrative Officer

Dated: 6.24.96

ATTESTED


Clerk of the Board of Supervisors


Approved as to Form:


County Counsel

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and attested by their proper officers thereunto duly authorized on the day and year stated below the name of each of the parties.

This Agreement may be signed in counter parts, each of which shall be deemed an original, and all of which shall constitute one and the same agreement.

CITY OF SANTA CRUZ



City Manager

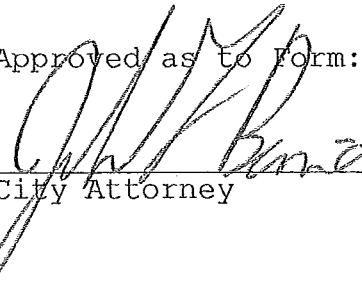
Dated: 5-28-96

ATTESTED



City Clerk

Approved as to form:

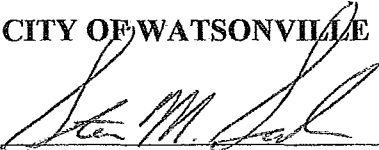


City Attorney

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and attested by their proper officers thereunto duly authorized on the day and year stated below the name of each of the parties.

This Agreement may be signed in counter parts, each of which shall be deemed an original, and all of which shall constitute one and the same agreement.

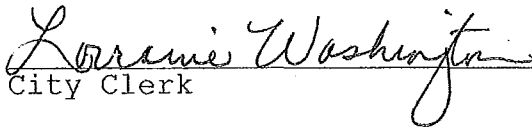
CITY OF WATSONVILLE



City Manager

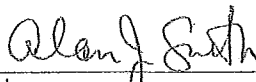
Dated: 5-29-96

ATTESTED



City Clerk

Approved as to Form:



City Attorney

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and attested by their proper officers thereunto duly authorized on the day and year stated below the name of each of the parties.

This Agreement may be signed in counter parts, each of which shall be deemed an original, and all of which shall constitute one and the same agreement.

CITY OF CAPITOLA

Susan Westman
City Manager

Dated: 5/28/96

ATTESTED

Pamela Greenidge
City Clerk

~~Approved as to Form~~

~~City Attorney~~

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and attested by their proper officers thereunto duly authorized on the day and year stated below the name of each of the parties.

This Agreement may be signed in counter parts, each of which shall be deemed an original, and all of which shall constitute one and the same agreement.

CITY OF SCOTTS VALLEY

Charles Comstock
City Manager

Dated: 5-17-96

ATTESTED

Nancy C. Ferrara (DEPUTY)
City Clerk

Approved as to Form:

[Signature]
City Attorney

**POPULATION ESTIMATES
FOR CALIFORNIA CITIES AND COUNTIES**

Exhibit 1

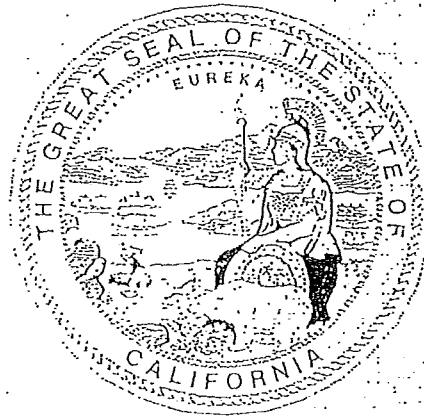
POPULATION ESTIMATES FOR CALIFORNIA
CITIES AND COUNTIES
JANUARY 1, 1995 and 1994

REPORT 95-E-1

OFFICIAL STATE ESTIMATES

State of California
Pete Wilson, Governor

Department of Finance
Russell S. Gould, Director



Demographic Research Unit
915 L Street
Sacramento, CA 95814
(916) 322-4651

May 1995

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ACKNOWLEDGMENTS:

This report was prepared by Dan Sheya under the general direction of Linda Gage, Chief and Mary Heim, Assistant Chief, Demographic Research Unit. Alex Exuzides, Julie Hoang, Rich Lovelady, and John Malson provided data collection, review and analysis of the city data and prepared the city estimates.

Elizabeth Hoag prepared the State estimate. Don McNeill prepared the county estimates. Carol Corcoran provided K-12 enrollment data and analysis. Christine Stoiney provided technical data processing support. Administrative support was provided by Dolores Lykins and Nancy Taylor.

SUGGESTED CITATION

State of California, *Population Estimates for California Cities and Counties, January 1, 1995, Report 95 E-1.*
Sacramento, California, May 1995

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MB

CALIFORNIA CITY AND COUNTY POPULATION ESTIMATES
JANUARY 1, 1994 AND JANUARY 1, 1995

REPORT 95 E-1

This report provides provisional population estimates for California cities and counties and for the State as of January 1, 1995 and revised estimates for January 1, 1994.

The April 1, 1990 Census of Population and Housing is the benchmark for the estimates. City and unincorporated area population estimates are calculated and summed for each county and adjusted to county control figures. In turn, the county controls are summed and controlled to the State population. The controlling process is applied because more accurate population estimates are produced using certain estimating techniques and data which are only available at the county and State level.

A brief description of the methods follows.

City and Unincorporated Estimates

The Housing Unit Method is used to estimate total housing units, occupied housing units, persons per household, and group quarters population. Housing units are estimated by adding new construction minus demolitions to the census benchmark of housing units, adjusting for annexations. Occupied housing units are estimated by adding the change in residential electric customers to the benchmark of households. The independently calculated housing units and occupied housing units are then compared to obtain a vacancy rate and to evaluate their reliability. The persons per household is based on the census, and adjusted for shifts in the ratio of city resident children attending grades 1-8 per household, changes in race/ethnic enrollment, and updated housing mix. The 1990 census group

quarters population is updated using reported change in group quarter facilities population.

County Estimates

The county population estimates were developed by averaging two independent methods for household population then adding the population residing in group quarters.

The Household Method applies the annual percentage change in the State distribution of households to the prior year's distribution of household population.

The Ratio-Correlation Method uses a multiple correlation equation and changes in the distribution of three data series to estimate the household population. The multiple correlation equation is:

$$Y = 0.1351 + 0.4953(A) + 0.2389(B) + 0.1112(C)$$

Y = the population variable

A = changes in the distribution of drivers' licenses

B = changes in the distribution of enrollments

C = changes in the distribution of labor force

NOTE:

Numbers may not add due to independent rounding. These estimates are provisional and subject to change.

For additional information concerning estimating procedures contact the Demographic Research Unit.

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COUNTY CITY	TOTAL POPULATION			COUNTY CITY	TOTAL POPULATION		
	1-1-94	1-1-95	PERCENT CHANGE		1-1-94	1-1-95	PERCENT CHANGE
SAN JOAQUIN (CONT.)				SANTA BARBARA (CONT.)			
MANTECA	44,300	45,050	1.7	SOLVANG	5,075	5,100	0.5
RIPON	8,600	9,000	4.7	UNINCORPORATED	164,900	167,300	1.5
STOCKTON	229,100	234,000	2.1	SANTA CLARA	1,583,500	1,607,700	1.5
TRACY	42,150	44,500	5.6	CAMPBELL	37,450	38,250	2.1
UNINCORPORATED	130,600	129,400	-0.9	CUPERTINO	42,350	43,500	2.7
SAN LUIS OBISPO	232,400	236,000	1.5	GILROY	33,200	33,550	1.1
ARROYO GRANDE	15,200	15,500	2.0	LOS ALTOS	27,200	27,200	0.0
ATASCADERO	24,450	25,200	3.1	LOS ALTOS HILLS	7,750	7,775	0.3
EL PASO DE ROBLES	21,050	21,750	3.3	LOS GATOS	28,650	29,000	1.2
GROVER BEACH	12,550	12,450	-0.8	MILPITAS	57,800	59,500	2.9
MORRO BAY	10,050	9,900	-1.5	MONTE SERENO	3,350	3,260	-2.7
PISMO BEACH	8,025	8,300	3.4	MORGAN HILL	26,200	27,150	3.6
SAN LUIS OBISPO	43,900	42,950	-2.2	MOUNTAIN VIEW	70,800	71,500	1.0
UNINCORPORATED	97,200	100,000	2.9	PALO ALTO	57,900	58,600	1.2
SAN MATEO	686,100	695,100	1.3	SAN JOSE	833,300	846,000	1.5
ATHERTON	7,275	7,350	1.0	SANTA CLARA	96,900	98,200	1.3
BELMONT	25,450	25,100	-1.4	SARATOGA	28,650	29,600	3.3
BRISBANE	3,130	3,150	0.6	SUNNYVALE	123,900	126,000	1.7
BURLINGAME	28,000	28,350	1.2	UNINCORPORATED	108,100	108,700	0.6
COLMA	1,180	1,240	5.1	SANTA CRUZ	239,400	242,600	1.3
DALY CITY	99,100	99,600	0.5	CAPITOLA	10,500	10,800	2.9
EAST PALO ALTO	24,600	25,050	1.8	SANTA CRUZ	51,800	52,700	1.7
FOSTER CITY	29,200	29,500	1.0	SCOTTS VALLEY	9,475	9,750	2.9
HALF MOON BAY	10,250	10,550	2.9	WATSONVILLE	33,200	33,800	1.8
HILLSBOROUGH	11,100	11,300	1.8	UNINCORPORATED	134,400	135,600	0.9
MENLO PARK	29,900	30,450	1.8	SHASTA	163,400	166,100	1.7
MILLBRAE	21,200	21,450	1.2	ANDERSON	8,800	8,875	0.9
PACIFICA	39,150	39,200	0.1	REDDING	77,000	78,500	1.9
PORTOLA VALLEY	4,350	4,430	1.8	SHASTA LAKE	9,325	9,525	2.1
REDWOOD CITY	70,500	71,700	1.7	UNINCORPORATED	68,200	69,200	1.5
SAN BRUNO	40,400	40,850	1.1	SIERRA	3,420	3,460	1.2
SAN CARLOS	27,550	28,050	1.8	LOYALTON	910	910	0.0
SAN MATEO	90,300	92,000	1.9	UNINCORPORATED	2,500	2,560	2.4
SOUTH SAN FRANCISCO	57,200	57,300	0.2	SISKIYOU	45,700	46,500	1.8
WOODSIDE	5,250	5,400	2.9	DORRIS	900	920	2.2
UNINCORPORATED	61,100	63,000	3.1	DUNSMUIR	2,180	2,120	-2.8
SANTA BARBARA	392,000	396,900	1.2	ETNA	850	810	-4.7
BUELLTON	3,490	3,480	-0.3	FORT JONES	650	640	-1.5
CARPINTERIA	14,450	14,600	1.0	MONTAGUE	1,460	1,430	-2.1
GUADALUPE	6,075	6,150	1.2	MOUNT SHASTA	3,660	3,700	1.1
LOMPOC	40,900	41,100	0.5	TULELAKE	1,020	970	-4.9
SANTA BARBARA	89,300	90,200	1.0				
SANTA MARIA	67,900	68,900	1.5				

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**JOINT POWERS AGREEMENT BETWEEN
THE CITY OF SANTA CRUZ AND THE COUNTY OF SANTA CRUZ
AND THE CITIES OF CAPITOLA AND SCOTTS VALLEY
RELATING TO LIBRARY SERVICES**

Exhibit 2

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**JOINT POWERS AGREEMENT BETWEEN
THE CITY OF SANTA CRUZ AND THE COUNTY OF SANTA CRUZ
AND THE CITIES OF CAPITOLA AND SCOTTS VALLEY
RELATING TO LIBRARY SERVICES**

Exhibit 2



CITY COUNCIL AGENDA REPORT

MEETING OF JUNE 27, 2013

FROM: OFFICE OF THE CITY CLERK

SUBJECT: CONSIDER AN ORDINANCE ADDING CHAPTER 10.38 OF THE CAPITOLA MUNICIPAL CODE SPECIFYING PARKING METER RATES AND ZONES [2ND READING].

RECOMMENDED ACTION: Adopt the proposed Ordinance adding Section 10.38 of the Capitola Municipal Code pertaining to parking meter rates and zones [2nd Reading].

BACKGROUND: The draft Ordinance amending Section 10.38 presented for a second reading.

DISCUSSION: The City Council approved the first reading of this Ordinance at the Council meeting held on June 13, 2013.

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.

FISCAL IMPACT: None

ATTACHMENTS:

1. Draft Ordinance

Report Prepared By: Susan Sneddon, CMC
City Clerk

Reviewed and Forwarded
By City Manager: _____

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ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF CAPITOLA
 ADDING CHAPTER 10.38 TO THE CAPITOLA MUNICIPAL CODE
 SPECIFYING PARKING METER RATES AND ZONES

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

Section 1. Chapter 10.38 is hereby added to the Capitola Municipal Code to read as follows:

“Chapter 10.38 Specification of Parking Meter Zones and Rates.

Sections:10.38.0101 Specification of Parking Meter Zones and Rates.

A. The following Parking Meter Zones are hereby established in the City of Capitola:

1. Parking Meter Zone A(1). The area labeled as Zone A(1) on the map attached hereto as Exhibit “A” found on file in the office of the City Clerk, shall constitute Parking Meter Zone A(1).

Parking Meter Zone A(1) includes parking spaces along both sides of the following streets located in and surrounding the Capitola Village:

- a. Capitola Avenue from Monterey Avenue to Beulah Drive;
- b. Monterey Avenue from Esplanade to the Union Pacific Railway;
- c. Esplanade along its entire length from Stockton Avenue to Monterey Avenue;
- d. San Jose Avenue from Capitola Avenue to Esplanade;
- e. Stockton Avenue from Capitola Avenue to Cliff Drive; and
- f. Wharf Road from Stockton Avenue to the Capitola Municipal Wharf.

2. Parking Meter Zone A(2). The area labeled as Zone A(2) on the map attached hereto as Exhibit “A” found on file in the office of the City Clerk, shall constitute Parking Meter Zone A(2). Parking Meter Zone A(2) includes parking spaces along both sides of the following street: Cliff Drive from Stockton Avenue to the city limits.

3. Parking Meter Zone B. The city-owned parking lots adjacent to, and directly to the north and east of Capitola City Hall, comprised of APN 35-141-33 located at 426 Capitola Avenue, which encompasses the area known as the Upper and Lower Pacific Cove Parking Lots, as depicted on the map attached hereto as Exhibit “B” found on file in the office of the City Clerk, shall constitute Parking Meter Zone B.

Item #: 7.F. Attach 1.pdf

ORDINANCE NO. _____

B. The City Public Works Director, acting in the Director's capacity as superintendent of streets, is hereby authorized to install parking meters in all public parking spaces located in all meter zones and to place appropriate signage relative to said metered parking. Parking meters will operate in each day of the week from the hours of eight a.m. to eight p.m. The City Council, by resolution or minute order, may designate days when said parking meters will not operate in any meter zone.

C. The following parking meter rates are hereby established in the city of Capitola:

Zone A(1) (Village Area)	\$1.50 per hour
Zone A(2) (Cliff Drive Area)	\$1.00 per hour
Zone B (Pacific Cove Parking Lot)	\$0.50 per hour

Section 2: This ordinance shall take effect and be in full force thirty (30) days after its final adoption by the City Council.

This ordinance was introduced on the 13th day of June, 2013, and was passed and adopted by the City Council of the City of Capitola on the 27th day of June 2013, by the following vote:

AYES:

NOES:

ABSENT:

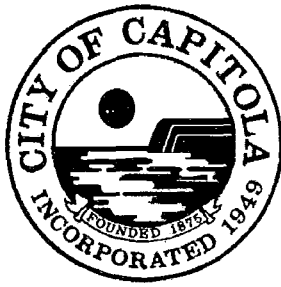
ABSTAIN:

APPROVED:

Stephanie Harlan, Mayor

ATTEST:

Susan Sneddon, City Clerk



CITY COUNCIL AGENDA REPORT

MEETING OF JUNE 27, 2013

FROM: FINANCE DEPARTMENT

SUBJECT: CONSIDER AN AGREEMENT WITH NEW WORLD SOFTWARE SYSTEMS TO PURCHASE PAYROLL AND HUMAN RESOURCES SOFTWARE

RECOMMENDED ACTION: Consider an agreement with New World Software Systems to purchase Payroll and Human Resources (HR) Software in an amount not to exceed \$70,500; and authorize the City Manager to execute the agreement.

BACKGROUND: At the June 6, 2013 Proposed Budget Study Session, City Council was presented with an opportunity proposal to purchase the New World Human Payroll/HR software, and related implementations services at a reduced cost. This software would allow the City to replace the annual ADP payroll processing contract with annual software maintenance fees. City Council approved appropriating \$80,000 to purchase the software over a two-year period in the Fiscal Year 2013/2014 and Fiscal Year 2014/2015 Adopted Budgets; while staff continued the evaluation process.

DISCUSSION:

The City currently contracts with ADP Payroll Services which includes software hosting, printing checks, and tax reporting. Over the past five years, the City has budgeted \$25,000 for annual ADP Payroll. The actual cost of ADP payroll services has varied from between \$18,400 - \$22,000, with a 2% increase scheduled on September 1, 2013.

With the ADP contract expiring on September 13, 2013, staff reviewed the option of purchasing New World's Payroll/HR software. Currently, the City does not have a HR database and employee information is stored on spreadsheets. In addition, payroll data is processed and stored with ADP; while accounting information is maintained in the City's New World financial software package. These different resources create redundant processes, necessitate manual tracking; and require position budgets to be developed on spreadsheets and re-entered into the financial software. The purchase of this software will eliminate these processes and provide an integrated solution, while also providing compliance assistance with the new Affordable Health Care Act requirements.

Staff originally projected software costs of \$80,000 with long-term savings of \$19,000/yr; however after completing the evaluation process, the payback period and the amount of savings was reduced. To accommodate for this change, staff worked with New World to develop an alternate proposal. This proposal included the purchase of Payroll/HR software and the related implementation services at \$70,500, with a trade-in of an existing Government Accounting Standards Board (GASB) 34 software module, which is \$37,800 less than the \$108,300 base package price. Annual software maintenance fees would be \$5,300. Staff does not anticipate a loss of existing functionality with the trade-in of the software module because it was never fully implemented due to transitions in the Finance Department. While the GASB 34 reporting tool could be of value to the City, the integrated payroll/HR system will not only provide long-term savings, but it will streamline existing processes without requiring additional staff time. New World is also offering six-months of the annual maintenance fees at no cost; while spreading the

Item #: 7.G. Staff Report.pdf

6-27-13 AGENDA REPORT: NEW WORLD SOFTWARE SYSTEMS

cost of the package over two fiscal years.

FISCAL IMPACT:

Funds in the amount of \$40,000 have been appropriated in the FY13/14 and FY 14/15 budgets to cover an \$80,000 project, along with second year maintenance costs. The revised cost is estimated to be \$70,500, and will be allocated over the same two year period, with second year maintenance fees.

The City anticipates on-going savings with the elimination of the ADP contract in the second year. The four-year average of annual ADP fees, with the projected 2% increase is \$19,500; while the annual HR software maintenance fees have been quoted at \$5,300. This would result in an estimated reduction in annual costs of \$14,200, while also improving efficiencies and insulating the City from rising costs.

ATTACH

1. ADP Contract
2. New World Software Proposal, 2013.

Report Prepared By: Tori Hannah, Finance Director
Lisa Murphy, Administrative Services Director

Reviewed and Forwarded
By City Manager: 



AUTOMATIC DATA PROCESSING, INC.
GUARANTEE
BY YEARLY MONTH
PRICE AGREEMENT

Client Information Case Number: 14344790

Client Name: City of Capitola Effective Date: 01/20/11
 Service Center: 0075
 Parent Company Code: 1141 Expiration Date: 01/20/13
 Requested by: Kathy Poulace

Related Company Codes:

N/A									
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Client Information:

Contact: Eric Saldana Phone: 831-475-7300 Address: 320 Capitola Ave
 City: Capitola State: CA Zip: 95010

ADP's (ADP) is pleased to provide City of Capitola ("Client") with a guaranteed price schedule covering the Client's ADP services for the period of twelve (12) months, beginning on the effective date of this agreement. The guaranteed price schedule includes all fixed costs and any future costs that may be added under the ADP's fixed price code. The responsibilities of the mutual agreement are set forth below; ADP and Client agree as follows:

1) **Price Increase:** For the next twelve (12) month period beginning with the effective date of 01/20/11, ADP will increase prices for the schedule below on Payroll and TLM processing services provided to Client ("Services").

Increase Date	Increase % by Increase
<u>01/20/12</u>	<u>2.00</u>
<u>01/20/13</u>	<u>2.00</u>

This price schedule is based on the agreement between ADP and Client for the services listed. Any change in the number of employees and W-2's. In the month following the completion of the guaranteed price period, Client's prices will be subject to the same price increases applied to its other clients of similar size and product utilization unless a separate agreement is signed by both parties.

2) **Guaranteed Term:** As soon as the price schedule is twelve (12) month guaranteed price period, Client agrees to purchase the services for a minimum guaranteed term of twelve (12) months commencing with the effective date, and thereafter, Client's agreement to purchase the services shall remain in effect until expiration of ADP's fixed price code. Any price increase will be effective.

3) **Termination Rights:** If Client terminates the agreement for the price schedule at the end of the minimum guaranteed term or if the term of the agreement expires, ADP's termination policy of thirty (30) days of advance monthly processing fees for the services based on an average of the last three (3) months of processing fees prior to the date of termination. Following the twelve (12) month guaranteed price period, ADP's standard pricing policy applies. ADP's terms and conditions apply to Client. If Client fails to pay the early termination fee or other amounts due to ADP, Client shall reimburse ADP for any expenses incurred, including interest and reasonable attorney fees, in collection of any amounts due ADP by Client that are not subject to the dispute by Client. The termination fee will be waived if the Client is not in breach of the agreement by the end of the term of ADP's service commitment. In the event of a breach by ADP, ADP shall be held liable for the price of the services and shall be granted a 30-day period to remedy all issues in the Client's satisfaction.

This ADP agreement is provided to the Client as a reference only. It is not intended to be a contract. The terms and conditions set forth in this agreement are between Client and ADP. ADP does not provide services. This agreement supplements and does not supersede any other terms and conditions. This agreement is not valid unless signed by both parties.

<p>ADP Representative:</p> <p>Name: <u>Melinda Johnson</u></p> <p>Signature: <u>[Signature]</u></p> <p>Title: <u>Finance Executive</u></p> <p>Date: <u>10-19-11</u></p>	<p>City of Capitola:</p> <p>Name: <u>Jamie Goldstein</u></p> <p>Signature: <u>[Signature]</u></p> <p>Title: <u>City Manager</u></p> <p>Date: <u>1/26/11</u></p>
---	---

NOTE: ADP's FINANCIAL DIVISION HAS REVIEWED AND APPROVED THE TERMS AND CONDITIONS SET FORTH IN THIS AGREEMENT. THIS AGREEMENT IS NOT VALID UNLESS SIGNED BY BOTH PARTIES.

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CITY OF CAPITOLA, CA

Budgetary Proposal Summary

April 26, 2013

A. LOGOS.NET STANDARD APPLICATION SOFTWARE ^{1,2,3}		
ITEM	DESCRIPTION	INVESTMENT
PAYROLL & HUMAN RESOURCES SUITE		(Users included - 5) ⁴
1.	Logos.NET Human Resources Management Base Suite	24,000
	- Payroll Processing	
	- Personnel Management	
	- Position Control	
2.	Logos.NET Additional Payroll & HR Modules	4,000
	- Position Budgeting	
SUB-TOTAL PAYROLL/HUMAN RESOURCES MODULES		\$28,000
eSUITE		
3.	eSuite Base Software	9,000
	<i>(Note: Customer previously licensed this product, but dropped it from maintenance. This is to re-license the product and put back under maintenance.)</i>	
4.	eHR	5,000
	- eTimesheets	
SUB-TOTAL eSUITE SOFTWARE MODULES		\$14,000
BUSINESS ANALYTICS		
5.	Human Resource/Payroll Analytics	5,000
	- Includes 2 users	
		<i>Removed</i>
SUB-TOTAL BUSINESS ANALYTICS SOFTWARE MODULES		\$5,000
NEW WORLD STANDARD SOFTWARE LICENSE FEE		47,000
LESS CUSTOMER LOYALTY DISCOUNT		(9,000)
TOTAL SOFTWARE LICENSE FEE^{5,6}		\$38,000

~~\$33,000~~
 (A)

B. IMPLEMENTATION SERVICES ⁷		
ITEM	DESCRIPTION	INVESTMENT

IMPLEMENTATION

- | | |
|---|---------|
| 1. Project Management Services as Required: | \$5,000 |
| - Project Management | |
| - Overall consultation and communication | |
| - Monthly status reports and project updates throughout the duration of the project | |
| - Implementation Plan | |
| Covers period of 12 months from Agreement Execution | |

- | | |
|--|--------|
| 2. Up to ⁴⁰ 46 days of Implementation and Training Services are included for: | 49,680 |
| - Software Tailoring and Set Up | |
| - User Education and Training | |
| - Other Technical Support | |
| - Travel Time | |
| * Assumes train-the-trainer approach | |

TOTAL IMPLEMENTATION SERVICES	<u>\$54,680</u> (b)
-------------------------------	---------------------

TOTAL ONE TIME COSTS	<u>\$92,680</u>
----------------------	-----------------

✱ 87,680

C. MAINTENANCE

ITEM	DESCRIPTION	INVESTMENT
1. STANDARD SOFTWARE MAINTENANCE AGREEMENT (SSMA) (Per Year Cost)		
	a.) Annual SSMA to begin at the end of the warranty period; year one cost to be prorated to run concurrently with customer's existing SSMA.	
	90-Day Warranty from Date of Delivery	No Charge
	Year 1 SSMA	(E) \$7,520 \$5,280
	b.) SSMA Amount to bring eSuite Base module current and put back under maintenance due upon Effective Date	\$5,600 (C)

D. TRAVEL AND LIVING EXPENSES (estimate)

ITEM	DESCRIPTION	INVESTMENT
1. TRAVEL EXPENSES (estimate)		
	40 trips at \$1,500/each	\$15,000 (D)
	- Includes airfare, car rental, hotel accommodations, and per diem.	
	- Local representative and trainer available to partially result in reduced costs	
	PRICING VALID THROUGH JUNE 28, 2013.	

ENDNOTES

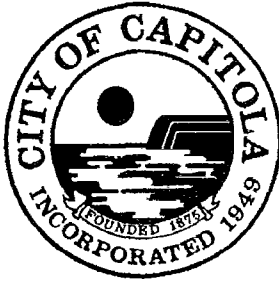
- 1 Personal Computers must meet the minimum hardware requirements for New World Systems' Logos.NET product. Microsoft Windows XP or greater with IE 7.0 or greater is the required operating systems for all client machines. Windows 2008 Server is required for the Application Server(s), Web Server(s) and Database Server. Microsoft SQL Server 2008 is required for the Database Server.
- 2 New World Systems' Logos.NET product requires Microsoft Windows 2008 Server and Microsoft SQL Server 2008 including required Client Access Licenses (CALs) and Windows Server 2008 External Connector (EC) licenses for applicable Microsoft products. Servers must meet minimum hardware requirements provided by New World Systems.
- 3 Suggested minimum: 100MB Ethernet Network. 10MB CAT5 Ethernet Network may have less than adequate response time. Further consultation would be required to assess your network.
- 4 Additional cost per group of 5 for authorized users is \$5,000.
- 5 Prices assume that all software proposed is licensed. Prices are quoted as preliminary estimates only and are subject to further clarification and confirmation.
- 6 Licensed Software, and third party software embedded therein, if any, will be delivered in a machine readable form to Customer via an agreed upon network connection. Any taxes or fees imposed are the responsibility of the purchaser and will be remitted when imposed.
- 7 Travel and expenses are not included as they are billed at actual cost.

Revised

	<u>ORIGINAL</u>		
(A) Software	\$33,000	}	- Amt adjusted \$ 70,500 per New World Representatives
(B) Implementation	54,680		
(C) ESuite (reinstated)	5,600		
(D) Travel	15,000		
	\$108,280		- Costs not to exceed \$70,500 in contracted amount divided over two years
(E) ongoing	\$5,280		

Ongoing annual \$5,280
6 months waived in
- the first year

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CITY COUNCIL AGENDA REPORT

MEETING OF JUNE 27, 2013

FROM: FINANCE DEPARTMENT

SUBJECT: PUBLIC HEARING TO CONSIDER THE LEVY OF CAPITOLA VILLAGE AND WHARF BUSINESS IMPROVEMENT AREA (CVWBIA) ASSESSMENTS FOR FISCAL YEAR 2013/2014

RECOMMENDED ACTION: That the City Council conduct the required Public Hearing and, if there is not a majority vote against the proposed assessment, that the City Council adopt the proposed Resolution confirming the Fiscal Year 2013/2014 Capitola Village and Wharf Business Improvement Area Assessments; adopting the Annual Plan and the Fiscal Year 2013/2014 Capitola Village and Wharf Business Improvement Area Budget; and Levying Business Improvement Assessments for Fiscal Year 2013/2014.

BACKGROUND: On June 23, 2005, the City Council adopted Ordinance No. 889 adding Chapter 5.10 to the Capitola Municipal Code establishing the Capitola Village and Wharf Business Improvement Area ("CVWBIA"). The CVWBIA assessments fund the various programs that benefit the businesses within the CVWBIA district boundaries.

DISCUSSION: On June 13, 2013, the City Council adopted Resolution No. 3958, Resolution of Intention to Levy Business Improvement Assessments for Fiscal Year 2013/2014, which set a public hearing for June 27, 2013, in accordance with state law and Chapter 5.10 of the Capitola Municipal Code. Pursuant to Paragraphs 7 and 8 of the Resolution, notice of this public hearing was published in the Santa Cruz Sentinel Newspaper on Sunday, June 16, 2013, and was mailed to affected business owners by the CVWBIA as required by state law on or before Monday, June 17, 2013.

During the June 13th meeting, Council also requested information related to sales tax trends within the Village, as well as the costs paid for City accounting and Public Works services. The billing for City services identified in the CVWBIA plan was based on past agreements; however both entities have decided to review the billing structure during this fiscal year. The current billing rates are \$3,000 for Public Works and \$4,200 for accounting services.

Village sales tax revenues have increased by approximately 4% since the CVWBIA was established; however their proportion to other City revenues has increased by approximately 21%. This large proportional increase can be largely attributed to the loss of major car dealerships and retailers in the 41st Corridor during the economic downturn. Sales tax information for the period from Calendar Year 2005 to 2012 is listed below for reference.

Sales Tax Receipt Locations ⁽¹⁾ Based on 1% Bradley-Burnes tax	2012		2005	
	Sales Tax	Percent	Sales Tax	Percent
Village	\$ 303,209	7.4%	\$ 291,569	6.1%
Upper Village	302,955	7.4%	314,066	6.6%
Kennedy Drive	44,272	1.1%	69,267	1.4%
41st Avenue Corridor / All Others	3,420,942	84.0%	4,103,349	85.9%
	\$ 4,071,378	100.0%	\$ 4,778,251	100.0%

(1) Based on STARS sales tax information by Calendar Year

Item #: 8.A. Staff Report.pdf

6-27-13 AGENDA REPORT: Capitola Village and Wharf Business Improvement Area

During the June 27th public comment portion of this hearing, written and oral protests may be made pertaining to the proposed levy of assessments, the amount of the proposed assessments, the proposed improvements and activities to be funded with the revenues derived from the proposed levy of assessments, and/or the proposed boundaries of the Assessment District in accordance with California Streets & Highways Code §36524 and §36525.

At the conclusion of the public hearing, absent the receipt of oral and written protests from property owners casting a majority vote against the proposed assessment, the Council is requested to adopt the proposed Resolution confirming the Fiscal year 2013/2014 CVWBIA Assessments and adopting the Annual Plan and Fiscal Year 2013/2014 Budget, as approved by the Council on June 13, 2013, or as amended by the Council during the hearing, if applicable. Adoption of the Resolution constitutes the levy of business improvement assessments for Fiscal Year 2013/2014.

FISCAL IMPACT: There is no fiscal impact to the City. All administrative costs for billing and collections incurred by the City are reimbursed to the City from the CVWBIA.

ATTACHMENTS:

1. Draft Resolution confirming the Fiscal Year 2013/2014 Capitola Village and Wharf Business Improvement Area Assessments and adopting the Annual Plan and Fiscal Year 2013/2014 CVWBIA Budget.
2. Resolution No. 3958 adopted on June 13, 2013

**Report Prepared By: Kyle Solberg, Senior Accountant
Tori Hannah, Finance Director**

**Reviewed and Forwarded
By City Manager:** 

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
CONFIRMING THE FISCAL YEAR 2013/2014 CAPITOLA VILLAGE AND WHARF BUSINESS
IMPROVEMENT AREA ASSESSMENTS AND ADOPTING THE ANNUAL PLAN
AND FISCAL YEAR 2013/2014 CVWBIA BUDGET**

WHEREAS, the Capitola Village and Wharf Business Improvement Area (“CVWBIA”) has prepared a report to the City of Capitola for Fiscal Year 2013/2014 pertaining to the Business Improvement Area assessments for the CVWBIA under California Streets and Highways Code §36533; and

WHEREAS, that report was filed with the City Clerk on June 13, 2013; and

WHEREAS, Capitola Municipal Code §5.10.050 requires annual assessments to be imposed within the CVWBIA pursuant to a formula set forth in City Council Resolution No. 3453 referenced in Capitola Municipal Code §5.10.030, and later amended by Resolution No. 3546; and

WHEREAS, on June 13, 2013, the City Council adopted Resolution No. 3958 stating its intention to levy business improvement assessments for Fiscal Year 2013/2014, receiving the Annual Report and Fiscal Year 2013/2014 Budget, and approving the CVWBIA Assessment Basis/Business Addresses and Assessment Method; and

WHEREAS, pursuant to Resolution No. 3958 the City Council, in accordance with California Streets and Highways Code Section 36535, held a public hearing on June 27, 2013, as provided for in Streets and Highways Code Sections 36524 and 36525 at which time it considered the annual report, the levy of business improvement assessments for Fiscal Year 2013/2014, and received oral and written protests and endorsements to the regularity or sufficiency of the proposed business improvement assessments.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CAPITOLA AS FOLLOWS:

1. The Fiscal Year 2013/2014 Capitola Village and Wharf Business Improvement Area Annual Report, including the Fiscal Year 2013/2014 budget, as filed with the City Clerk on June 16, 2013, and received by the City Council on June 13, 2013, as part of Resolution No. 3958, is hereby confirmed and adopted.

2. The adoption of this Resolution shall constitute the Fiscal Year 2013/14 levy of assessments provided for in Chapter 5.10 of the Capitola Municipal Code pertaining to the Capitola Village and Wharf Business Improvement Area zone and rate of assessments adopted by the City Council on June 27, 2013.

I HEREBY CERTIFY that the above and foregoing resolution was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the 27th day of June, 2013, by the following vote:

AYES:

NOES:

ABSENT/ABSTAIN:

Stephanie Harlan, Mayor

ATTEST:

Susan Sneddon, City Clerk

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RESOLUTION NO. 3958

**RESOLUTION OF INTENTION OF THE CITY COUNCIL
OF THE CITY OF CAPITOLA
TO LEVY BUSINESS IMPROVEMENT ASSESSMENTS
FOR FISCAL YEAR 2013/2014**

WHEREAS, the Capitola Village and Wharf Business Improvement Area ("CVWBIA") has prepared a report to the City of Capitola for Fiscal Year 2013/2014 pertaining to the Business Improvement Area assessments for the CVWBIA under California Streets and Highways Code §36533; and

WHEREAS, Capitola Municipal Code §5.10.050 requires annual assessments to be imposed within the CVWBIA pursuant to a formula set forth in City Council Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CAPITOLA AS FOLLOWS:

1. The Annual Report and Proposed Fiscal Year 2013-14 Budget of the CVWBIA pertaining to business improvement assessments, as presented in Exhibit "A" attached hereto, is received.

2. The City Council intends to levy and collect assessments within the CVWBIA for Fiscal Year 2013/2014.

3. The proposed activities authorized by Capitola Municipal Code Chapter 5.10 are described in the afore-referenced CVWBIA Annual Report. These activities include a variety of promotional activities, including village maintenance and beautification programs, and extended holiday parking programs. A number of promotional information media announcements and publications will also be financed from these funds, including regional magazine advertising, broadcast advertising and website advertising.

4. The Business Improvement Area is bounded per the map of the CVWBIA reproduced as Exhibit "A" to Capitola Municipal Code §5.10.020 and included in the Municipal Code. The CVWBIA boundaries are not being altered.

5. The Annual Report of the CVWBIA is presented in Exhibit "A" attached hereto. The proposed assessments will be calculated under the formula for assessment found in Capitola City Council Resolution No. 3546 adopted May 25, 2006. This formula is based on the classification of benefited businesses and the businesses' number of full-time equivalent employees. Assessments will not be increased.

6. The Capitola City Council will hold a public hearing in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California, at the hour of 7:00 p.m., on Thursday, June 27, 2013, to receive any oral or written protests or endorsements to the regularity or sufficiency of the proposed business improvement assessments. If written protests complying with Streets and Highways Code §36524 and §36525 are received from the owners of businesses which will pay fifty percent or more of the assessments, assessments will not be levied, the procedure will be terminated and will not be reconsidered until one full year has elapsed.

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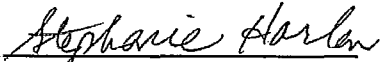
RESOLUTION NO. 3958

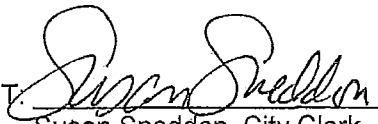
7. The City Clerk is directed to give notice of the public hearing to consider the levy of business improvement assessments for Fiscal Year 2013-2014 by publishing this Resolution of Intention in a newspaper of general circulation in the City once, at least seven days prior to the public hearing.

8. The CVWBIA Advisory Committee is directed to give notice of the public hearing to each business owner in the area by mailing a copy of the Council's Resolution of Intention to each business.

I HEREBY CERTIFY that the above and foregoing resolution was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the 13th day of June, 2013, by the following vote:

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


Stephanie Harlan, Mayor

ATTEST 
Susan Sneddon, City Clerk

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EXHIBIT A

(Resolution No. 3958)

**Annual Report & Proposed Fiscal Year 2013-2014 Budget
CVWBIA Assessment Basis
CVWBIA Business Addresses and Assessment Method**

Activities

The Capitola Village and Wharf Business Improvement Area ("CVWBIA" or "District"), serves as the primary marketing agent for the Village and Wharf businesses with the goal of increasing tourism and promoting the Capitola Village and Wharf areas. All of the activities of the CVWBIA relate to achieving the single objective of marketing the Capitola Village and Wharf Area. Informational brochures for visitors, an attractive and active website linked to Village and Wharf merchants, a Village map identifying locations of Village and Wharf merchants, newsletters, advertising programs, holiday events and Village betterment projects are key focuses of the District. This District is the primary source of funding for the promotion of the Village and Wharf. These goals and objectives can be achieved by the CVWBIA continuing to fund activities and projects that will:

- Increase the number of year-a-round visits to the businesses within the District, emphasizing the period of October through May of each year.
- Increase the number of people who stay, shop, and dine in the Village and on the Wharf of Capitola.
- Improve the ease of access to information regarding the businesses and services provided by the Village and Wharf BIA to likely visitors to the area via the Internet and printed brochure/directories.
- Provide fun, family-oriented events throughout the year emphasizing the attributes of the Village and Wharf, by working in partnership with the Capitola/Soquel Chamber of Commerce.
- Improve and enhance the appearance of the Village and Wharf in concert with the City of Capitola.
- Enhance the ability of the CVWBIA to serve as a liaison between individual business owners, local governments, and private agencies, including the City of Capitola.

As the CVWBIA begins its eighth year, we will continue the successful programs developed during the prior years of the CVWBIA. New programs will be put in place.

We will continue and expand successful programs from the current and prior years, which included the following:

1. **Village Directories.** Over 75,000 directories were printed and distributed in Fiscal Year 2011-2012.
2. **Directory Distribution.** The CVWBIA has contracted with Certified Folder Display Service for distribution of 45,000 brochures in the San Jose, Santa Clara Area and 20,000 brochures in Santa Cruz. This is the company with exclusive rights to lobby racks in all the hotels, resorts, motels and visitor centers.

3. **Website Presence.** We maintain a very attractive website for ease of use and connectivity to local businesses. The CVWBIA has a strong Internet presence with multiple domain names, which can be used for different projects. The primary domain names are www.capitolavillage.com and www.explorecapitola.com. The website has a complete directory of all businesses in the boundaries of the CVWBIA with pictures and links to their individual websites. There is a history of Capitola written by Carolyn Swift, Capitola Museum Coordinator. There is a schedule of events for the year with contact information. The walking tour of Capitola Village is also on the site. Articles with colorful descriptions of Village businesses and activities have been added. There are two ways for the CVWBIA to capture email addresses for future correspondence with visitors to the web site. Email address information is captured via the contest to win a vacation in Capitola Village and visitors are asked to sign up at merchants' shops throughout the Village and Wharf.
4. **Volunteers.** The CVWBIA members participate with the Capitola/Soquel Chamber of Commerce and volunteer at the various events they put on in the Village.
5. **Holiday Activities.** The CVWBIA works with the Chamber and the City on the Christmas Holiday decorations. The CVWBIA hosts a Tree Lighting Ceremony, Community Caroling, and provides Holiday music throughout the Village. The CVWBIA also provides lights for threes throughout the Village as well for houses on Depot Hill that participate in the Holiday decorations.
6. **Advertising.** The CVWBIA placed advertisements in travel magazines that have paid off at many different levels. The CVWBIA will continue co-op with the Santa Cruz County Conference and Visitors Council advertising in print, on television and radio, which highlights Capitola.
7. **Membership Breakfast.** The quarterly breakfasts are an opportunity to keep the members informed.
 - a. We have been offering educational presentations on social networking, search engine optimization and other aspects of marketing on the Internet.
 - b. We have had the City Manager, City Chief of Police and Director of Public Works as guest speakers to keep our membership informed and investigate how we could better partner with the City to address issues in the Village.
8. **Public Works.** The CVWBIA contributes annually to the City of Capitola Public Works Department. Our contribution is used to help maintain the Village.
9. **Chamber of Commerce.** The CVWBIA contributes annually to support community interest projects.

RESOLUTION NO. 3958 (EXHIBIT A)

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**Capitola Village & Wharf Business Improvement Area
Assessment Basis**

The method of assessment breaks down the businesses within the proposed boundary map into seven categories:

1. Retail / Service businesses
2. Restaurant/Bar / Take-out food and beverage businesses
3. Office and Professional businesses
4. Hotel / Motel / Inn businesses
5. Short-term Rental businesses
6. Specialty
7. Seasonal Foods

These five business categories are further broken down by number of employees for the first two categories, a flat fee for the third and fifth categories, and a per unit fee for the Lodging/Motel/Inn businesses. Registered non-profits are exempt from assessment.

The following table represents the proposed method of collection and fee determination for the proposed CVWBIA.

Business Category	Number of Full-Time Equivalent Employees *		
	0 – 5 employees	6 – 10 employees	More than 10 employees
Retail / service	\$420.	\$840.	\$1260.
Restaurant / Bar / Take-out	\$480.	\$960.	\$1440.
Office / Professional	\$120.		
Hotel / Motel	\$360 per unit		
Short-term Rental **	\$180		
Specialty	\$120		
Seasonal Food Service	\$280		

Footnote* “Full-time employee” is considered one who works 2000 hours per year or more. Multiple part-time employees are combined into a single full-time employee for the basis of this assessment calculation.

Footnote** “Short-term rental” businesses are defined as those dwellings which, at least once per fiscal year, are rented to a tenant for a tenancy of less than thirty days.

See In-Lieu Payments/Trades Program on the next page.

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RESOLUTION NO. 3958 (EXHIBIT A)

In-Lieu Payments/Trades. The City Manager is authorized to approve “in lieu” assessment payments in the form of Gift Certificates from CVWBIA retail, food or lodging business members whereby these businesses tender retail, restaurant and lodging gift certificates for use by the CVWBIA in connection with its promotional activities. The amount of “in lieu” assessment payments will be fixed per category, with exceptions that may be authorized by the City Manager. The amounts of the gift certificates for each category and payment levels are as follows:

<i>Business Category</i>	<i>Assessment</i>	<i>Cash</i>	<i>In-lieu/Trade</i>
Retail / service:	\$420.	\$345	\$75
	\$840	\$690	\$150
Restaurant / Bar / Take-out	\$480	\$405	\$75
	\$960	\$810	\$150
	\$1,440	\$1,215	\$225
Office / Professional	\$120	\$120	\$0
Short-term Rental	\$180	\$180	\$0
Hotel/Motel	\$360 per unit	50%	50%
Specialty	\$120	\$120	\$0
Seasonal Food Service	\$280	\$235	\$45

Associate Membership. CVWBIA is authorized to accept “associate membership” financial contributions from businesses outside the CVWBIA which might wish to participate in the CVWBIA’s promotional activities but which are not subject to the CVWBIA assessments.

New Business Assessment. Assessment will be prorated by the quarter in which a business opens. “In Lieu” payments will be accepted.

Business Closing. A business notifying the CVWBIA before the end of the first quarter of the fiscal year (September 30th) that the business will close before December 31st will be exempt from paying the assessment for that fiscal year. If the business does not close before December 31st, it must pay the year's assessment in full.

Delinquencies. We have a clear policy relative to delinquent dues. In addition to referring merchants with delinquent dues to a collection agency after 6 months delinquent, the delinquent members will be eliminated from the following listings if dues not paid by specified date:

<u>Listing</u>	<u>Dues must be paid in full by</u>
Web listing	April 30, 2014
Village Listing	April 30, 2014
Village Brochure	April 30, 2014

RESOLUTION NO. 3958 (EXHIBIT A)

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**Capitola Village & Wharf Business Improvement Area
Estimated Actual for FY 2012-2013 and Proposed Budget for FY 2013-2014**

	FY 11/12 Actual	FY 12/13 Adopted	FY 12/13 Mid-Year	FY 13/14 Proposed
Beginning Fund Balance	\$ 5,455	\$ 5,431	\$ 5,431	\$ 11,756
Revenues				
BIA Assessment Revenues- Cash	53,444	58,200	55,330	56,000
BIA Assessment Revenues- Trade	13,605	12,000	8,980	9,000
Interest Revenue	121	100	21	20
Total Revenues	67,170	70,300	64,331	65,020
Total Source of Funds (Beg. Fund Bal & Revenues)	\$ 72,625	\$ 75,731	\$ 69,762	\$ 76,776
Expenditures				
Advertising	\$ 54,170	\$ 59,100	\$ 45,744	\$ 52,500
Maintenance - City Public Works	3,000	3,000	3,000	3,000
Billing/Collection - City Accounting	4,200	4,200	4,200	4,200
Capitola Soquel Chamber Of Commerce	3,000	3,000	3,000	3,000
Supplies	843	1,000	541	1,000
Website	1,720	1,000	1,521	2,000
Administrative Assistant	260	300	-	300
Total Use of Funds	67,194	71,600	58,006	66,000
Ending fund Balance at June 30th	\$ 5,431	\$ 4,131	\$ 11,756	\$ 10,776

The following tables provide detail for selected items of the proposed FY 13/14 Budget:

Revenues *	Proposed FY 13/14
Food	19,680
Hotels	17,640
Office	2,400
Retail	22,260
Short Term Rentals	7,380
Subtotal	\$ 69,360

Advertising	Proposed FY 13/14
Gift Cert.-Contest **Trade	9,000
Holiday	4,500
CVC Partnership	9,000
TV/Radio	8,000
CDS Distribution	7,500
Directories Printing	6,500
Consulting-Marketing & Internet	7,000
Printing Explore	1,000
Subtotal	\$ 52,500

* 13/14 Proposed Budget revenues reduced from BIA roster estimates based on prior year actual information

** Gift Certificates are provided from "Trade" revenues

**Capitola Village & Wharf Business Improvement Area
Budget Discussion**

Revenues: The proposed revenue is derived from the CVWBIA business listings and proposed assessment rates. The allocation of cash and in-lieu revenue is based upon FY 2012-13 actual.

Expenditures:

Summary. The proposed expenditures include advertising and related services of \$52,500, City Public Works maintenance for beautification of \$3,000, City Accounting Staff of \$4,200 for billing and accounts payable services, \$3,000 for the partnership with the Chamber of Commerce, \$2,000 for website services and maintenance, and the \$1,300 balance will be used for administration and office expense.

Advertising is the CVWBIA's principal expenditure.

- **Gift Certificates (\$9,000).** Members may satisfy a portion of their annual fee with gift certificates. These certificates are used to promote specific businesses in the Village through donations to various activities in the Village and promotional incentives to potential visitors to Capitola.
- **TV & Radio Advertising (\$8,000).** While these are a more expensive form of advertising media, we attempt to take advantage of special opportunities with spots that emphasize the Capitola Village.
- **Local Directories (\$12,000).** We spend over \$12,000 printing and distributing directories of all members plus special events in the Village. These are very attractive and useful brochures, which are available at all local merchants and in distribution centers throughout the area.
- **Hotel TV Channel.** In the current 2013-14 year, the CVWBIA will advertise on a TV channel which will be played in over 25 area hotels.

The CVWBIA will begin Fiscal Year 2013-2014 with an estimated fund balance of \$11,756.

RESOLUTION NO. 3958 (EXHIBIT A)

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**Capitola Village & Wharf Business Improvement Area
Business Address and Assessment Method**

<u>Business Address</u>	<u>Business Name</u>	<u>TYPE</u>	<u>FY13/14</u> <u>Est.</u> <u>Size</u>	<u>FY13/14</u> <u>Est. Amt</u> <u>Due</u>
209B Esplanade	Bay Bar & Grill	F	1 - 5	\$480
316 Capitola Ave	Bella Roma Café	F	0 - 5	\$480
110 Monterey	Britannia Arms Pub & Rest.	F	6 - 10	\$960
104 Stockton Ave	Village Grill & Creamery	F	0 - 5	\$480
115 San Jose Ave, Ste. #6	Caruso's Tuscan Cuisine	F	0 - 5	\$480
115 San Jose Ave, Ste. #7	CAVA Wine Bar	F	0 - 5	\$480
123 Monterey	El Toro Bravo	F	0 - 5	\$480
211 Esplanade	Fog Bank Bar & Grill	F	0 - 5	\$480
200 Monterey #3	Geisha Japanese Restaurant & Tea House	F	0 - 5	\$480
110 Stockton Avenue	Granny's by the Sea	F	0 - 5	\$480
116 Stockton Ave	It's Wine Tyme	F	0 - 5	\$480
231 Esplanade #101	Margaritaville	F	> 10	\$1,440
201 Esplanade	Mr. Kebab & Falafel	F	0 - 5	\$480
231 Esplanade #100	Mr. Toots Coffee & Tea	F	0 - 5	\$480
207 Esplanade	My Thai Beach	F	0 - 5	\$480
215 Esplanade	Paradise Beach Grille	F	> 10	\$1,440
209A Esplanade	Pizza My Heart	F	6 - 10	\$960
115 San Jose Ave, Ste. #1	Seaside Coffee	F	0 - 5	\$480
1750 Wharf Rd	Shadowbrook Restaurant	F	> 10	\$1,440
200 Monterey #1	Souza's Ice Cream & Candy	F	0 - 5	\$480
224 Esplanade	Starz Cupcakes	F	0 - 5	\$480
231 Esplanade #102	Stockton Bridge Grille	F	6 - 10	\$960
427 Capitola Ave	Taqueria Agave	F	0 - 5	\$480
200 Monterey #2	Taqueria Baja	F	0 - 5	\$480
210 Monterey #1	Thai Basil	F	0 - 5	\$480
201 Monterey #C	To Thai For	F	0 - 5	\$480
1400 Wharf Rd	Wharf House Restaurant	F	0 - 5	\$480
203 Esplanade	Zelda's	F	> 10	\$1,440
105 Stockton	Village Deli	F	0 - 5	\$480
311 Capitola Ave	Calypso's Cove	F	0 - 5	\$480
210 Esplanade	Capitola Hotel	H	8	\$2,880
5000 Cliff Dr	Harbor Lights Motel	H	10	\$3,600
250 Monterey	Inn at Depot Hill	H	12	\$4,320
1500 Wharf Rd	Venetian Hotel	H	19	\$6,840
312E Capitola Ave	57 Design Inc.	O		\$120
331F Capitola Ave	Advanced Ingredients	O		\$120
312D Capitola Ave	Beach House Rentals	O		\$120
331 Capitola Ave	Capitola Village Real Estate	O		\$120
210 Stockton Ave	Capitola Surf & Paddle	O		\$120
301 Capitola Ave	David Lyng & Associates	O		\$120
411 Capitola Ae	Fuse Architects	O		\$120
415 Capitola Ave	James B. Colip Insurance	O		\$120
425 Capitola Ave. #3	Kathy Macdonald Association	O		\$120
314 Capitola Ave	Katz & Lapides	O		\$120

<u>Business Address</u>	<u>Business Name</u>	<u>TYPE</u>	<u>FY13/14</u> <u>Est.</u> <u>Size</u>	<u>FY13/14</u> <u>Est. Amt</u> <u>Due</u>
409 Capitola Ave. #A	Liz De Puydt Photography	O		\$120
331 Capitola Ave. #B	Michael Lavigne Real Estate	O		\$120
331 Capitola Ave Ste K	Newman & Marcus, LLP	O		\$120
220 Capitola Avenue	Psychic Mermaid	O		\$120
413 Capitola Ave	Richard Emigh, Land Use	O		\$120
201 Monterey #E	Run Rhino Inc.	O		\$120
331 Capitola Ave. #D	Suess Insurance Agency	O		\$120
309 Capitola Ave.	Vice Salon	O		\$120
312 Capitola Ave SteC	Violet Blossom Massage	O		\$120
425 Capitola Ave. #2	Webster & Associates	O		\$120
111 Capitola Ave	Alchemology	R	0 - 5	\$420
103 Stockton Ave	Armida Winery	R	0 - 5	\$420
208A Monterey	Avalon Visions	R	0 - 5	\$420
110 Capitola Ave #3	Avije Fashion Gallery	R	0 - 5	\$420
417 Capitola Ave	Betsy's Summerhouse Antiques	R	0 - 5	\$420
217 Capitola Ave	Big Kahuna Hawaiian Shirts	R	0 - 5	\$420
421-B Capitola Ave	Buck's World	R	0 - 5	\$420
131 Monterey	Capitola Beach Co.	R	0 - 5	\$420
1400 Wharf Rd	Capitola Boat & Bait	R	0 - 5	\$420
109 Capitola Ave	Capitola Seashells	R	0 - 5	\$420
115 San Jose Ave, Ste. #5	Carousel Taffy	R	0 - 5	\$420
205 Capitola Ave	Chocolate Bar	R	0 - 5	\$420
209 Capitola Ave	Craft Gallery	R	0 - 5	\$420
207 Capitola Ave	Craft Gallery Annex	R	0 - 5	\$420
127 Monterey	Cruz'n	R	0 - 5	\$420
107 Stockton Ave.	Dogmatic	R	0 - 5	\$420
114 Stockton Av	Euphoria Rio Mix	R	0 - 5	\$420
110 Capitola Ave., #2	Free to Ride	R	0 - 5	\$420
212 Capitola Ave	Gaia Earth Treasures	R	0 - 5	\$420
115 San Jose Ave.	Grateful Tie Dyes	R	0 - 5	\$420
219 Capitola Ave	Hot Feet	R	0 - 5	\$420
210 Capitola Ave	Hour Place	R	0 - 5	\$420
115 San Jose Ave, Ste. #11	In the Raw	R	0 - 5	\$420
207 Monterey Avenue	Just Baby Apparel & Gifts	R	0 - 5	\$420
201 Monterey #B	Kickback	R	0 - 5	\$420
118 Stockton Ave.	La Vita Company	R	0 - 5	\$420
120 Stockton Ave.	Latta	R	0 - 5	\$420
112 Capitola Ave. Suite, 100	Lumen Gallery	R	0 - 5	\$420
115 San Jose Ave, Ste. #2	Nazar Turkish Imports	R	0 - 5	\$420
202 Capitola Ave.	Nubia Swimwear	R	0 - 5	\$420
204 Capitola Ave	Oceania	R	0 - 5	\$420
321 Capitola Ave	Pacific Gallery	R	0 - 5	\$420
110 Capitola Ave #1	Panache Bath & Body Shop	R	0 - 5	\$420
115 San Jose Ave.	Parking at the Mercantile	R	0 - 5	\$420
120 Monterey Ave.	Parking at the Theater	R	0 - 5	\$420
107 Capitola Ave	Phoebe's	R	0 - 5	\$420

RESOLUTION NO. 3958 (EXHIBIT A)

7929

<u>Business Address</u>	<u>Business Name</u>	<u>TYPE</u>	<u>FY13/14</u> <u>Est.</u> <u>Size</u>	<u>FY13/14</u> <u>Est. Amt</u> <u>Due</u>
300 Capitola Ave	Quality Market	R	0 - 5	\$420
116 San Jose Av	Rainbow City Limit	R	0 - 5	\$420
115 Capitola Ave	Capitola Reef	R	0 - 5	\$420
112 Stockton Av	Sea Level T's	R	0 - 5	\$420
115 San Jose Ave.	She Sell Sea Shells and More	R	0 - 5	\$420
216 Capitola Ave.	Slap Happy	R	0 - 5	\$420
214 Capitola Ave	Super Silver	R	0 - 5	\$420
117 Capitola Ave	Surf n Shack	R	0 - 5	\$420
503 Capitola Ave	Suzi's	R	0 - 5	\$420
120 San Jose Ave	Sweet Asylum	R	0 - 5	\$420
121 San Jose Ave	Thomas Kinkade Gallery	R	0 - 5	\$420
215 Capitola Ave	Vanity by the Sea	R	0 - 5	\$420
201 Capitola Ave	Village Mouse	R	0 - 5	\$420
201 Monterey #A	Village Sea Glass	R	0 - 5	\$420
115 San Jose Ave.	WFO Apparel	R	0 - 5	\$420
122 Capitola Ave	Yvonne	R	0 - 5	\$420
111 San Jose Ave #J	Flip Flop Shop	R	0 - 5	\$420
222 San Jose Av	Avonne Stone Jacobs, Judy Jacobs	SR	1	\$180
1500 Wharf Rd. #1	Bob Coe	SR	1	\$180
303 Cherry Way	Cal & Carla Cornwell	SR	1	\$180
109 San Jose Avenue	Capitola Associates, LLC	SR	1	\$180
305 Riverview Ave.	Capitola Pelican House	SR	1	\$180
307 Capitola Ave #B	Capitola Suites/BF Partnership	SR	1	\$180
207 & 215 San Jose Ave, A & B	Clare St. Laurent	SR	4	\$720
1500 Wharf Rd #5	Colleen Merle Lund	SR	1	\$180
5005 Cliff Dr #6	Connie Eshleman	SR	1	\$180
109 Monterey #8	David Johnson	SR	1	\$180
116 Esplanade #A-B	Dorean Moore	SR	2	\$360
310 Riverview Ave	Eleanor Glover	SR	1	\$180
1500 Wharf Rd #14	Erline Mello	SR	1	\$180
1500 Wharf Rd #8	Everett Eslinger	SR	1	\$180
318 Capitola Ave #2	Fred & Sharon Andres	SR	1	\$180
1445 Wharf Rd	Greg McBride	SR	1	\$180
206 Monterey	Jay & Pamela Chesavage	SR	1	\$180
5005 Cliff Dr #3	Jean Ladoucour	SR	1	\$180
301 Cherry Way	Jeff & Kathie Gaylord	SR	1	\$180
225 San Jose Av	Michelle & Stephen Murphy *NEW OWNERS	SR	1	\$180
1500 Wharf Rd. #20	Leonard Tyson	SR	1	\$180
1500 Wharf Rd. #6 1/2	Mary Russell, Sylvia Nurre, Rosemary Schaffer	SR	1	\$180
4985 Cliff Drive	Michael Hutto	SR	1	\$180
407 Riverview Ave	Michael Pirnik	SR	1	\$180
318 Capitola Ave #5	Mike & Karen McCormick "A Beach Condo"	SR	1	\$180
208 Monterey C	Pat & Frank Castagnola	SR	1	\$180

7930

RESOLUTION NO. 3958 (EXHIBIT A)

<u>Business Address</u>	<u>Business Name</u>	<u>TYPE</u>	<u>FY13/14</u> <u>Est.</u> <u>Size</u>	<u>FY13/14</u> <u>Est. Amt</u> <u>Due</u>
327 Riverview Ave A	Paulo Franca	SR	1	\$180
1500 Wharf Rd #11	Robert Chestnut "Venetian Condo"	SR	1	\$180
109 Monterey #4	Sharon Dougan	SR	1	\$180
317 Riverview Ave B	Steve & Linda Woodside	SR	1	\$180
5005 Cliff Dr #4, 314 Riverview Ave	Sue Norris	SR	2	\$360
318 Riverview Ave	Tammie Jann	SR	1	\$180
4960 Cliff Dr. #2	Tim & Stacy Hopkins	SR	1	\$180
1500 Wharf Rd #7	Viola M Carr	SR	1	\$180
1500 Wharf Rd #3,4	Watson Family Limited Partnership (Mike Newell)	SR	2	\$360
419 Capitola Ave	Cali Maple Designs	X	-	\$0

<u>Business Category</u>	<u>Assessment Method</u>	<u>Total Estimate</u>
F=FOOD	Per Employee Category: 0-5; 6-10; >10 Employees	F \$19,680
H =HOTEL/MOTEL	Per Unit or Room	H \$17,640
O=OFFICE	Per Business	O \$2,400
R=RETAIL/SERVICE	Per Employee Category: 0-5; 6-10; >10 Employees	R \$22,260
SR =SHORT TERM RENTALS	Per Unit or Room	SR \$7,380
X=EXEMPT	No Assessment	X -
Total		\$69,360



CITY COUNCIL AGENDA REPORT

MEETING OF JUNE 27, 2013

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: 1575 38th AVENUE #13-061 APN: 034-181-17

Appeal of the Planning Commission denial for a Planned Development Rezoning, Conditional Use Permit, and Design Permit to demolish a commercial salvage yard (Capitola Freight and Salvage) and construct a three-story, 23-unit residential senior housing project in the CN (Neighborhood Commercial) Zoning District.

The Planning Commission considered this project application at the June 6, 2013 meeting and voted 3-2 to deny the project.

Environmental Determination: Mitigated Negative Declaration

Property Owner: Maureen A. Romac and Steve Thomas, filed 5/11/13

RECOMMENDED ACTION: That the City Council hold the public hearing, review and consider the staff report, the recommendation of the Planning Commission, and:

- 1) Adopt the Mitigated Negative Declaration;
- 2) Adopt the first reading of the ordinance rezoning the property to "Planned Development" (Attachment 1); and
- 3) Adopt the attached resolution, thereby taking the following action on Application #13-061:
 - a) Approving a Planned Development, Conditional Use Permit and Design Permit to become effective upon the effective date of the Rezoning Ordinance (Attachment 2).

BACKGROUND: A preliminary proposal for a four-story, 67-unit senior housing planned development was reviewed by the Planning Commission and City Council in the fall of 2011. Based on the comments and direction received from both the Planning Commission and City Council, the applicant redesigned the project and submitted a formal Planned Development application. The new proposal is a three-story, 23-unit senior housing planned development.

On September 6, 2012, the formal application was reviewed by the Planning Commission. The Planning Commission made a recommendation to the City Council to deny the project. During this time period, the City became aware that Planned Development applications cannot be appealed to the City Council if they receive a denial from the Planning Commission. The Planning Commission's decision was final.

On February 14, 2013, the City Council directed staff to amend the Planned Development ordinance to allow for appeals to the City Council when a PD application has been denied by the Planning Commission. The ordinance has been amended giving City Council the ability to consider appeals of a PD. Following the ordinance amendment the owners have submitted a new application.

Following the September 6, 2012, Planning Commission meeting, the applicant met with city staff to address the following issues and concerns raised by the Commission:

- The project is not complimentary nor consistent with the scale of adjacent commercial and residential uses;
- Pursuant to the Planned Development (PD) ordinance, it was expressed that the benefits of

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SUBJECT: 1575 38th AVENUE #13-061 APN: 034-181-17

the project to the community through the design, use, or special amenities did not justify the proposed exceptions to the underlying CN district standards;

- The findings to approve a PD under four acres could not be made;
- Concern with the second floor decks as they eliminate privacy to the adjacent properties;
- Lack of landscaping; and
- Concern with the mass, scale and density of the project.

The applicant incorporated the following changes in response to the Commission's concerns (Attachment 3 and 4):

- Reduction in the average height from 42' to 39'.
- Redesign of the front of the building, eliminating the front porte-cochere and a driveway, improving the street appeal of the project by setting the structure back further, increasing the landscaping, and providing a rooftop garden area and an outdoor patio for residents off of the private eating area.
- Elimination of the outdoor deck areas on the rear (west) elevation to address privacy concerns of the residents behind the project.
- Redesign of the rear portion of the structure to reduce the height, scale, and mass adjacent to the residential neighbors. The new design relocates the elevator tower toward the center of the building and steps the structure away from the rear property line.

On June 6, 2013 the Planning Commission reviewed the new application and made a recommendation to the City Council to deny the project. The majority of the Planning Commission voted to recommend the following concerns be incorporated as additional conditions should the City Council approve the project:

- Require language in the lease alerting tenants to potential noise from commercial uses
- Age restriction of 65 and older
- Final lighting plan must be approved by the Planning Commission
- Submission of a drainage plan
- Landscaping plan must be approved by the Planning Commission
- Establish a specific decibel level for rooftop equipment at a set number of feet from the building
- Require the hiring of an arborist to confirm that current setbacks do not endanger existing redwood trees bordering the property and to be present during construction to assure that steps are taken to protect the trees
- Construct a lighted crosswalk to King's Plaza
- Confirm that the needs of seven staff, the shuttle van, no specific visitor parking and possible assisted living workers have been considered in parking needs
- Prohibit parking in nearby business lots
- Ask the city attorney to review how to enforce parking restrictions or conditions
- Require the applicant to work with adjoining property owners on the wall height

It should be noted that not all the Planning Commissioners agreed with the above-mentioned comments. A summary of the dissenting members comments are as follows:

- The design is much improved from the prior project design
- The project would benefit the city and is in the appropriate location
- There are numerous Planned Developments within the city under the four-acre minimum
- There is a need to revitalize the 41st Avenue corridor and this project is a compelling argument that serves this goal
- The project supports the Housing Element and goals of allowing a population to age in place
- Location is appropriate to allow greater density
- The project will enhance the corridor

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Additionally, the dissenting members of the Commission stated the staff proposed conditions of approval addressed the issues raised by the other Commissioners.

The Planning Commission staff report and draft minutes from the June 6, 2013 meeting are attached (Attachments 5 and 6).

DISCUSSION: The 31,365 square foot (.72 acre) project site is located on 38th Avenue between Capitola Road and Brommer Street. The relatively flat site currently contains a commercial salvage yard, which is proposed to be removed as part of the project. Abutting the west property line are single-family homes located in the County, while to the south of the property is a self storage facility. Across the street is the King's Plaza shopping center, while to the north is a combination of office and commercial properties.

The project consists of demolition of the existing salvage yard and its accessory buildings and construction of a 23-unit rental (market rate), unassisted senior housing development. The project applications to be considered by the City include: Planned Development Rezoning, Conditional Use Permit, and Design Permit for the demolition and construction.

The proposed project will be contained within an approximately 65,000 square foot, three-story building. The contemporary Mediterranean architecture incorporates a mix of smooth stucco finish, cast stone balustrades, wrought iron railings, and barrel tile roof. The proposed housing units will be located on the second and third floors. The planned units include 14 studio units and nine one-bedroom units.

The ground level includes an enclosed 35-space enclosed parking garage, a main entry lobby, a commercial kitchen, and a private restaurant with an outdoor dining area for residents. The restaurant area, with an approximately 600 square foot kitchen, will offer meals three times a day. There is shared common area throughout the development, with a 480-square foot pool with spa and cabana proposed on the third floor. A community rooftop deck has also been incorporated. A number of amenities will be provided for senior residents, including a swimming pool, bocci ball, hobbies, exercise, yoga, massage, book club, classes, educational speakers, wifi, and a shuttle service that will provide supplemental transportation for residents.

PROJECT ISSUES:

Setbacks & Building Scale

The current proposal addresses prior project concerns about the minimal setbacks and maximizing building area on the site. The setbacks have been increased on each floor, stepping back the building design, reducing floor area, and incorporating architectural interest and articulation on each elevation. The table below illustrates the setbacks in the CN District standards, and changes from the prior proposal to the current proposal.

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Development Standards	CN District	Previous Proposal	Current Proposal
Front Yard Setback First Floor Second Floor Third Floor	15' 15' n/a	18' - 29' 29' 30' - 46'	25' - 38' 32' 43'
Rear Yard Setback(Residential) First Floor Second Floor Third Floor	48' 48' n/a	15' 15' 15'	15' 23' 30'
Rear Yard Setback(Commercial) First Floor Second Floor Third Floor	10' 10' n/a	15' 15' 15'	15' 23' 30'
Side Yard Setback South property boundary First Floor Second Floor Third Floor	13'-0" 19'-7" n/a	0' 0' - 15' 0' - 15'	0' - 6' 0' - 15' 6' - 21'
Side Yard Setback North property boundary First Floor Second Floor Third Floor	13'-0" 19'-7" n/a	7' - 15' 7' - 15' 22'	7' 16' 23'

The increased setbacks and resulting building design stepping back from all property boundaries has reduced the overall bulk, scale and massing of the building. Additionally, the setbacks have allowed for landscaped deck areas throughout the project and private open space for all but the rear units, which were eliminated to provide privacy to the adjacent residential properties.

The bulk and scale of the proposed structure would be similar to other development in the immediate area, including the adjacent self-storage facility, King's Plaza shopping center, and large retail outlets located along 41st Avenue.

Building Height

The overall building height of the project was a major concern raised in the design review process. The overall building height has been reduced from the prior proposal of 42' to 39' in the current proposal. Additionally, the elevator tower and stairwell have been located to the center of the building so that the height of elevator tower and stairwell do not impact the adjacent properties.

The building height of the project steps back at each floor level reducing the impact of height to adjacent properties. The first floor is ~11', the second floor is ~ 22', and the third floor is approximately 34', with an overall average exterior building height of 39'. The buildings to the north are ~15'-20', the property to the south is ~ 30', the buildings to the east ~30', and the buildings to the west are ~ 15'-20'. Although the proposed building would be higher than surrounding uses, building articulation, increased setbacks, and landscaping, including seven large off-site redwood trees, would soften the appearance.

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Parking

The majority of the Planning Commission raised several concerns about the parking needs for the project tenants, employees and guests.

The City of Capitola Municipal Code does not specifically include a parking requirement for a senior housing type use. The closest comparison would be the requirement for multiple-family residential uses, such as apartments and condominiums, which are 2.5 spaces per unit. Based on this requirement, a total of 58 spaces would be required.

In order to evaluate the parking demand for the proposed use, a Forecast Trip Generation, On-Site Parking Analysis and Pedestrian Warrant Analysis report was prepared by RBF consulting. Considering the project is a senior complex, it is anticipated the parking demand will be less than a standard market rate apartment complex. The analysis provided an evaluation of the number of on-site parking spaces required for the proposed project utilizing guidelines specifically designed for senior housing land use as set forth by jurisdictions in the vicinity as well as information contained in other published guidelines used as industry standard.

Guideline Source	Senior Housing Parking Requirement Per Guideline	Project Size	On-Site Parking Spaces Required	On-Site Parking Spaces Planned	Adequate Parking Spaces Planned
City of Santa Cruz Municipal Code	1 Parking Space for each 3 Dwelling Units	23 du	8	36 ²	Yes
City of Seaside Municipal Code	1 Parking Space for Each Unit With Half the Spaces Covered Plus 1 Guest Parking Space for Each 10 Units		26		Yes
City of Monterey Municipal Code	0.5 Parking Space for each 1 Dwelling Unit		11.5		Yes
City of Watsonville Municipal Code	2 Parking Space for each 1 Dwelling Unit May be reduced by 50% with findings		23		Yes
ITE Parking Generation, 3rd Edition	1.4 Parking Spaces per dwelling unit ¹		33		Yes

Notes: du = Dwelling Unit

1 = Observed peak parking demand of 50%.

2 = Parking supply is based on *Villa Capitola Unassisted Senior Housing Site Plan (Nancy Huyck, 05/17/2012)*

Based on the above table, the range of parking requirements for a similar project would vary from 8 to 33 parking spaces. The previous design proposed 36 parking spaces. However, with the building design changes, the current design proposes a total of 35 on-site parking spaces. Based on the RBF analysis the project will provide an adequate number of parking spaces to serve the proposed senior housing use. The proposal results in a parking ratio of 1.52 parking spaces per unit.

As a comparison, the Bay Avenue senior housing project utilized a parking analysis that was based on actual parking counts conducted over a set time period as well as consideration for the affordable senior housing aspect of the project. There are 109 total units and 92 on-site parking spaces. This results in a parking ratio of 0.84-0.94 parking spaces per unit.

Based on the RBF analysis and comparisons of the Bay Avenue senior housing project and additional local jurisdictions, staff believes the proposed 35 space parking plan would be adequate to serve tenants, employees and guests.

Lighting

The site lighting will be building accent and landscape lighting. Lighting will be designed to be directed downward and shielded from adjacent properties, and contained on the property. Condition #11

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requires a lighting plan specifying the design, type, height, location, lumens and spread the proposed lighting shall be submitted for review and approval during the building permit process. This condition and process will ensure that no light trespass will occur onto adjacent properties.

Noise

There was concern about the acceptable decibel level for the interior of the units and the rooftop HVAC equipment. The current state building code regulations limit interior residential noise levels to 45 decibels. A condition has been added which requires the applicant to submit an acoustical study with the building permit, and to incorporate construction design and materials that will achieve an acceptable interior noise level for the units.

A noise exposure level of 60 dba Ldn or less is considered acceptable within the city per the Noise Element of the General Plan. A condition has been added that requires the applicant to submit manufacturer specifications which demonstrate that the HVAC unit will comply with the 60 dba Ldn standard.

Trees

The majority of the Planning Commission recommended an arborist confirm that building construction would not endanger the off-site redwood trees or root system along the south property line. At the city's request, James P. Allen, the city's consulting arborist, reviewed the proposed development plans and performed a cursory site analysis of the seven coast redwood *Sequoia sempervirens* trees. The arborist's review concluded that the construction could damage the trees, therefore a condition has been included requiring a detailed arborist report be submitted prior to any site grading with recommendations for protection of the trees and root systems.

SUMMARY: Staff believes that the necessary findings can be made to approve the proposed senior housing project. The property has been identified in the City's Housing Element as an appropriate location for increased density which necessitates a larger building envelope than afforded by the underlying CN zone. The Draft General Plan vision of the 38th Avenue corridor is a pedestrian-friendly street with new multiple-family housing, vertical mixed use, sidewalk-oriented commercial uses, and streetscape and infrastructure improvements. The site's central location adjacent to a mix of commercial uses is convenient for seniors. The applicant has addressed many of the issues raised during the design review process by significantly reducing the density, height, bulk, mass, and scale of the building, parking, privacy and architectural design. The project is compatible with the surrounding community uses and existing surrounding build scale.

FISCAL IMPACT: None

ATTACHMENTS:

1. Draft Ordinance rezoning the property from CN to PD
2. Draft Resolution proposed for City council adoption, containing findings and conditions of the project
3. Project Plans dated April 18, 2013
4. Project Renderings dated April 18, 2013
5. June 6, 2013 Planning Commission Staff Report, including the Initial Study and Negative Declaration
6. June 6, 2013, 2012 Planning Commission Draft Minutes
7. Email from Mick Routh dated June 8, 2013
8. Letter from George Ow, Jr. dated June 19, 2013
9. Email from Linda Smith dated June 20, 2013
10. Email from Charles Hackett dated June 21, 2013

Report Prepared By: Danielle Uharriet
Interim Senior Planner

Reviewed and Forwarded
by City Manager: 

DRAFT

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF CAPITOLA AMENDING THE ZONING MAP OF THE ZONING ORDINANCE OF THE CAPITOLA MUNICIPAL CODE FOR A .72 ACRE SITE LOCATED AT 1575 38th AVENUE, ASSESSOR'S PARCEL NUMBER 034-181-17 BY WAY OF REZONING THIS PROPERTY FROM THE CN "NEIGHBORHOOD COMMERCIAL" DISTRICT TO THE PD-"PLANNED DEVELOPMENT" DISTRICT

APPLICATION #13-061

WHEREAS, the City of Capitola reviews land use designations and zoning in order to regulate appropriate use of land and to protect the public health, safety and welfare; and

WHEREAS, Zoning Districts specifying allowable uses, permit requirements, and development standards are applied to lands in order to implement General Plan land use designations and the City of Capitola has determined that rezoning the .72 acre site at 1575 38th Avenue is consistent with and implements the General Plan land use designation; and

WHEREAS, the Planning Commission held a public hearing on June 6, 2013 and recommended denial of the application; and

WHEREAS, the City Council considered the Planning Commission's recommendation along with the documentary record and oral testimony, and determined that a 23-unit senior housing use was appropriate for the site in conjunction with a Planned Development District zoning designation; and

WHEREAS, the City Council, following the public hearing determined to adopt the ordinance rezoning the subject parcel, and hereby finds that the public necessity, convenience, general welfare and good zoning practice, support and require amendment of the Zoning Map to provide "Planned Development District" zoning designation on the subject property.

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

SECTION 1. The real property located on the west side of 38th Avenue between Capitola Road and Brommer Street, known as 1575 38th Avenue, Assessor's Parcel Number 034-181-17, and more particularly described in Exhibit "A", attached hereto and made a part hereof, is hereby rezoned to the PD "Planned Development" district, and the zoning Map of the Zoning Ordinance of the Capitola Municipal Code is hereby amended to reflect this reclassification.

SECTION 2. This ordinance shall be in full force and take effect thirty (30) days after its final adoption.

This ordinance was introduced on the 27th day of June 2013, and was passed and adopted by the City Council of the City of Capitola on the ___ day of _____, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED: _____
Stephanie Harlan, Mayor

ATTEST:

_____, CMC
Su Sneddon, City Clerk

DRAFT

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF CAPITOLA AMENDING THE ZONING MAP OF THE ZONING ORDINANCE OF THE CAPITOLA MUNICIPAL CODE FOR A .72 ACRE SITE LOCATED AT 1575 38th AVENUE, ASSESSOR'S PARCEL NUMBER 034-181-17 BY WAY OF REZONING THIS PROPERTY FROM THE CN "NEIGHBORHOOD COMMERCIAL" DISTRICT TO THE PD-"PLANNED DEVELOPMENT" DISTRICT

APPLICATION #13-061

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WHEREAS, Zoning Districts specifying allowable uses, permit requirements, and development standards are applied to lands in order to implement General Plan land use designations and the City of Capitola has determined that rezoning the .72 acre site at 1575 38th Avenue is consistent with and implements the General Plan land use designation; and

WHEREAS, the Planning Commission held a public hearing on June 6, 2013 and recommended denial of the application; and

WHEREAS, the City Council considered the Planning Commission's recommendation along with the documentary record and oral testimony, and determined that a 23-unit senior housing use was appropriate for the site in conjunction with a Planned Development District zoning designation; and

WHEREAS, the City Council, following the public hearing determined to adopt the ordinance rezoning the subject parcel, and hereby finds that the public necessity, convenience, general welfare and good zoning practice, support and require amendment of the Zoning Map to provide "Planned Development District" zoning designation on the subject property.

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

SECTION 1. The real property located on the west side of 38th Avenue between Capitola Road and Brommer Street, known as 1575 38th Avenue, Assessor's Parcel Number 034-181-17, and more particularly described in Exhibit "A", attached hereto and made a part hereof, is hereby rezoned to the PD "Planned Development" district, and the zoning Map of the Zoning Ordinance of the Capitola Municipal Code is hereby amended to reflect this reclassification.

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This ordinance was introduced on the 27th day of June 2013, and was passed and adopted by the City Council of the City of Capitola on the ____ day of _____, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED: _____
Stephanie Harlan, Mayor

ATTEST:

_____, CMC
Su Sneddon, City Clerk

DRAFT

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING A REZONING TO
PLANNED DEVELOPMENT DISTRICT, A CONDITIONAL USE PERMIT AND A DESIGN
PERMIT FOR A RESIDENTIAL SENIOR HOUSING PROJECT ON A .72 ACRE SITE AT 1575
38TH AVENUE (LOCATED ON THE WEST SIDE OF 38TH AVENUE BETWEEN CAPITOLA ROAD
AND BROMMER STREET), BEING REZONED FROM CN (NEIGHBORHOOD COMMERCIAL)
TO PD (PLANNED DEVELOPMENT) DISTRICT AS PART OF THE PROPOSED PROJECT**

Project: Application #13-061: 1575 38TH Avenue, Conditional Use Permit, Design Permit,
and Rezoning to Planned Development District
APN: 034-181-17

WHEREAS, an application for a Conditional Use Permit, Design Permit and Planned Development zoning designation on a .72 acre site located on the west side of 38th Avenue between Capitola Road and Brommer Street in the City of Capitola, was submitted by property owners Maureen Romac and Steve Thomas; and

WHEREAS, the above noted Conditional Use Permit and Design Permit proposes to create twenty three (23) residential senior units, utilizing the Planned Development District provisions of Chapter 17.39 of the Municipal Code for exceptions to various development standards as noted in the staff report to the City Council; and

WHEREAS, an Initial Study as prepared and circulated per CEQA requirements, and a Mitigated Negative Declaration has been prepared based on the determination that the project will not have a significant effect on the environment; and

WHEREAS, the City Council has considered, at a duly noticed public hearing, the proposed Conditional Use Permit, Design Permit, and Planned Development District Rezoning for the project; and

WHEREAS, the Planning Commission at its June 6, 2013 meeting recommended denial of the project on a 3-2 vote; and

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

WHEREAS, the City Council has considered the documentary record for the project, including the Planning Commission staff report and draft minutes of the Planning Commission meeting, oral and written communications received at the June 27, 2013 public hearing of the City Council prior to taking action.

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

1. **FINDING:** The parcel is suitable for, and of sufficient size to be planned and developed in a manner consistent with the purposes and objectives of Municipal Code Section 17.39 PD

Planned Development District. Being that the subject parcel is less than four acres of contiguous land, the City Council finds that the parcel is suitable as a PD district by virtue of its unique land use, and because the project would provide a desirable living environment for seniors. The site is bounded by properties zoned CC (Community Commercial) and CN (Neighborhood Commercial). As a result, to provide a suitable transition between these various land uses while accommodating the existing density allowed by the General Plan and Zoning Ordinance, it is concluded that the use of the Planned Development mechanism is appropriate for the site.

2. FINDING: The proposed project design and improvements, as conditioned by the attached Conditions of Approval, are substantially in conformance with the City of Capitola's General Plan and Zoning Ordinance and other Municipal Code requirements, and standards as modified through the Planned Development provisions of the Zoning Ordinance for exceptions from certain zoning development standards.

- (a) The proposed housing project, including the design and improvements, is consistent with the City's General Plan goals to create a variety of housing types and styles throughout the City, in that it results in the creation of senior housing in a central location adjacent to a mix of commercial uses that is convenient for seniors, including a movie theatre, several restaurants, drug stores, and grocery stores, as well as the Capitola Mall.
- (b) Deviation from the CN district standards which govern the current zoning of the site has been minimized as required by Section 17.39.020(C) of the Planned Development District Standards and Requirements. Such deviations to setbacks and height will not have undesirable effects which outweigh the benefits of twenty three (23) senior housing units in a central location convenient for seniors to access community commercial uses and services.
- (c) The project site is not within a specific plan area nor within the Coastal Zone.

3. FINDING: That the site is physically suitable for the type and density of development proposed.

- (a) The developable area of the site is flat, is located outside the floodplain, in close proximity to existing residential and commercial development where infrastructure already exists to serve the twenty three additional residential units, and capacity is available in public water and sanitary sewer facilities to serve the site.
- (b) The proposed development of the site with attached senior housing will be consistent with the General Plan goals.
- (c) The .72 acre site is large enough to ensure adequate open space and parking for each of the units proposed.

4. FINDING: The establishment, maintenance and operation of the residential senior housing, as conditioned, will not be detrimental to health, safety, peace, morals, comfort and general welfare of the persons residing or working in the neighborhood of the proposed development, or to its future residents, or to the general welfare of the City. The project application, subject to the conditions imposed, will secure the purposes of the Zoning Ordinance and General Plan, and will maintain the character and integrity of the neighborhood.

RESOLUTION NO.

- (a) Community Development Department staff, the Architectural and Site Review Committee, and the City Council have reviewed the project and determined that the project, subject to the attached conditions and with the Planned Development Zoning designation in place, is generally consistent with the development standards of the CN (Neighborhood Commercial) zoning district. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance and the General Plan.
- (b) This project has been or will be, reviewed by all responsible City, County, and Regional agencies, and conditions of approval have been applied as deemed necessary by the Planning, Public Works, and Building Department staff to ensure the continuing public health, safety and orderly development of the surrounding area.
- (c) Proposed connections to existing infrastructure have been reviewed and a determination has been made that the site can and will be served by nearby municipal services and utilities.

BE IT FURTHER RESOLVED that the City Council approves the proposed Conditional Use Permit and Design Permit subject to, and contingent upon, the rezoning of the site to "Planned Development" as per the ordinance rezoning the property and further subject to the conditions of approval attached as Exhibit "A".

I HEREBY CERTIFY that the above and foregoing resolution was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the 27th day of June, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

 Stephanie Harlan, Mayor

 Su Sneddon, City Clerk, CMC

Exhibit "A"

CONDITIONS OF APPROVAL

1575 38th Avenue

Application #13-061

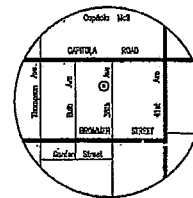
1. The project approval is for a Planned Development Rezoning, Conditional Use Permit, and Design Permit to demolish a commercial salvage yard (Capitola Freight and Salvage) and construct a three-story, 23-unit residential senior housing project in the CN (Neighborhood Commercial) Zoning District.
2. Any significant modifications to the size or exterior appearance of the approved design 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. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director.
4. 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.
5. Air-conditioning equipment and other roof top equipment shall be screened from view and fall within the allowable city permitted decibel levels.
6. 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.
7. The applicant shall submit a drainage plan, with the building permit plans, subject to the current Post Construction Requirements for stormwater mitigation practices as specified by the Regional Board and the County of Santa Cruz Design Criteria. The drainage plan shall be reviewed and approved to the satisfaction of the Public Works Director and the Santa Cruz County's Zone 5 Drainage District.
8. 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. Irrigation and landscaping shall be installed prior to final building occupancy.
9. An erosion control plan shall be approved and in place prior to grading and construction on site.
10. Prior to Certificates of Occupancy being issued, the project Developer shall be responsible for installing all required frontage improvements including curb, gutter, and sidewalk, along 38th Avenue for the length of the property frontage. All sidewalks are to meet the standards for ADA accessibility.
11. All lighting shall be shielded and directed on to subject property, away from adjacent residential properties. Lighting intensity shall be reviewed and approved by staff prior to final occupancy and shall be reviewed by the Planning Commission upon receipt of a complaint.

RESOLUTION NO.

12. No roof equipment is to be visible to the general public. Any necessary roof screening is to match the 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.
13. A 6'-8" high concrete block wall (measured from project finished grade) shall be constructed along the western property line adjacent to residential properties.
14. The applicant shall obtain an encroachment permit, from the Director of Public Works, prior to any work in the public right of way.
15. 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. Underground utility vaults shall be located in a paved surface area outside of the landscaped area.
16. The applicant shall comply with all requirements of the Santa Cruz City Water Department regarding landscape irrigation and/or water fixture requirements, as well as any infrastructure improvements. Final building plans shall be reviewed and approved by the Department prior to issuance of building permits.
17. The applicant shall implement "Best Management" construction practices to control dust and PM₁₀ emissions during grading and site development. The MBUAPCD identifies the following construction practices to control dust:
 - o Water all active construction areas at least twice daily;
 - o Prohibit all grading activities during periods of high winds (over 15 mph);
 - o Cover all trucks hauling dirt, sand or loose materials.
 - o Cover or water stockpiles of debris, soil and other materials which can become windblown;
 - o Install wheel washers at the entrance to construction sites for all existing trucks;
 - o Sweep streets if visible soil material is carried out from the construction site;
 - o Apply chemical soil stabilizers on inactive construction sites;
 - o Plant vegetative ground cover in disturbed areas as soon as possible.
18. The applicant shall submit a construction plan for approval prior to building permit issuance. The plan shall include, but not be limited to, identifying construction hours, access to the site, contractor parking locations, office trailer locations, material storage, etc.
19. If archaeological resources or human remains are accidentally discovered during construction, work shall be halted within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented. Disturbance shall not resume until the significance of the archaeological resources is determined and appropriate mitigations to preserve the resource on the site are established. If human remains are encountered during construction or any other phase of development, work in the area of discovery must be halted, the Santa Cruz County coroner notified, and the provisions of Public Resources Code 5097.98-99, Health and Safety Code 7050.5 carried out. If the remains are determined to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours as required by Public Resources Code 5097.
20. The applicant shall meet or exceed the California Green Building Code and Capitola Green Building Program.

21. Mitigation Measure 1: The applicant shall prepare an acoustical study with the building permit submittal. The building plans shall incorporate any recommended building or window design measures, if needed to achieve required indoor noise levels.
22. The applicant shall submit the manufacturer specifications which demonstrate that the HVAC will comply with the 60 dba Ldn standard.
23. The applicant shall construct a mid-block pedestrian crossing on 38th Avenue from the project to King's Shopping Center. The crossing shall be designed based on recommendations of the traffic engineer and approved by the Public Works Director.
24. The applicant shall submit a detailed arborist report prior to any grading, with recommendations for protection of the redwood trees and the root systems. The recommendations shall be incorporated into the construction documents. An arborist shall be on-site during excavation of the site to ensure the redwood trees are not damaged.
25. The applicant shall minimize the number of construction vehicles on-site at any one time.
26. The applicant shall include, in the resident lease agreement, a disclosure regarding the potential for noise from the adjacent commercial district.

VILLA CAPITOLA
 Unassisted Senior Housing
 1575 38th Avenue
 Santa Cruz, CA 95062



VICINITY MAP
 NO SCALE



PROJECT DATA

OWNER: Steve Thomas and Maureen Romo
 OWNER'S AGENT: Nancy Huyck
 ASSESSOR PARCEL NUMBER: 034-181-17
 PARCEL AREA: Approximately 31,303 sf (130'-3" +/- x 240'-4" +/-)
 ZONED: PD (Planned Development)
 SETBACKS: Front East: 23'-0" setback including 9'-0" sidewalk (Average Setback 29'-0")
 Side South: 0' setback (Average Setback 4'-0")
 Rear West: 15'-0"
 Side North: 7'-0"
 AREAS: Garage and Associated functions on Ground Floor: 25,378sf
 Second Floor (including all decks): 22,272sf
 Third Floor (including all decks + pool area): 19,805sf
 TOTAL AREA: 65,455
 UNIT COUNT: 23 Units Total
 Studios: 14
 One Bedrooms: 9
 PARKING COUNT: 35 Stalls Total
 BUILDING HEIGHT: 35' +/- Average

CODE + CONSTRUCTION DATA

NUMBER OF STORES: 3 (Garage + Second and Third Story Apartments)
 BUILDING OCCUPANCY CLASSIFICATION: R-2 Residential
 OCCUPANT LOAD FOR EACH FLOOR:
 Garage: (xxxx)
 Second Story: (xxxx)
 Third Story: (xxxx)
 TYPE OF CONSTRUCTION: SA
 FIRE PROTECTION: Automatic Fire Sprinkler System Throughout

SCHEDULE OF DRAWINGS:

- | | | |
|---------------|------|--|
| GENERAL | G-1 | GENERAL INFORMATION
(Renditions Attached) |
| CIVIL | C-1 | SURVEYORS MAP |
| ARCHITECTURAL | A-1 | DEMOLITION PLAN (Asid Photo) |
| | A-2 | SITE PLAN |
| | A-3 | FIRST FLOOR GARAGE PLAN |
| | A-4 | SECOND FLOOR PLAN |
| | A-5 | THIRD FLOOR PLAN |
| | A-6 | ROOF PLAN |
| | A-7 | EXTERIOR ELEVATIONS |
| | A-8 | INTERIOR ELEVATIONS |
| | A-9 | BUILDING SECTIONS |
| | A-10 | BUILDING SECTIONS |
| | A-11 | LANDSCAPE + SITE LIGHTING |

HUYCK
 ARCHITECTS

9200 SOQUEL DRIVE
 APTOS, CA 95003
 PHONE (831)688-1206
 FAX (831)688-3205

Progress
 04-18-13

no.	date	description

REVISIONS

PROJECT TITLE
 VILLA CAPITOLA
 UNASSISTED
 SENIOR HOUSING
 1575 38th AVENUE
 SANTA CRUZ, CA 95062
 APN: 034-181-17

SHEET TITLE

GENERAL
 INFORMATION

SCALE: None

DATE: 04-18-13

DRAWN BY: NLH

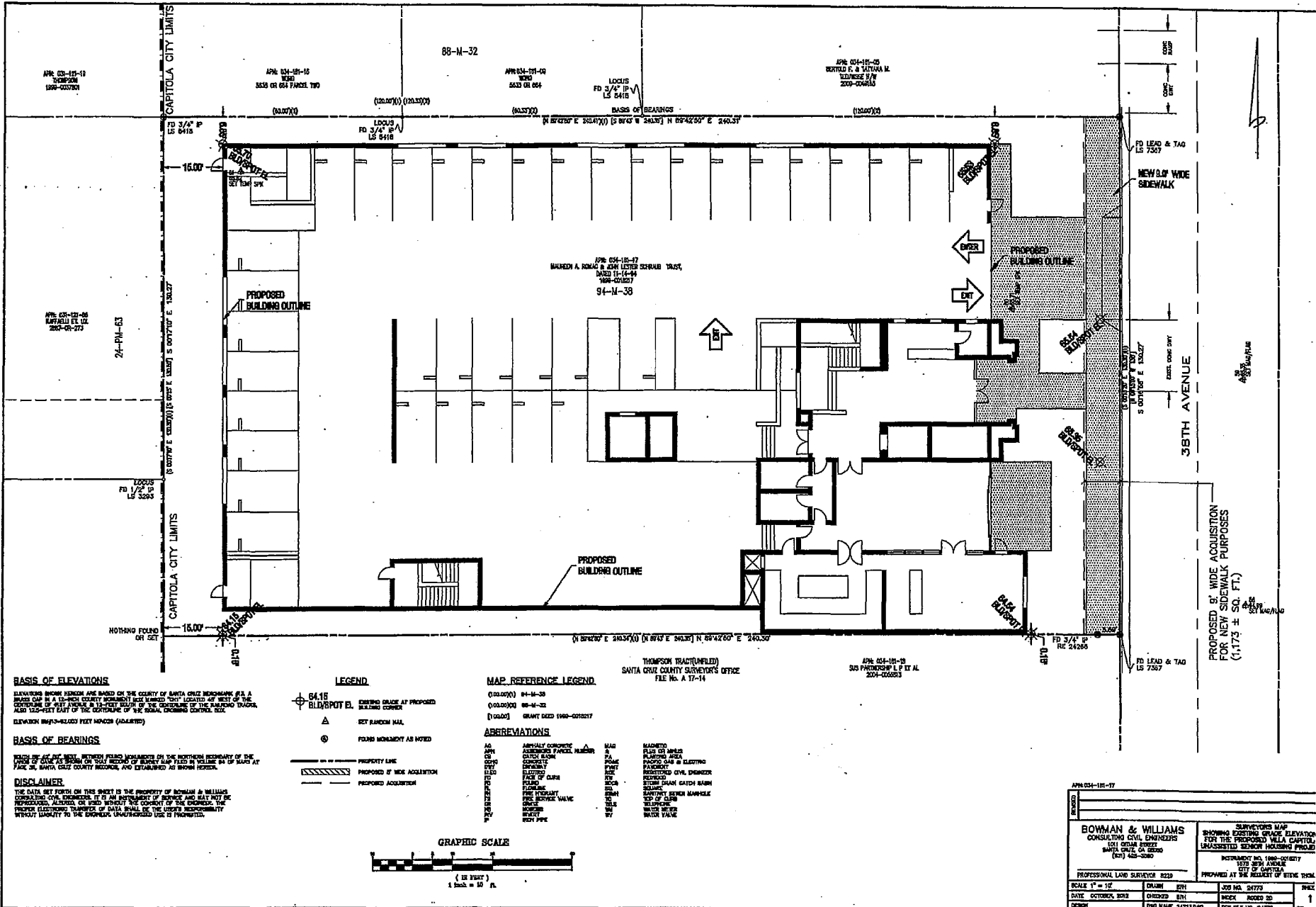
JOB NO.: N1140

DWG. NO.: N1140-G-1

G-1

sheet of sheets

THIS DRAWING IS THE PROPERTY OF
 HUYCK ARCHITECTS. IT IS TO BE USED
 ONLY FOR THE PROJECT AND SITE
 SPECIFICALLY IDENTIFIED HEREON.
 ANY REUSE OR MODIFICATION OF
 THIS DRAWING WITHOUT THE WRITTEN
 CONSENT OF HUYCK ARCHITECTS IS
 EXPRESSLY PROHIBITED.



BASIS OF ELEVATIONS

ELEVATIONS SHOWN HEREON ARE BASED ON THE COUNTY OF SANTA CRUZ BENCHMARK #8, A BRASS CAP IN A 10-INCH COUNTY MONUMENT AND MARKED "ST" LOCATED AT WEST OF THE CORNER OF 40th STREET & 15-FOOT WIDE OF THE CORNER OF THE PARKING TRUCK, ALSO 12.0-FOOT EAST OF THE CENTERLINE OF THE BOUNDARY CONTROL BOX. ELEVATION 844.53± FEET MVDMS (ADJUSTED)

BASIS OF BEARINGS

BEARINGS ARE SET FROM BOUNDARY MONUMENTS ON THE NORTHERN BOUNDARY OF THE PLOT OF 38th STREET ON 1880 RECORD OF SURVEY AND FROM WELLS NO. 10 BY MARK AT FACE IN SANTA CRUZ COUNTY RECORDS, AND ESTABLISHED AS SHOWN HEREA.

DISCLAIMER

THE DATA SET FORTH ON THIS SHEET IS THE PROPERTY OF BOWMAN & WILLIAMS CONSULTING CIVIL ENGINEERS. IT IS AN INSTRUMENT OF SERVICE AND MAY NOT BE REPRODUCED, ALTERED, OR USED WITHOUT THE CONSENT OF THE ENGINEER. THE WRITTEN ELECTRONIC TRANSMISSION OF DATA SHALL BE THE USER'S RESPONSIBILITY WITHOUT LIABILITY TO THE ENGINEER UNLESS OTHERWISE NOTED.

LEGEND

- 8415 BLDG/PROP E.L. EXISTING GRADE AT PROPOSED BUILDING CORNER
- ▲ SET RANDOM NAIL
- ⊙ FOUND MONUMENT AS NOTED
- PROPERTY LINE
- - - PROPOSED 6' WIDE ACQUISITION
- ▨ PROPOSED ACQUISITION

MAP REFERENCE LEGEND

- (120.00') 84-M-38
- (120.00') 88-M-32
- (120.00') GRANT DEED 1940-002257

ABBREVIATIONS

- AG ANNUALLY CORRECTED
- ASL ADJUSTED
- BS BENCHMARK
- CL CENTERLINE
- CON CONCRETE
- DIR DIRECTION
- DIST DISTANCE
- FACE OF CURB
- FLOOR FLOOR
- FLOORING FLOORING
- FRS FREIGHT
- FRS SERVICE WALK
- GRS GROUND
- INT INTERSECTION
- PER PERIMETER
- PROP PROPOSED
- RAW RAW
- REB REBAR
- REF REFERENCE
- SUR SURFACE
- TOP TOP
- WATER WATER
- WALK WALK
- WELL WELL
- W/P WATER
- W/W WATER
- W/W WATER
- W/W WATER
- W/W WATER



APR 054-181-17

BOWMAN & WILLIAMS
CONSULTING CIVIL ENGINEERS
101 ORAN STREET
SANTA CRUZ, CA 95060
(831) 426-3080

PROFESSIONAL LAND SURVEYOR 0220

SCALE: 1" = 10'

DATE: OCTOBER 2012

DRAWN: ENH

CHECKED: ENH

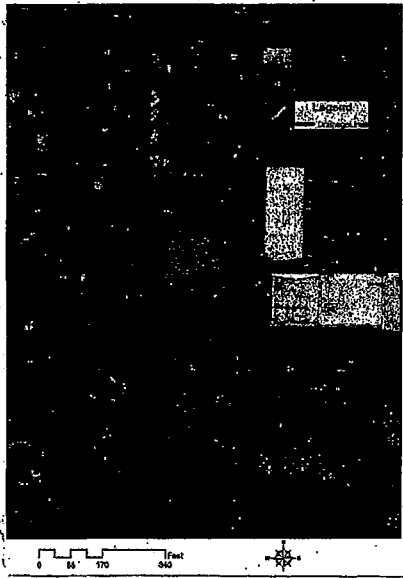
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SURVEYORS MAP
SHOWING EXISTING GRADE ELEVATION
FOR THE PROPOSED MELA CAPITOLA
UNIVERSITIES SENIOR HOUSING PROJECT

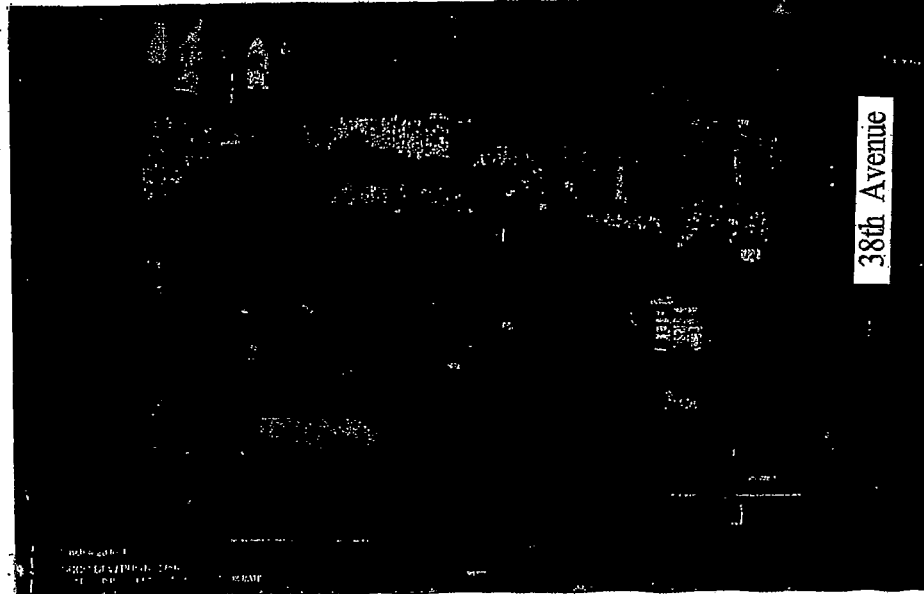
INSTRUMENT NO. 1986-00156
CITY OF CAPITOLA

PROPOSED AT THE REQUEST OF STATE 1504

300 NO. 54775	SHEET	1
SHEET		
NO. 2	SHEET	1
NO. 3		
NO. 4	SHEET	1
NO. 5		
NO. 6	SHEET	1
NO. 7		



Existing Vicinity Parcels / Drainage Lines



Existing Site Conditions

Existing Conditions for Demolition

HUYCK
ARCHITECTS

8204 SORCEL DRIVE
APTOS, CA 95003
PHONE (831)688-1208
FAX (831)688-3205

Progress
04-18-13

no.	date	description
△	XX-XX-XX	XX

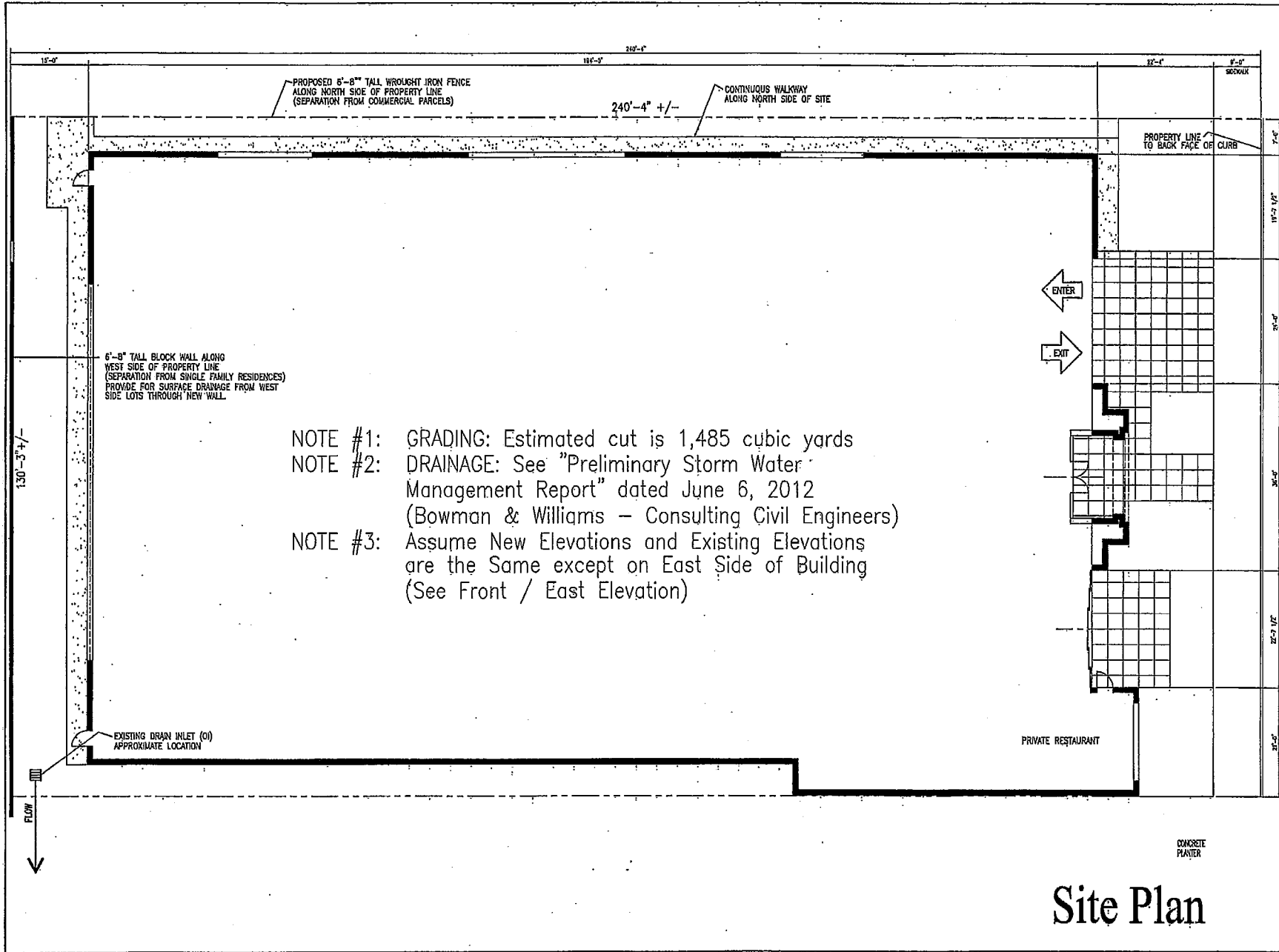
REVISIONS

PROJECT TITLE
VILLA CAPITOLA
UNASSISTED
SENIOR HOUSING
1575 38th AVENUE
SANTA CRUZ, CA
APN: 034-181-17

SHEET TITLE
EXISTING
CONDITIONS for
DEMOLITION

SCALE: None
DATE: 04-18-13
DRAWN BY:
JOB NO.: N1140
DWG. NO.: N1140-A-1

A-1
sheet of sheets



- NOTE #1: GRADING: Estimated cut is 1,485 cubic yards
- NOTE #2: DRAINAGE: See "Preliminary Storm Water Management Report" dated June 6, 2012 (Bowman & Williams - Consulting Civil Engineers)
- NOTE #3: Assume New Elevations and Existing Elevations are the Same except on East Side of Building (See Front / East Elevation)

HUYCK ARCHITECTS

9200 SOQUEL DRIVE
 APTOS, CA 95003
 PHONE (831)688-1206
 FAX (831)688-3205

Progress
 04-18-13

no.	date	description

REVISIONS

PROJECT TITLE
 VILLA CAPITOLA
 UNASSISTED
 SENIOR HOUSING
 1575 38th AVENUE
 SANTA CRUZ, CA
 APN: 034-181-17

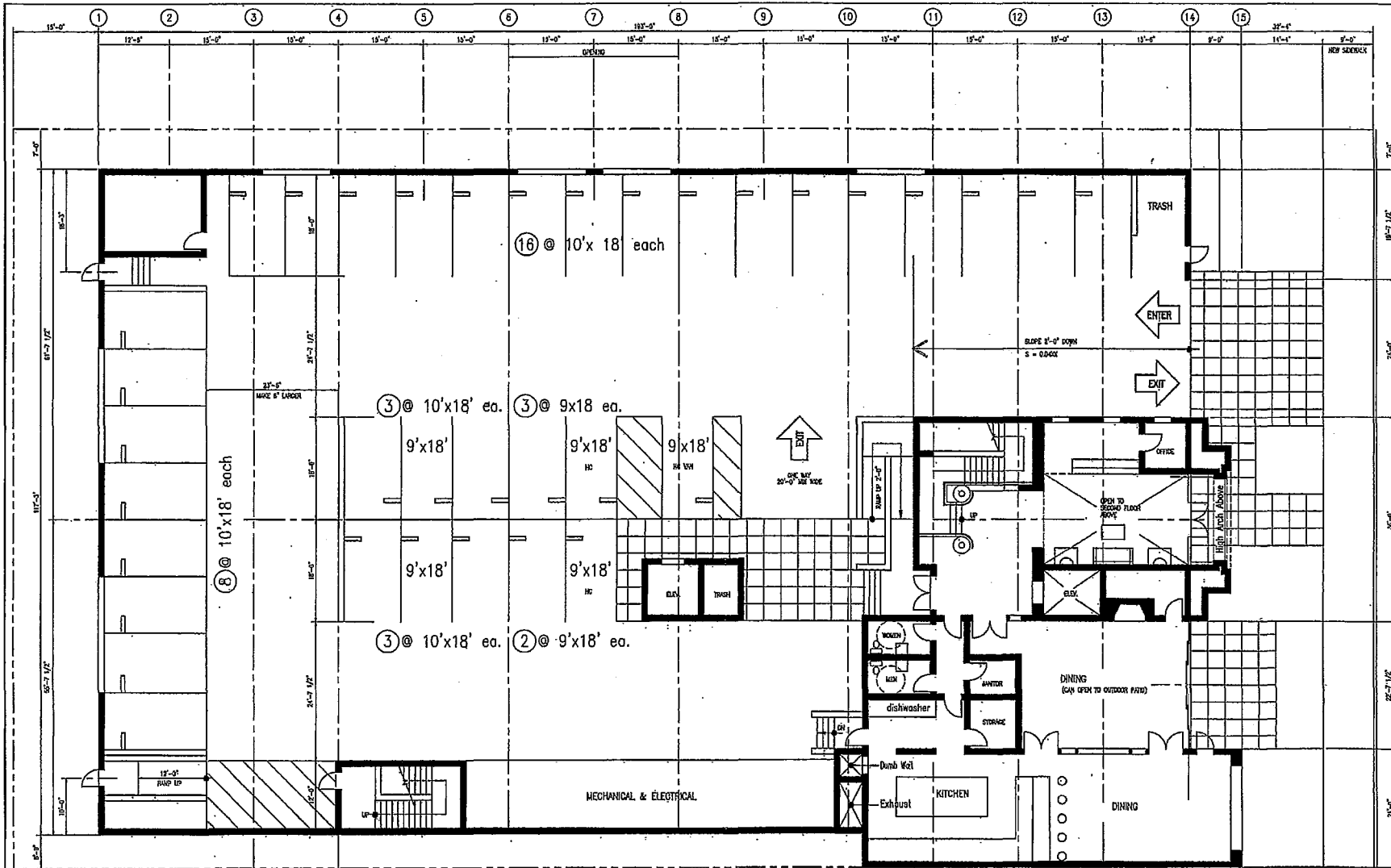
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 SITE PLAN

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 DATE: 04-18-13
 DRAWN BY: NLH
 JOB NO.: N1140
 DWG. NO.: N1140-A-2

Site Plan

A-2

sheet of sheets



HUYCK
ARCHITECTS

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PHONE (831)885-1206
FAX (831)668-3206

Progress
04-18-13

no.	date	description
1	XX-XX-XX	XXX

REVISIONS

PROJECT TITLE
VILLA CAPITOLA
UNASSISTED
SENIOR HOUSING
1576 38th AVENUE
SANTA CRUZ, CA
APN: 034-181-17

SHEET TITLE
FIRST FLOOR
GARAGE PLAN

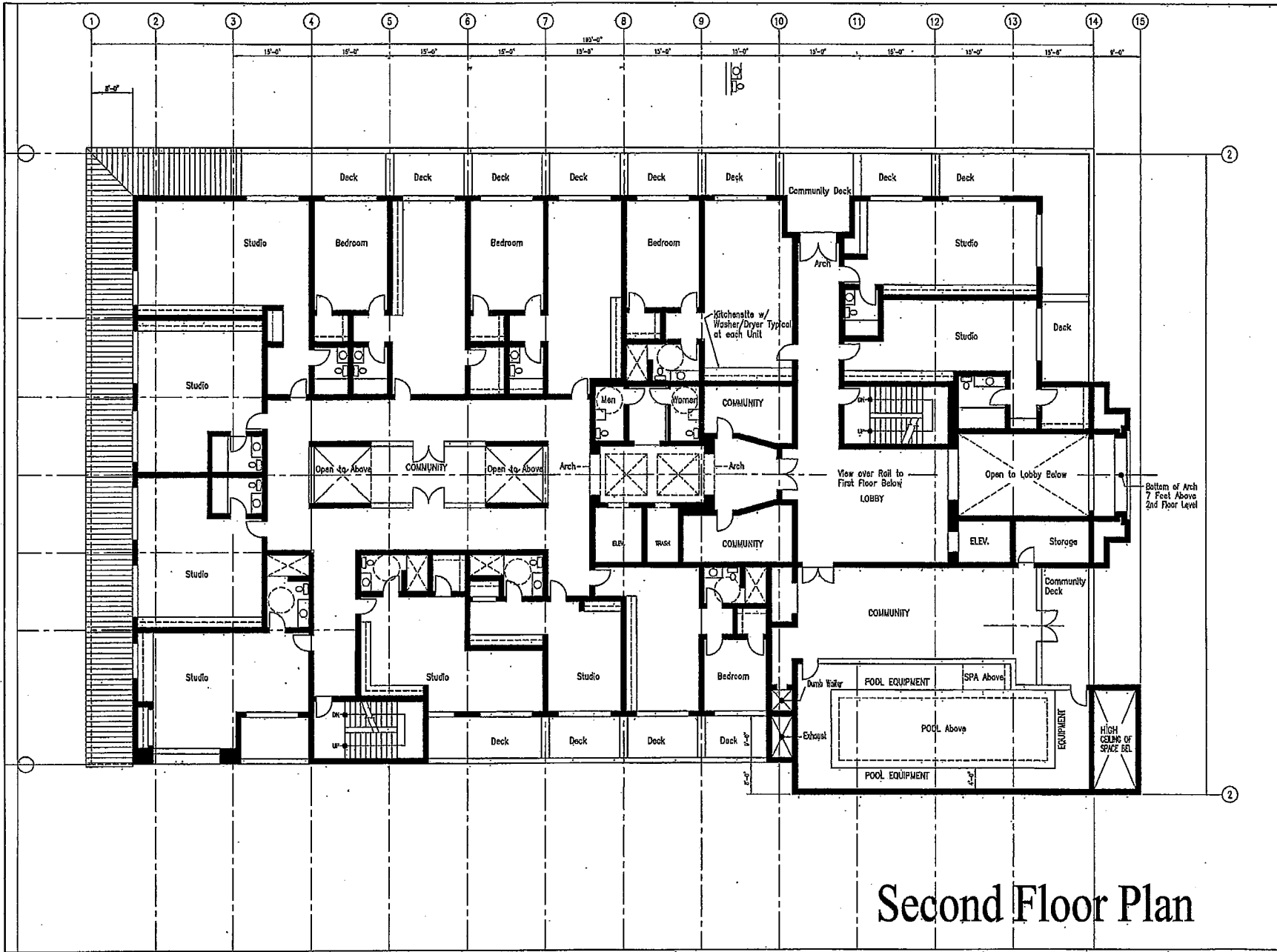
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JOB NO.: N1140
DWG. NO.: N1140-A-3

A-3
sheet of sheets

(35 total parking stalls)

First Floor Garage Plan

Item #: 8.B. Attach 3.pdf



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APTOS, CA 95003
PHONE (831)565-1206
FAX (831)566-3205

Progress
04-18-13

no.	date	description

REVISIONS

PROJECT TITLE
VILLA CAPITOLA
UNASSISTED
SENIOR HOUSING
1876 38th AVENUE
SANTA CRUZ, CA
APN: 034-181-17

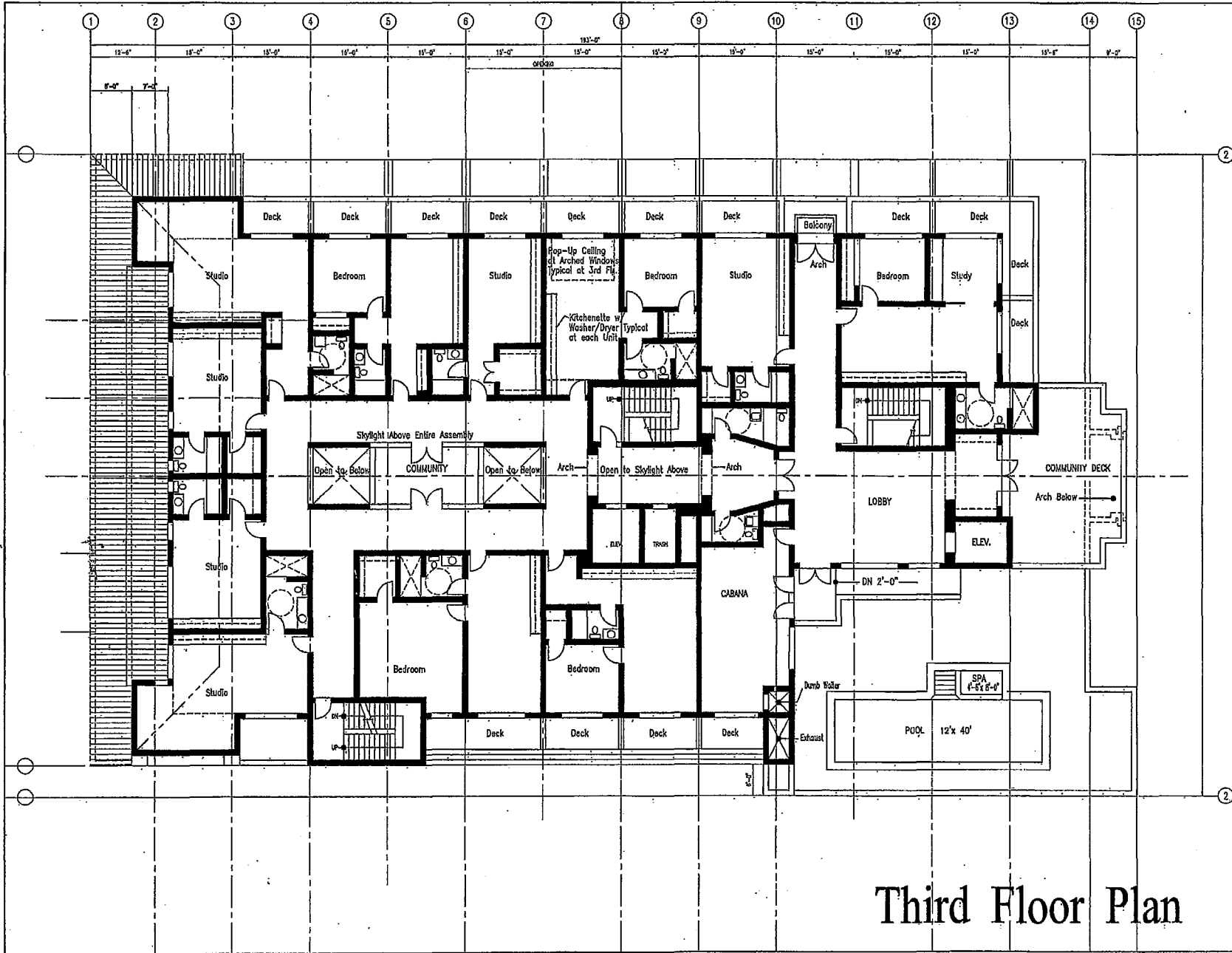
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SECOND FLOOR
PLAN

SCALE: 1/8" = 1'-0"
DATE: 04-18-13
DRAWN BY: NLH
JOB NO.: N1140
DWS. NO.: N1140-A-4

A-4

sheet of sheets

Second Floor Plan



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APTOS, CA 95003
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FAX (831)688-3205

Progress
04-18-13

no.	date	description

REVISIONS

PROJECT TITLE
VILLA CAPITOLA
UNASSISTED
SENIOR HOUSING
1575 38th AVENUE
SANTA CRUZ, CA
APH: 034-181-17

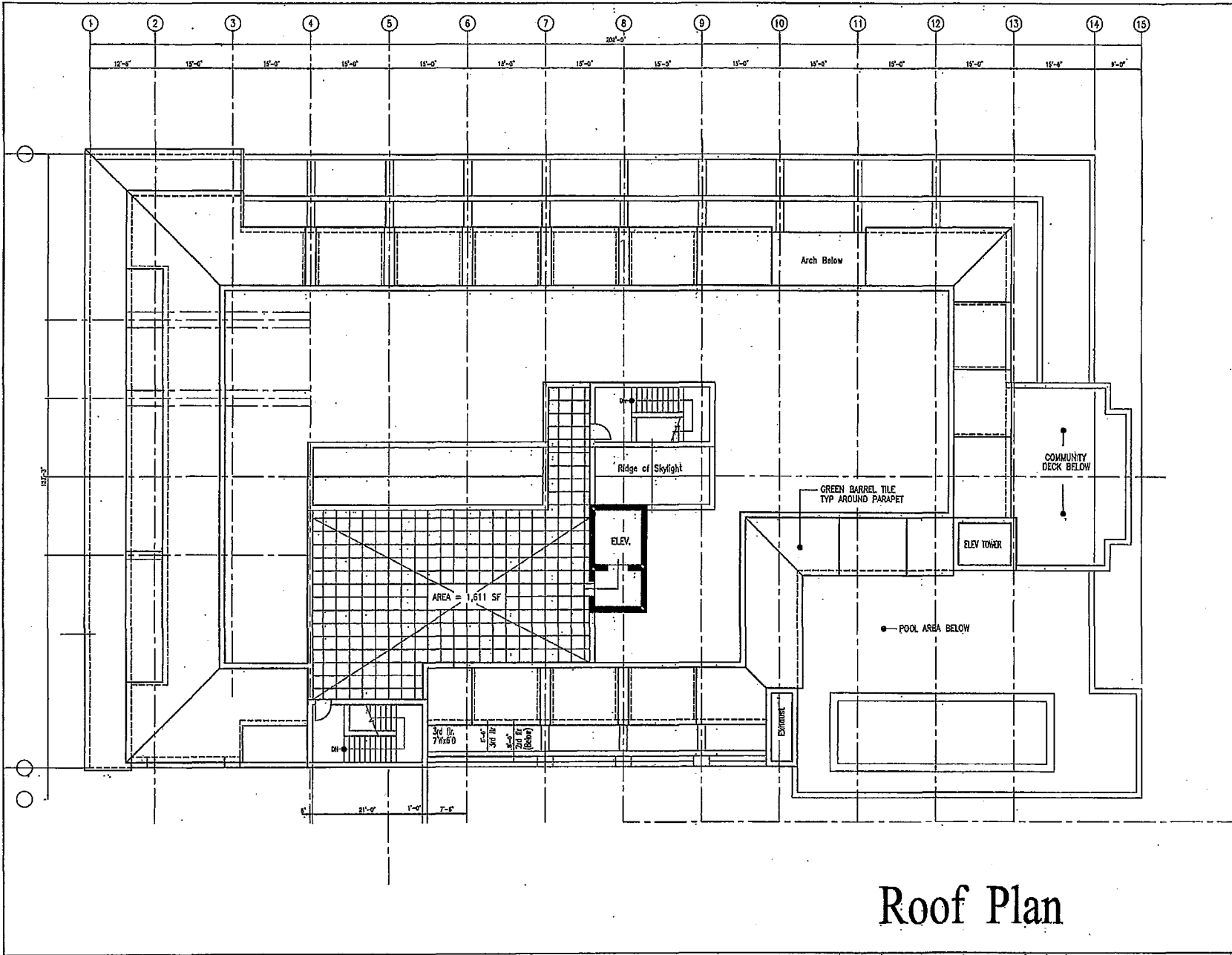
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THIRD FLOOR
PLAN

SCALE: 1/8" = 1'-0"
DATE: 04-18-13
DRAWN BY: NLH
JOB NO.: N1140
DWG. NO.: N1140-A-5

A-5

sheet of sheets

Third Floor Plan



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APTOS, CA 95003
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FAX (831) 688-3205

Progress
04-18-13

no.	date	description

REVISIONS

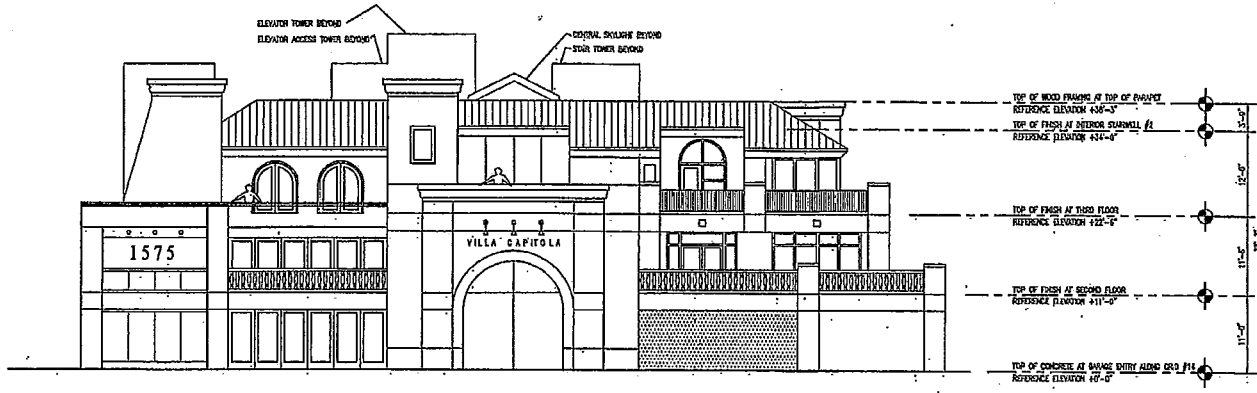
PROJECT TITLE
VILLA CAPITOLA
UNASSISTED
SENIOR HOUSING
1575 38th AVENUE
SANTA CRUZ, CA
APN: 034-181-17

SHEET TITLE
ROOF
PLAN

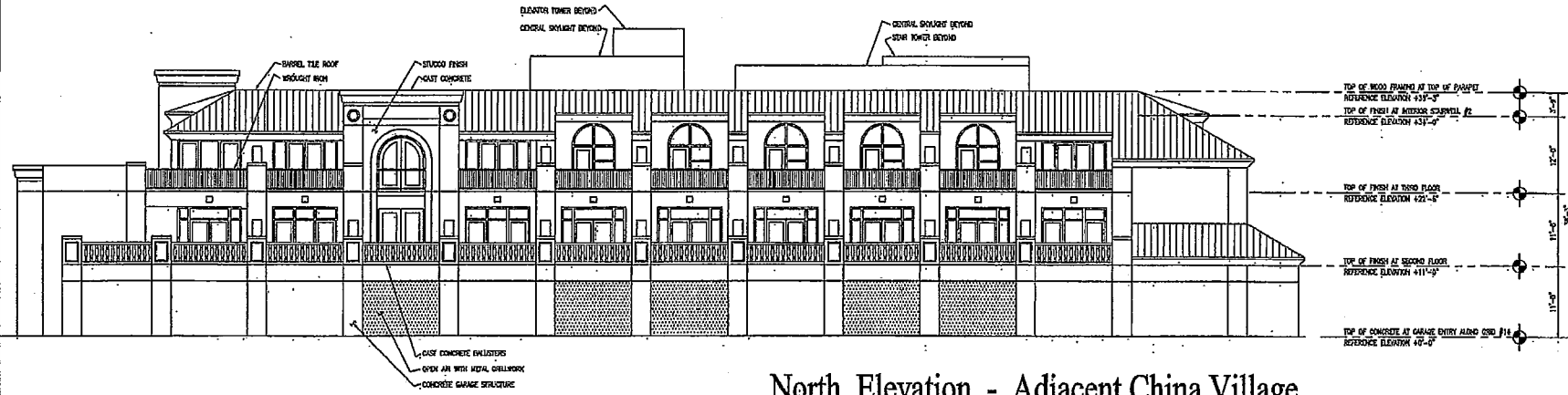
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DATE: 04-18-13
DRAWN BY: NLH
JOB NO.: N1140
DWG. NO.: N1140-A-6

A-6
sheet of sheets

Roof Plan



East Elevation - Front



North Elevation - Adjacent China Village

HUYCK
ARCHITECTS

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APTOS, CA 95003
PHONE (831)888-1206
FAX (831)888-3205

Progress
04-18-13

no.	date	description

REVISIONS

PROJECT TITLE
VILLA CAPITOLA
UNASSISTED
SENIOR HOUSING
1575 38th AVENUE
SANTA CRUZ, CA
APN: 034-18(1-17)

SHEET TITLE
EXTERIOR
ELEVATIONS

SCALE: 1/8" = 1'-0"
DATE: 04-18-13
DRAWN BY: NLH
JOB NO.: N1140
DWG. NO.: N1140-A-7

A-7

sheet of sheets

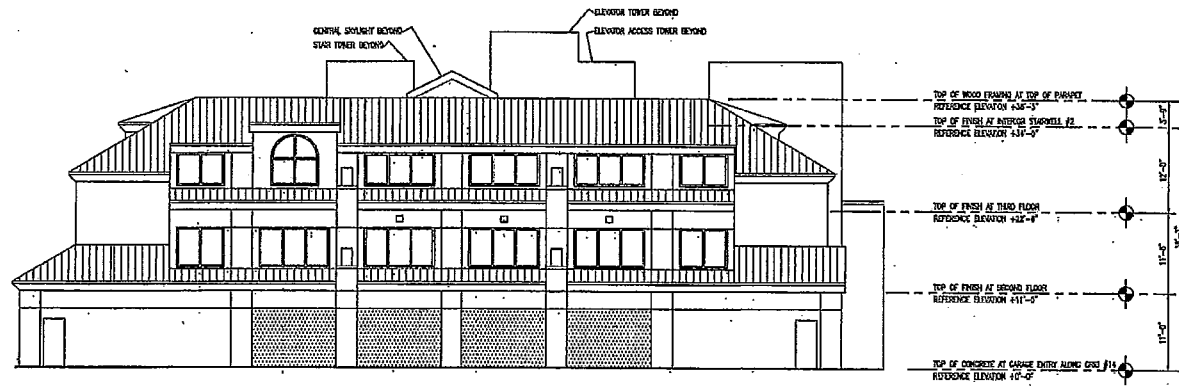
*See 3D
Renderings*

Item #: 8.B. Attach 3.pdf

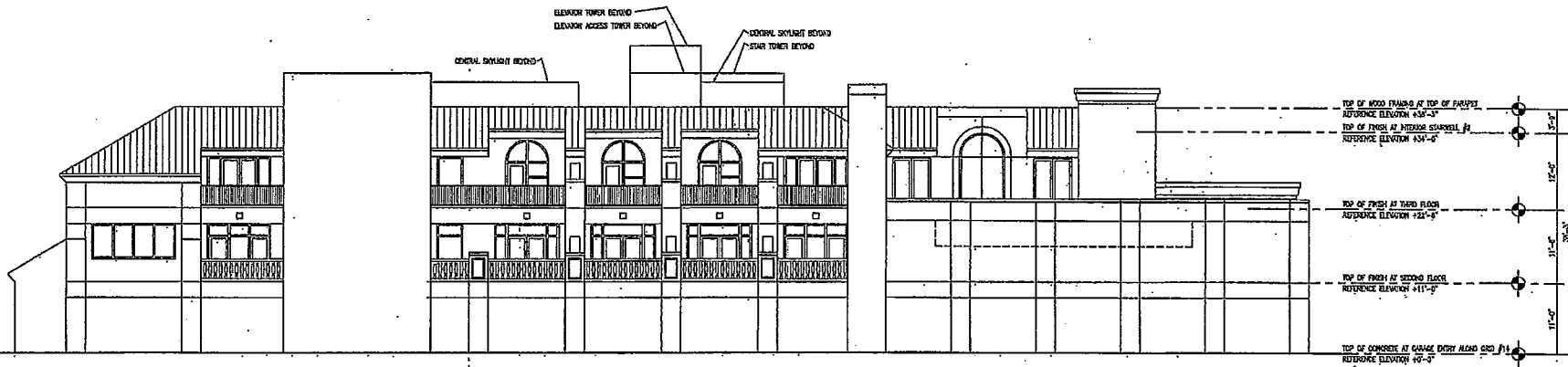
HUYCK
ARCHITECTS

9200 SQUEL DRIVE
APTOS, CA 95003
PHONE (831)688-1205
FAX (831)688-3205

Progress
04-18-13



West Elevation - Rear



South Elevation - Adjacent Storage

no.	date	description

REVISIONS

PROJECT TITLE
**VILLA CAPITOLA
UNASSISTED
SENIOR HOUSING**
1575 38th AVENUE
SANTA CRUZ, CA
APH: 034-181-17

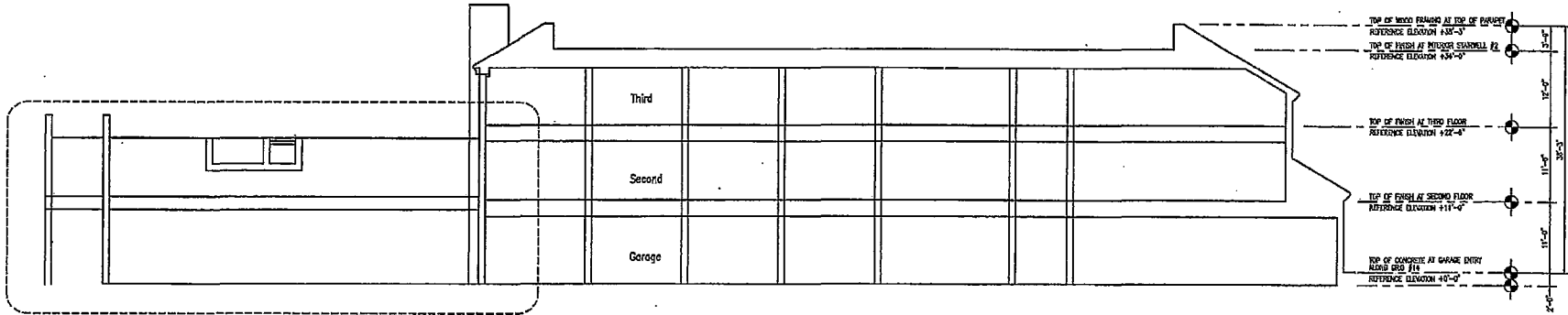
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**EXTERIOR
ELEVATIONS**

SCALE: 1/8" = 1'-0"
DATE: 04-18-13
DRAWN BY: NLH
JOB NO.: N1140
DWG. NO.: N1140-A-8

A-8

sheet of sheets

*See 3D
Renderings*



Longitudinal Section

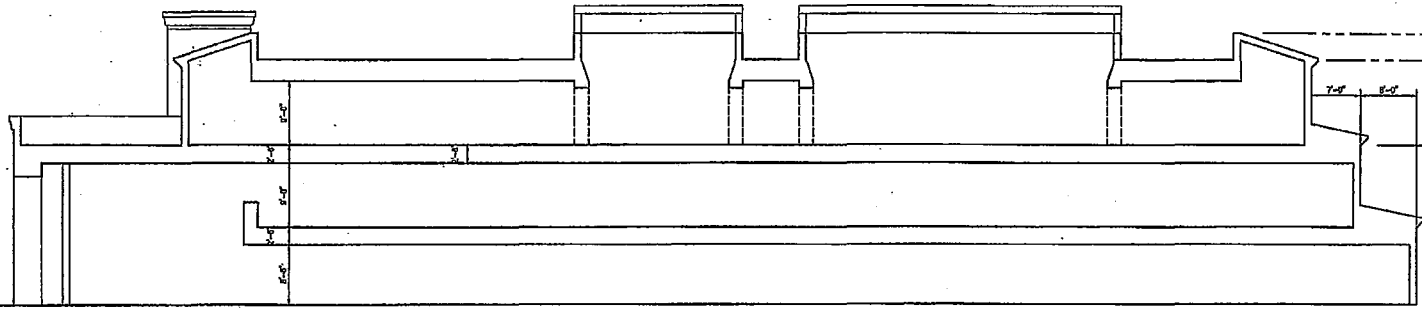
TOP OF WOOD FRAMING AT TOP OF EXTERIOR
REFERENCE ELEVATION +33'-3"

TOP OF FINISH AT INTERIOR STAIRWELL PL.
REFERENCE ELEVATION +33'-0"

TOP OF FINISH AT THIRD FLOOR
REFERENCE ELEVATION +27'-4"

TOP OF FINISH AT SECOND FLOOR
REFERENCE ELEVATION +11'-0"

TOP OF CONCRETE AT GARAGE ENTRY
ALSO 2ND FLOOR
REFERENCE ELEVATION +0'-0"



Longitudinal Section through Community/Skylight

TOP OF WOOD FRAMING AT TOP OF EXTERIOR
REFERENCE ELEVATION +33'-3"

TOP OF FINISH AT INTERIOR STAIRWELL PL.
REFERENCE ELEVATION +33'-0"

TOP OF FINISH AT THIRD FLOOR
REFERENCE ELEVATION +27'-4"

TOP OF FINISH AT SECOND FLOOR
REFERENCE ELEVATION +11'-0"

TOP OF CONCRETE AT GARAGE ENTRY
ALSO 2ND FLOOR
REFERENCE ELEVATION +0'-0"

HUYCK
ARCHITECTS

9200 SOQUEL DRIVE
APTOS, CA 95003
PHONE (831)885-1205
FAX (831)888-3205

Progress
04-18-13

no.	date	description

REVISIONS

PROJECT TITLE
VILLA CAPITOLA
UNASSISTED
SENIOR HOUSING
1575 38th AVENUE
SANTA CRUZ, CA
APN: 034-181-17

SHEET TITLE
BUILDING
SECTIONS

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

DATE: 04-18-13

DRAWN BY: NLH

JOB NO.: N1140

DWG. NO.: N1140-A-9

A-9

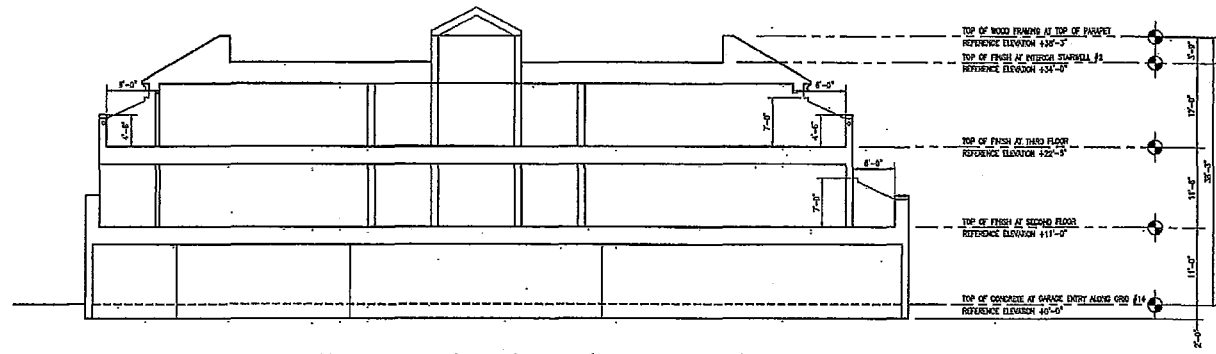
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Item #: 8.B. Attach 3.pdf

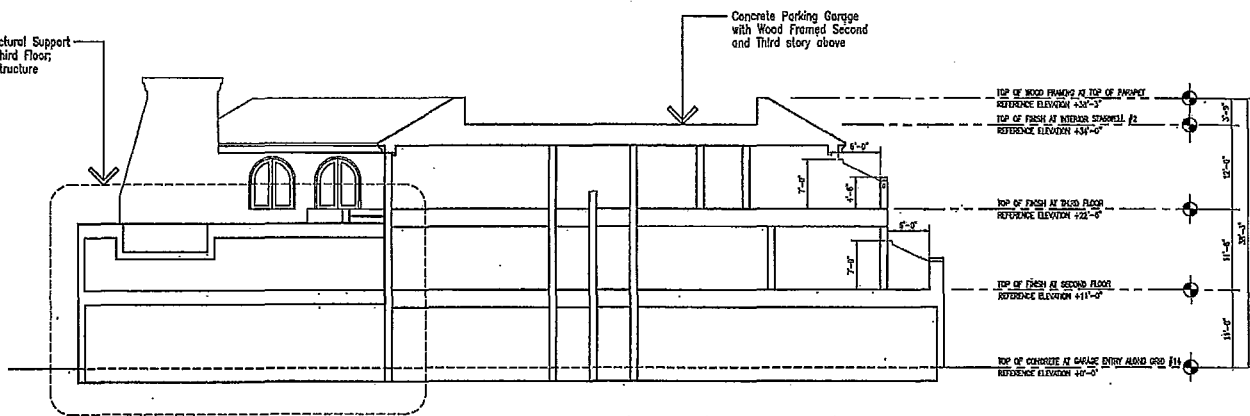
HUYCK
ARCHITECTS

9200 SQUEL DRIVE
APTOS, CA 95003
PHONE (831)685-1206
FAX (831)686-3205

Progress
04-18-13



Cross Section through Community Lightwell



Cross Section through Swimming Pool

△ XX-XX-XX XXX

no.	date	description

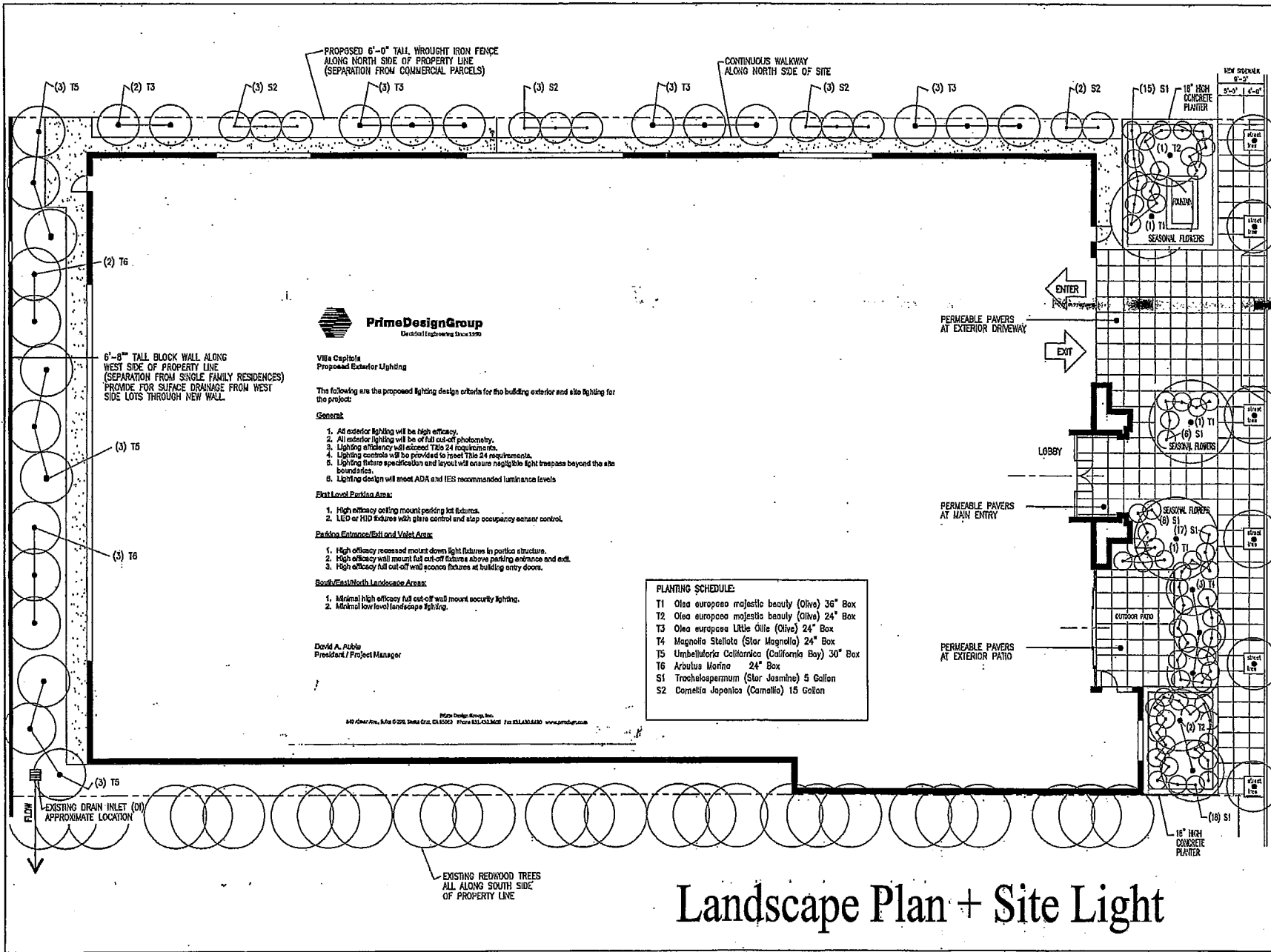
REVISIONS

PROJECT TITLE
VILLA CAPITOLA
UNASSISTED
SENIOR HOUSING
1576 38th AVENUE
SANTA CRUZ, CA
APN: 034-181-17

SHEET TITLE
BUILDING
SECTIONS

SCALE: 1/8" = 1'-0"
DATE: 04-18-13
DRAWN BY: NLH
JOB NO.: N1140
DWG. NO.: N1140-A-10

A-10
sheet of sheets



Villa Capitale
Proposed Exterior Lighting

The following are the proposed lighting design criteria for the building exterior and site lighting for the project:

- General:**
1. All exterior lighting will be high efficacy.
 2. All exterior lighting will be off full cut-off photometry.
 3. Lighting efficiency will exceed Table 24 requirements.
 4. Lighting controls will be provided to meet Table 24 requirements.
 5. Lighting fixture specification and layout will ensure negligible light trespass beyond the site boundaries.
 6. Lighting design will meet ADA and IES recommended luminance levels.

- First Level Parking Area:**
1. High efficacy ceiling mount parking lot fixtures.
 2. LED or HID fixtures with glare control and sleep occupancy sensor control.

- Parking Entrance/Exit and Valet Area:**
1. High efficacy recessed mount down light fixtures in portico structure.
 2. High efficacy wall mount full cut-off fixtures above parking entrance and exit.
 3. High efficacy full cut-off wall sconce fixtures at building entry doors.

- South/East/Noth Landscape Areas:**
1. Minimal high efficacy full cut-off wall mount security lighting.
 2. Minimal low level landscape lighting.

David A. Ruble
President / Project Manager

Prime Design Group, Inc.
440 Clear Ave., Suite 200, Santa Cruz, CA 95067 Phone 831.433.8621 Fax 831.433.8430 www.primedesign.com

PLANTING SCHEDULE:

T1	Olea europaea majestic beauty (Olive) 36" Box
T2	Olea europaea majestic beauty (Olive) 24" Box
T3	Olea europaea Little Gille (Olive) 24" Box
T4	Magnolia Stellata (Star Magnolia) 24" Box
T5	Umbellularia Californica (California Bay) 30" Box
T6	Arbutus Menziesii 24" Box
S1	Trochopospermum (Star Jasmine) 5 Gallon
S2	Comelia Japonica (Camellia) 15 Gallon

HUYCK
ARCHITECTS

9200 SOQUEL DRIVE
APTOS, CA 95003
PHONE (831) 695-1206
FAX (831) 698-3205

Progress
04-18-13

no.	date	description

REVISIONS

PROJECT TITLE
VILLA CAPITOLA
UNASSISTED
SENIOR HOUSING

1575 38th AVENUE
SANTA CRUZ, CA
APN: 034-161-17

SHEET TITLE
LANDSCAPE PLAN
and
SITE LIGHTING

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

DATE: 04-18-13

DRAWN BY: NLH

JOB NO.: N1140

DWG. NO.: N1140-A-11

A-11
sheet of sheets

Landscape Plan + Site Light

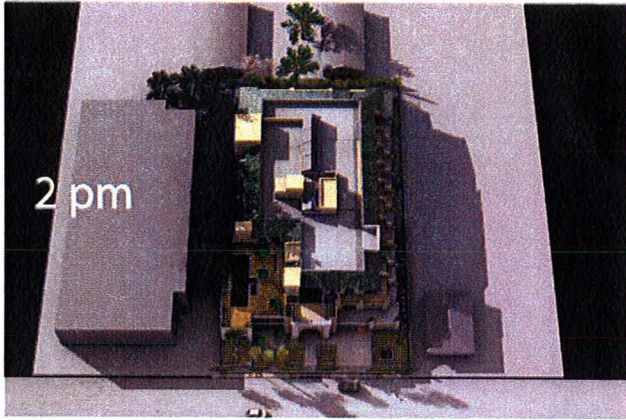
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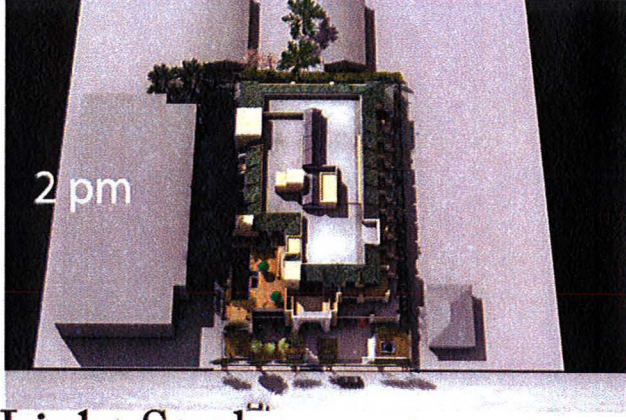
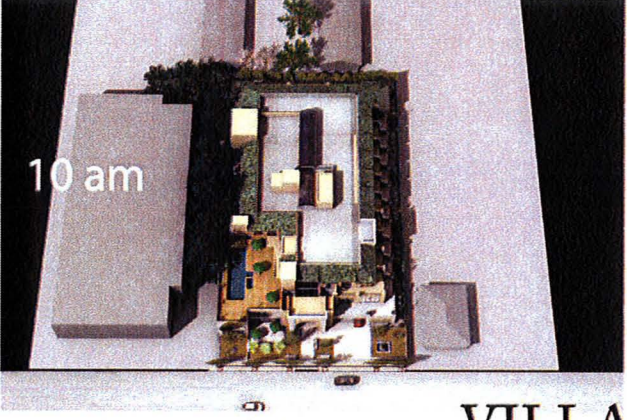


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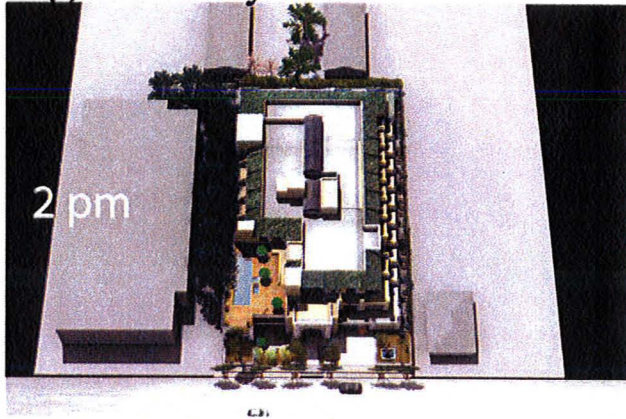
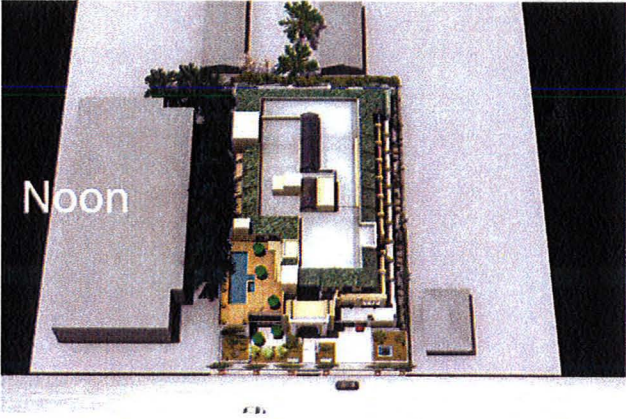
DECEMBER 21



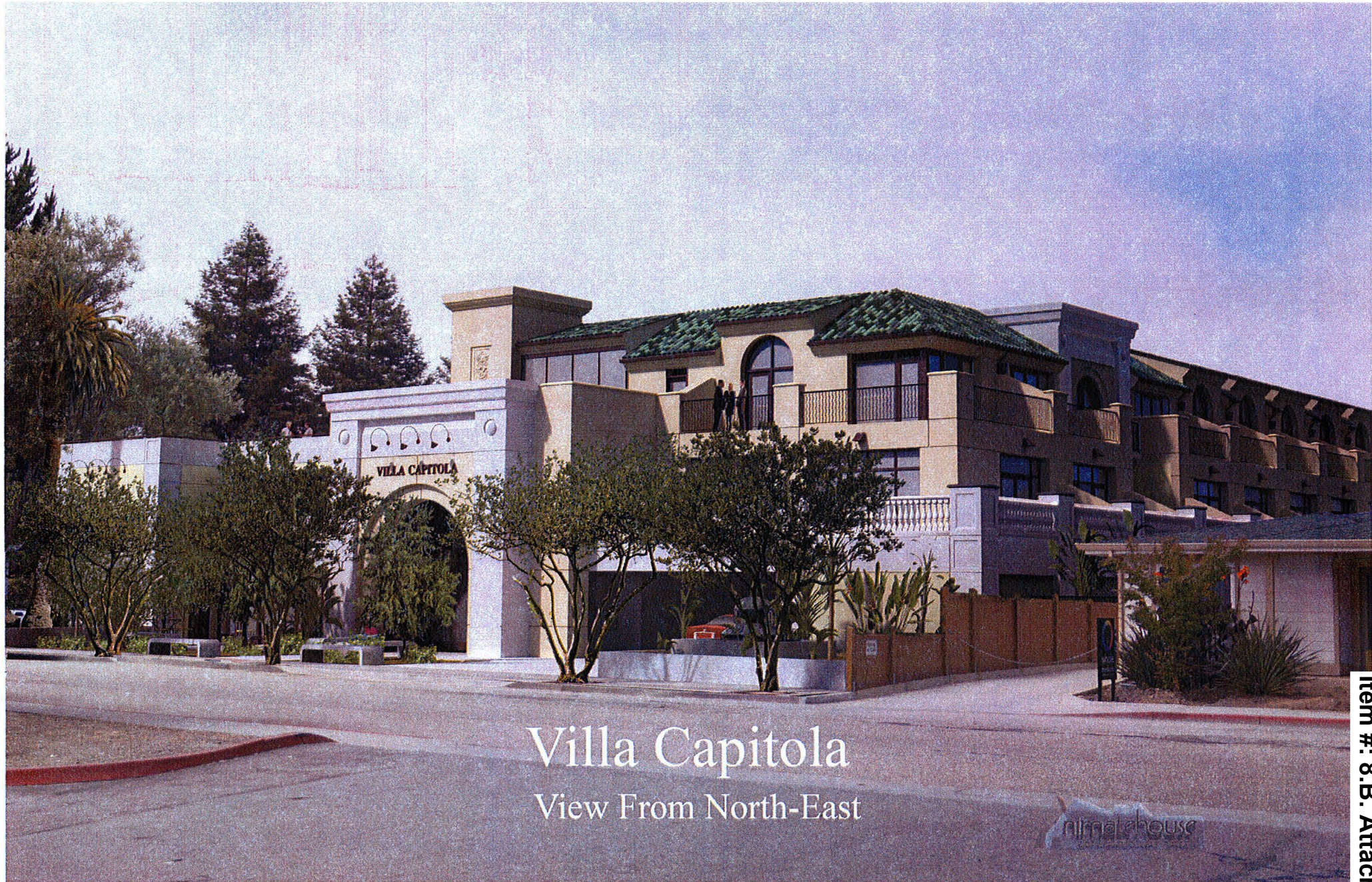
SEPTEMBER 21



JUNE 21

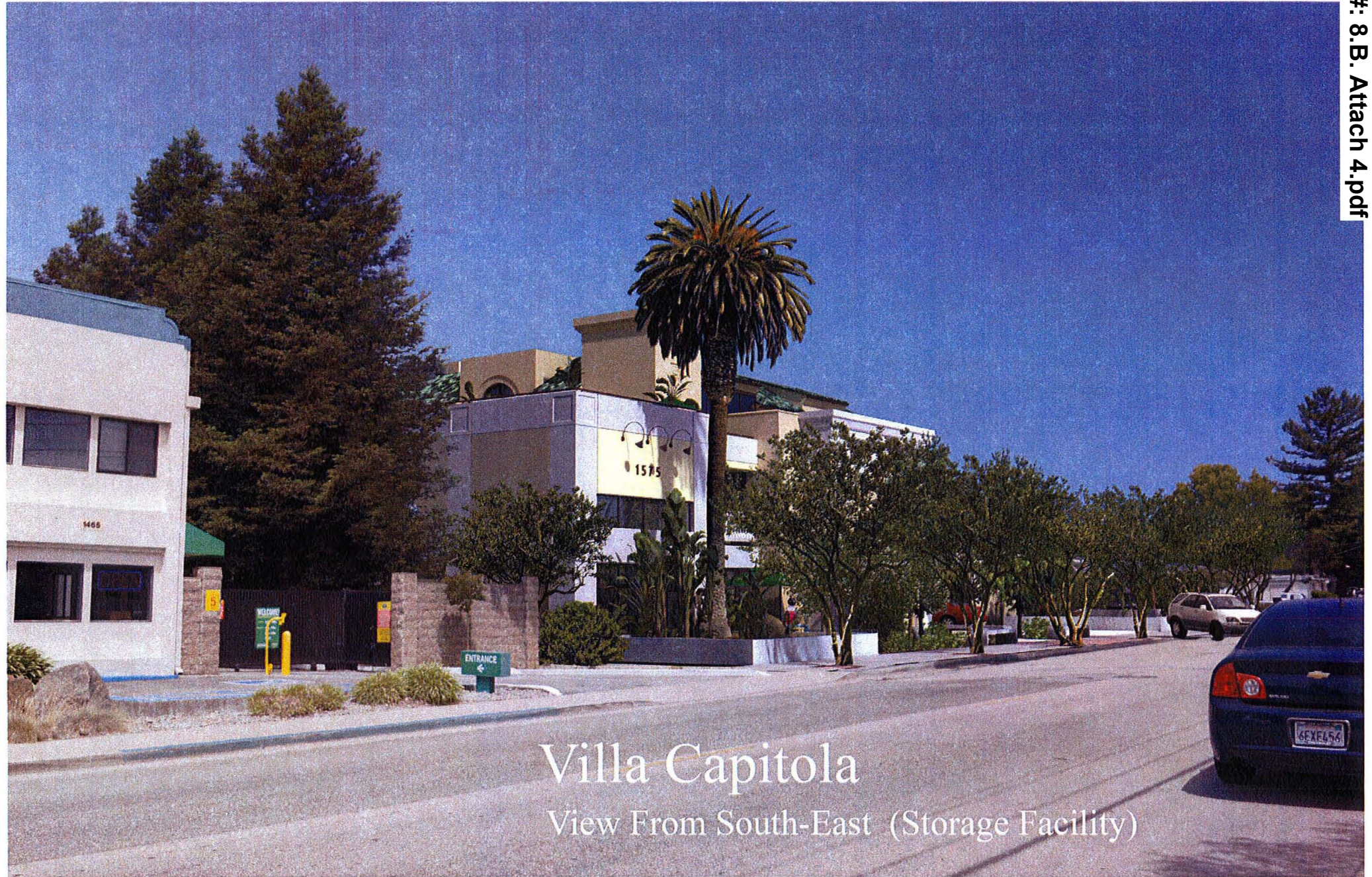


VILLA CAPITOLA Shadow/Light Study



Villa Capitola
View From North-East

Item #: 8.B. Attach 4.pdf



Villa Capitola
View From South-East (Storage Facility)



Villa Capitola
View From West (Bulb Avenue)

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STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: JUNE 6, 2013

SUBJECT: **1575 38th AVENUE** #13-061 **APN: 034-181-17**
 Planned Development Rezoning, Conditional Use Permit, and Design Permit to demolish a commercial salvage yard (Capitola Freight and Salvage) and construct a three-story, 23-unit residential senior housing project in the CN (Neighborhood Commercial) Zoning District.
 Environmental Determination: Mitigated Negative Declaration
 Property Owner: Maureen A. Romac and Steve Thomas, filed: 5/11/13

APPLICANT'S PROPOSAL

The applicant is proposing a planned development rezoning at 1575 38th Avenue in the CN (Neighborhood Commercial) zoning district. The project site currently contains a commercial salvage yard which is proposed to be removed as part of the project. The proposal is a three-story, 23-unit market rate senior housing development on the 31,365 square foot lot (.72 acre).

BACKGROUND

A preliminary proposal for a four-story, 67-unit senior housing planned development was reviewed by the Planning Commission and City Council in the fall of 2011. Based on the comments and direction received from both the Planning Commission and City Council, the applicant redesigned the project and submitted a formal Planned Development application. The new proposal is a three-story, 23-unit senior housing planned development.

On September 6, 2012, the formal application was reviewed by the Planning Commission. The Planning Commission made a recommendation to the City Council to deny the project. As a result of this denial, the City became aware that Planned Development applications cannot be appealed to the City Council if they receive a denial from the Planning Commission. The Planning Commission's decision was final.

On February 14, 2013, the City Council directed staff to amend the Planned Development ordinance to allow for appeals to the City Council when an application has been denied by the Planning Commission.

On March 7, 2013, the Planning Commission unanimously recommended that the City Council adopt the proposed amendments to the Planned Development Ordinance. On March 28, 2013, the City Council approved the first reading of the Zoning Ordinance amendment and on April 11, 2013, the City Council approved the second reading of the Zoning Ordinance amendment. On May 11, 2013, the ordinance amendment became effective in areas outside the Coastal Zone. As the 38th Avenue senior housing project is not in the Coastal Zone, the applicant has re-submitted an application. Following the September 6, 2012 Planning Commission meeting, the

applicant met with city staff to address the following issues and concerns raised by the Commission (Attachment D):

- The project is not complimentary nor consistent with the scale of adjacent commercial and residential uses;
- Pursuant to the Planned Development (PD) ordinance, it was expressed that the benefits of the project to the community through the design, use, or special amenities did not justify the proposed exceptions to the underlying CN district standards;
- The findings to approve a PD under four acres could not be made;
- Concern with the second floor decks as they eliminate privacy to the adjacent properties;
- Lack of landscaping; and
- Concern with the mass, scale and density of the project.

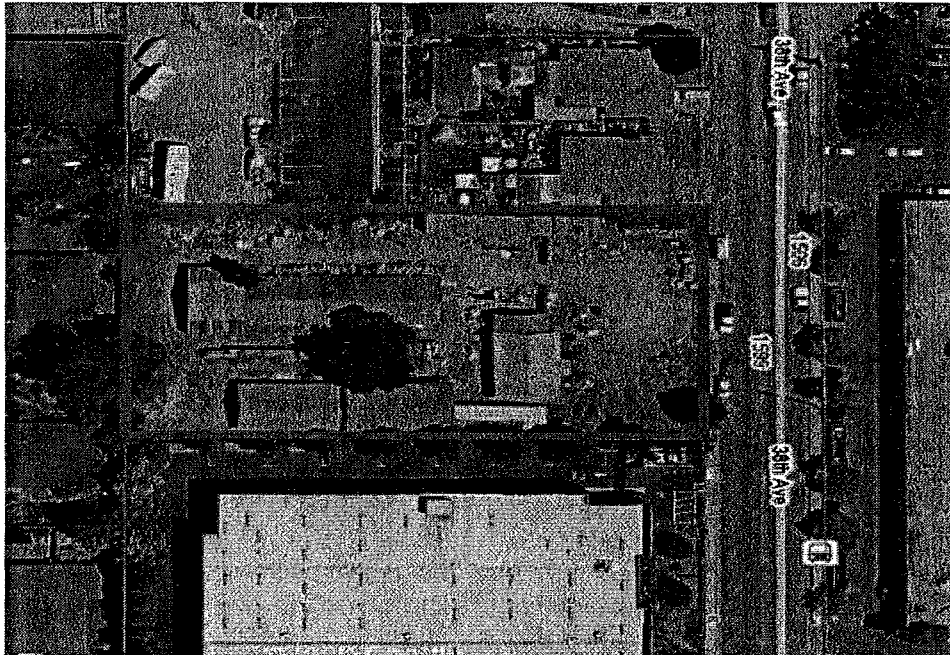
The applicant incorporated the following changes in response to the Commission's concerns:

- Reduction in the average height from 42' to 39'.
- Redesign of the front of the building, eliminating the front porte-cochere and a driveway, improving the street appeal of the project by setting the structure back further, increasing the landscaping, and providing a rooftop garden area and an outdoor patio for residents off of the private eating area.
- Elimination of the outdoor deck areas on the rear (west) elevation to address privacy concerns of the residents behind the project.
- Redesign of the rear portion of the structure to reduce the height, scale, and mass adjacent to the residential neighbors. The new design relocates the elevator tower toward the center of the building and steps the structure away from the rear property line.

The design plans, building materials and site landscaping have addressed previous review and comments from the Architectural and Site Review Committee. The applicant has provided a progression of the building design since the original preliminary PD design (Attachment B). The applicant has addressed many of the issues raised during the previous reviews by significantly reducing the density, height, mass, and scale of the building, as well as addressing access, parking, privacy, landscaping and architectural design.

DISCUSSION

The 31,365 square foot (.72 acre) project site is located on 38th Avenue between Capitola Road and Brommer Street. The relatively flat site currently contains a commercial salvage yard which is proposed to be removed as part of the project. Abutting the west property line are single-family homes located in the County, while to the south of the property is a self storage facility. Across the street is the King's Plaza shopping center, while to the north is a combination of office and commercial properties.



1575 38th Avenue – APN 034-181-17

The project consists of demolition of the existing salvage yard and its accessory buildings and construction of a 23-unit rental (market rate), unassisted senior housing development. The project applications to be considered by the City include: Planned Development Rezoning, Conditional Use Permit, and Design Permit for the demolition and construction.

The proposed project will be contained within an approximate 65,000 square foot, three-story building. The contemporary Mediterranean architecture incorporates a mix of smooth stucco finish, cast stone balustrades, wrought iron railings, and barrel tile roof. The proposed housing units will be located on the second and third floors. The planned units include 14 studio units and nine one-bedroom units (Attachment A).

The ground level includes an enclosed 35-space enclosed parking garage, a main entry lobby, a commercial kitchen, and a private restaurant with an outdoor dining area for residents. The restaurant area, with an approximately 600 square foot kitchen, will offer meals three times a day. There is shared common area throughout the development, with a 480-square foot pool with spa and cabana proposed on the third floor. A community rooftop deck has also been incorporated.

In addition to a restaurant for residents and guests, a number of amenities will be provided for the residents, including a swimming pool, bocci ball, hobbies, exercise, yoga, massage, book club, classes, educational speakers, wifi, and a shuttle service that will provide supplemental transportation for residents.

General Plan

The General Plan Designation for the site is C-LC (Commercial – Shopping Local). The designation is described as “Commercial areas that serve local neighborhoods.” The Housing Element lists the site as a Mixed-Use Residential/Commercial opportunity site. Although the Housing Element states that a net of 17 units are possible on the site, it is possible to develop more. The CN zoning district does not have a specific maximum lot coverage or minimum lot area per unit. Therefore, density is indirectly controlled by the need to meet parking requirements.

Item #: 8.B. Attach 5.pdf

Item #: 5.C. 1575 38th Avenue PC Staff Report.pdf

Neighborhood Commercial (CN) Zoning District

The parcel is currently zoned CN (Neighborhood Commercial). The purpose of the existing CN district is "to accommodate, at convenient locations, those limited commercial uses which are necessary to meet frequently occurring basic shopping and service needs of persons residing in adjacent areas and to implement the harmonious intermingling of pedestrian, commercial and residential activities. The style and scale of development should be consistent with the foregoing and the intensity of uses should have low impact on the neighborhood."

This is a neighborhood commercial district that permits single family residential and residential/commercial mixed use development as principal permitted uses. Multifamily residential is permitted with a conditional use permit. Required setbacks are 15 feet at the front, 10% of lot width for the first floor side, and 15% of the lot width for the second floor side yards. The rear set back requirement is 10 feet for commercial developments and 20% of lot depth for residential projects.

Planned Development Rezoning Process

As proposed, the development does not meet the current CN zoning district development standards. Therefore a Planned Development (PD) application has been submitted. Section 17.39.010 of the Zoning Ordinance states that the purpose of the Planned Development District is "to encourage and provide a means for effectuating desirable development, redevelopment, rehabilitation, and conservation in the city, which features variation in siting, mixed land uses, and/or varied dwelling types. The amenities and compatibility of PD districts is to be insured through adoption of a general development plan, showing proper orientation, desirable design character and compatible land uses." This would allow some flexibility to the development standards in order to achieve the desired result.

Requested Exceptions

The PD district provides that standards for area, coverage, density, yard requirements, parking and screening for PD district uses shall be governed by the standards of the zoning district most similar in nature and function to the proposed PD district use as determined by the Planning Commission. Therefore, CN zoning is most similar to the proposed PD district use. Per the PD ordinance, exceptions to standards are allowed when it is found that the exceptions "encourage a desirable living environment and are warranted in terms of the total proposed development or unit thereof." The following is a summary of the CN exceptions requested as part of the PD rezoning.

Development Standards	CN District	Proposed
<u>Front Yard Setback</u>		
First Floor	15'-0" landscape strip	14 + 9' sidewalk
Second Floor	15'-0"	14 + 9' sidewalk
Third Floor	n/a	34' + 9' sidewalk
<u>Rear Yard Setback (Residential)</u>		
First Floor	48'-0"	15'-0"
Second Floor	48'-0"	23'-0"
Third Floor	n/a	30'-0"
<u>Rear Yard Setback (Commercial)</u>		
First Floor	10'-0" including 10' landscape strip and solid masonry wall	15'-0" including 10' landscape strip and solid masonry wall
Second Floor	10'-0"	23'-0"
Third Floor	n/a	30'-0"

<u>Side Yard Setback</u> South property boundary			
	First Floor	13'-0"	0'-0" dining/kitchen area 6'-0" building
	Second Floor	19'-7"	0'-0" pool 6'-0" decks & 15'-0"
	Third Floor	n/a	0'-0" pool 15'-0" decks & 21'-0" units
<u>Side Yard Setback</u> North property boundary			
	First Floor	13'-0"	7'-0" building
	Second Floor	19'-7"	7'-0" decks & 16'-0" units
	Third Floor	n/a	16'-0" decks & 23'-0" units
<u>Maximum Height</u>		27'	39' average 48' top of elevator tower

Traffic/Circulation

A Forecast Trip Generation, On-Site Parking Analysis and Pedestrian Warrant Analysis report was prepared by RBF consulting (Attachment E) to evaluate the potential impacts of the project in accordance with the standards set forth by the City of Capitola. The proposed project is estimated to result in a net increase of 39 daily weekday trips based on trip generation rates for senior housing and warehouse uses published by the Institute of Transportation Engineers. Traffic from the existing salvage yard was deducted from the total trips generated by the proposed senior housing project. The proposed project is estimated to result in a slight decrease in AM and PM peak trips compared to the existing use. The addition of approximately 40 project trips to study intersections throughout the day would not have a noticeable effect. The project traffic would result in a less-than-significant impact, and no mitigation measures are required.

For vehicular circulation, site access for the proposed project is planned via one inbound/outbound driveway located along 38th Avenue. The proposed driveway is designed to be offset from two existing driveways serving the retail center across 38th Avenue from the project site. The driveway design will not result in increased hazards or inadequate emergency access.

In regards to pedestrian circulation, a 9' sidewalk is proposed along the street frontage of the property. While not currently proposed as part of the project, the RBF report evaluated the potential for the installation of an unsignalized mid-block pedestrian crossing to connect the project to the King's Plaza commercial property. The analysis presents that the pedestrian volume does not warrant a crossing. However, installation of the crosswalk is at the discretion of the City.

Parking

The Forecast Trip Generation, On-Site Parking Analysis and Pedestrian Warrant Analysis report prepared by RBF consulting reviewed parking for the proposed use. The City of Capitola Municipal Code does not specifically include a parking requirement for a senior housing type use. The closest comparison would likely be the requirement for multiple-family residential, such as apartments and condominiums, which is 2.5 spaces per unit. Based on this requirement, a total of 58 spaces would be required.

Considering the fact that this is a senior complex, it is anticipated that the parking demand will be less than a standard market rate apartment complex. The RBF analysis provided an evaluation of the number of on-site parking spaces required for the proposed project utilizing guidelines specifically designed for senior housing land use as set forth by jurisdictions in the vicinity as well as information contained in other published guidelines used as industry standard.

Guideline Source	Senior Housing Parking Requirement Per Guideline	Project Size	On-Site Parking Spaces Required	On-Site Parking Spaces Planned	Adequate Parking Spaces Planned
City of Live Oak Municipal Code	0.6 Parking Spaces Per Unit	23 du	14	36 ²	Yes
City of Santa Cruz Municipal Code	1 Parking Space for each 3 Dwelling Units		8		Yes
City of Seaside Municipal Code	1 Parking Space for Each Unit With Half the Spaces Covered Plus 1 Guest Parking Space for Each 10 Units		26		Yes
ITE Parking Generation, 3rd Edition	1.4 Parking Spaces per dwelling unit ¹		33		Yes

Notes: du = Dwelling Unit

1 = Observed peak parking demand of 50%.

2 = Parking supply is based on *Villa Capitola Unassisted Senior Housing Site Plan (Nancy Huyck, 05/17/2012)*

Based on the above table, the range of parking requirements for a similar project would vary from 8 to 33 parking spaces. With a total of 35 spaces provided, the project will provide an adequate number of parking spaces to serve the proposed senior housing use.

Landscaping

With the proposed structure covering the majority of the site, there are limited opportunities for landscaping. Along the rear property line, a row of nine 30" box California Bay trees and six 24" box Arbutus Marina trees will be planted to provide screening. On the north side of the building, a mix of olive trees and camellia plants are proposed, in addition to a continuous walkway that wraps around to the rear of the property. The streetscape will incorporate a mix of olive trees, star jasmine and a water fountain complimenting the Mediterranean architecture. Potted plants will also be introduced throughout the project on the multiple decks and pool area. There are several existing redwood trees along the adjacent property boundary to the south.

Lighting

Overall site lighting will be directed downward and shielded from adjacent properties. The guidelines also require light to be contained on the property. An exterior lighting plan which delineates the type, height and location of the proposed lighting will be required as part of the building submittal.

Shadow/Light

The building design steps back at the rear of the site allowing for adequate light and solar access to the adjacent residential properties. Except for a limited period of time in the winter, the project will have a minimal solar access impact on the adjacent residential properties to the west.

Walls/Fencing

A 6'-8" high concrete block wall (measured from project finished grade) is proposed along the western property line adjacent to residential properties. In addition, a 6'-8" wrought iron fence is proposed along the north property line.

Public Improvements

New curb, gutter and sidewalk will be installed along the 38th Avenue frontage. The sidewalk will have a 9' width, with tree wells incorporated for olive trees. All utilities will be required to be undergrounded.

Environmental Review

The Initial Study was prepared and circulated per CEQA requirements, and a Mitigated Negative Declaration prepared for adoption based on the determination that the project will not have a significant effect on the environment (Attachment C). There are no changes in the current application that would result in a significant effect on the environment. Only one mitigation measure has been included regarding noise, requiring preparation of an acoustical study with the building permit submittal and the requirement that the building plans incorporate any recommended building or window design measures, if needed to achieve required indoor noise levels. All other potentially significant impacts were deemed less than significant based on the current project design, preliminary studies, and conditions of approval relating to the building code and city regulations.

RECOMMENDATION

Staff recommends that the Planning Commission recommend adoption of the Mitigated Negative Declaration, and recommend **approval** of application #13-061 to the City Council, subject to the following conditions and based on the following findings:

CONDITIONS

1. The project approval is for a Planned Development Rezoning, Conditional Use Permit, and Design Permit to demolish a commercial salvage yard (Capitola Freight and Salvage) and construct a three-story, 23-unit residential senior housing project in the CN (Neighborhood Commercial) Zoning District.
2. Any significant modifications to the size or exterior appearance of the approved design 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. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director.
4. 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.
5. Air-conditioning equipment and other roof top equipment shall be screened from view and fall within the allowable city permitted decibel levels.
6. 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.
7. A drainage plan or design shall be submitted with the final building plans, to the satisfaction of the Public Works Director and approved by Santa Cruz County's Zone 5 Drainage District.
8. 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. Irrigation and landscaping shall be installed prior to final building occupancy.
9. An erosion control plan shall be approved and in place prior to grading and construction on site.
 10. Prior to Certificates of Occupancy being issued, the project Developer shall be responsible for installing all required frontage improvements including curb, gutter, and sidewalk, along 38th Avenue for the length of the property frontage. All sidewalks are to meet the standards for ADA accessibility.
 11. All lighting shall be shielded and directed on to subject property, away from adjacent residential properties. Lighting intensity shall be reviewed and approved by staff prior to final occupancy and shall be reviewed by the Planning Commission upon receipt of a complaint.
 12. No roof equipment is to be visible to the general public. Any necessary roof screening is to match the 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.
 13. A 6'-8" high concrete block wall (measured from project finished grade) shall be constructed along the western property line adjacent to residential properties.
 14. The applicant shall obtain an encroachment permit, from the Director of Public Works, prior to any work in the public right of way.
 15. 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. Underground utility vaults shall be located in a paved surface area outside of the landscaped area.
 16. The applicant shall comply with all requirements of the Santa Cruz City Water Department regarding landscape irrigation and/or water fixture requirements, as well as any infrastructure improvements. Final building plans shall be reviewed and approved by the Department prior to issuance of building permits.
 17. The applicant shall implement "Best Management" construction practices to control dust and PM₁₀ emissions during grading and site development. The MBUAPCD identifies the following construction practices to control dust:
 - o Water all active construction areas at least twice daily;
 - o Prohibit all grading activities during periods of high winds (over 15 mph);
 - o Cover all trucks hauling dirt, sand or loose materials.
 - o Cover or water stockpiles of debris, soil and other materials which can become windblown;
 - o Install wheel washers at the entrance to construction sites for all existing trucks;
 - o Sweep streets if visible soil material is carried out from the construction site;
 - o Apply chemical soil stabilizers on inactive construction sites;
 - o Plant vegetative ground cover in disturbed areas as soon as possible.
 18. The applicant shall submit a construction plan for approval prior to building permit issuance. The plan shall include, but not be limited to, identifying construction hours, access to the site, contractor parking locations, office trailer locations, material storage, etc.

19. If archaeological resources or human remains are accidentally discovered during construction, work shall be halted within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented. Disturbance shall not resume until the significance of the archaeological resources is determined and appropriate mitigations to preserve the resource on the site are established. If human remains are encountered during construction or any other phase of development, work in the area of discovery must be halted, the Santa Cruz County coroner notified, and the provisions of Public Resources Code 5097.98-99, Health and Safety Code 7050.5 carried out. If the remains are determined to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours as required by Public Resources Code 5097.
20. The applicant shall meet or exceed the California Green Building Code and Capitola Green Building Program.
21. Mitigation Measure 1: The applicant shall prepare an acoustical study with the building permit submittal. The building plans shall incorporate any recommended building or window design measures, if needed to achieve required indoor noise levels.

FINDINGS

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

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have reviewed the project and determined that the project, subject to the conditions of approval with the Planned Development Zoning designation, is consistent with the purposes of the Planned Development District. Conditions of approval have been included to carry out the objectives of the PD district and General Plan.

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

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have reviewed the project and determined that the proposed senior housing use will maintain the character and integrity of the area, implementing the harmonious intermingling of pedestrian, commercial and residential activities. Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood.

- C. A Mitigated Negative Declaration has been prepared for this project based upon the completion of an Initial Study which identified that the project will not have a significant effect on the environment.**

The Initial Study was prepared and circulated per CEQA requirements, and a Mitigated Negative Declaration prepared for adoption based on the determination that the project will not have a significant effect on the environment.

D. Planned Development Findings (Section 17.39.050)

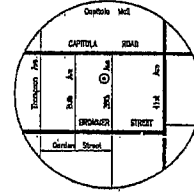
- The proposed PD district, and the development associated with it, can be substantially completed within two years of the establishment of the district. The plans for the development and environmental review have been completed, demonstrating a readiness to move forward with the project.
- The proposed market rate senior housing development will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other zoning districts by providing much needed housing to a growing population of seniors in a central location adjacent to a mix of commercial uses, including banks, a movie theatre, several restaurants, drug store, and grocery stores, as well as the Capitola Mall.
- The requested exceptions to development standards are warranted by the design and amenities incorporated into the development which focuses on providing an independent senior living experience for a growing population of seniors, maximizing the use of this relatively unconstrained and centrally located site, already identified for infill development.
- The PD district and general development plan are compatible with the general plan and the most recently adopted Housing Element.
 - 1) The site is located in a central location close to all services, and alternative transportation.
 - 2) The site is unconstrained with regard to biotic or other natural resources and therefore could be developed in the manner proposed without having significant impacts on trees, streams, wildlife, archaeological or historic resources, etc.
 - 3) The proposed development plan is located adjacent to commercial uses along 41st Avenue, and is consistent with economic and housing goals for the City which seeks to provide a range of housing types.

ATTACHMENTS

- A. Project Plans
- B. Project Design Progression
- C. Initial Study and Mitigated Negative Declaration
- D. Planning Commission Minutes from September 6, 2012
- E. Forecast Trip Generation, On-Site Parking Analysis and Pedestrian Warrant Analysis prepared by RBF Consulting, dated June 8, 2012
- F. Letter from Steve Thomas and Maureen Romac, dated May 22, 2013
- G. Petition submitted May 22, 2013
- H. Letter from George Ow Jr. dated January 14, 2013
- I. Letter from Kim Frey, dated January 15, 2013

**Report Prepared By: Danielle Uharriet
Interim Senior Planner**

VILLA CAPITOLA
Unassisted Senior Housing
1575 38th Avenue
Santa Cruz, CA 95062



VICINITY MAP
NO SCALE



HUYCK
ARCHITECTS

9200 SOQUEL DRIVE
APTOS, CA 95003
PHONE (831)685-1205
FAX (831)688-3205

Progress
04-18-13

PROJECT DATA

OWNER: Steve Thomas and Maureen Remos
OWNER'S AGENT: Nancy Huyck
ASSESSOR PARCEL NUMBER: 034-181-17
PARCEL AREA: Approximately 31,300 sf (130'-3" +/- x 240'-4" +/-)
ZONED: PD (Planned Development)
SETBACKS: Front East: 23'-0" setback including 8'-0" sidewalk (Average Setback 25'-0")
Side South: 0' setback (Average Setback 4'-0")
Rear West: 15'-0"
Side North: 7'-0"
AREAS: Garage and Associated functions on Ground Floor: 23,378sf
Second Floor (including all decks): 22,272sf
Third Floor (including all decks + pool area): 19,805sf
TOTAL AREA: 65,455
UNIT COUNT: 23 Units Total
Studios: 14
One Bedrooms: 9
PARKING COUNT: 35 Stalls Total
BUILDING HEIGHT: 38' +/- Average

CODE + CONSTRUCTION DATA

NUMBER OF STORIES: 3 (Garage + Second and Third Story Apartments)
BUILDING OCCUPANCY CLASSIFICATION: R-2 Residential
OCCUPANT LOAD FOR EACH FLOOR:
Garage: (xxxx)
Second Story: (xxxx)
Third Story: (xxxx)
TYPE OF CONSTRUCTION: SA
FIRE PROTECTION: Automatic Fire Sprinkler System Throughout

SCHEDULE OF DRAWINGS:

GENERAL G-1 GENERAL INFORMATION
(Renderings Attached)
CIVIL C-1 SURVEYORS MAP
ARCHITECTURAL A-1 DEMOLITION PLAN (Aerial Photo)
A-2 SITE PLAN
A-3 FIRST FLOOR GARAGE PLAN
A-4 SECOND FLOOR PLAN
A-5 THIRD FLOOR PLAN
A-6 ROOF PLAN
A-7 EXTERIOR ELEVATIONS
A-8 EXTERIOR ELEVATIONS
A-9 BUILDING SECTIONS
A-10 BUILDING SECTIONS
A-11 LANDSCAPE + SITE LIGHTING

no.	date	description
△	xx-xx-xx	xxx

REVISIONS

PROJECT TITLE
VILLA CAPITOLA
UNASSISTED
SENIOR HOUSING
1575 38th AVENUE
SANTA CRUZ, CA 95062
APN: 034-181-17

SHEET TITLE

GENERAL
INFORMATION

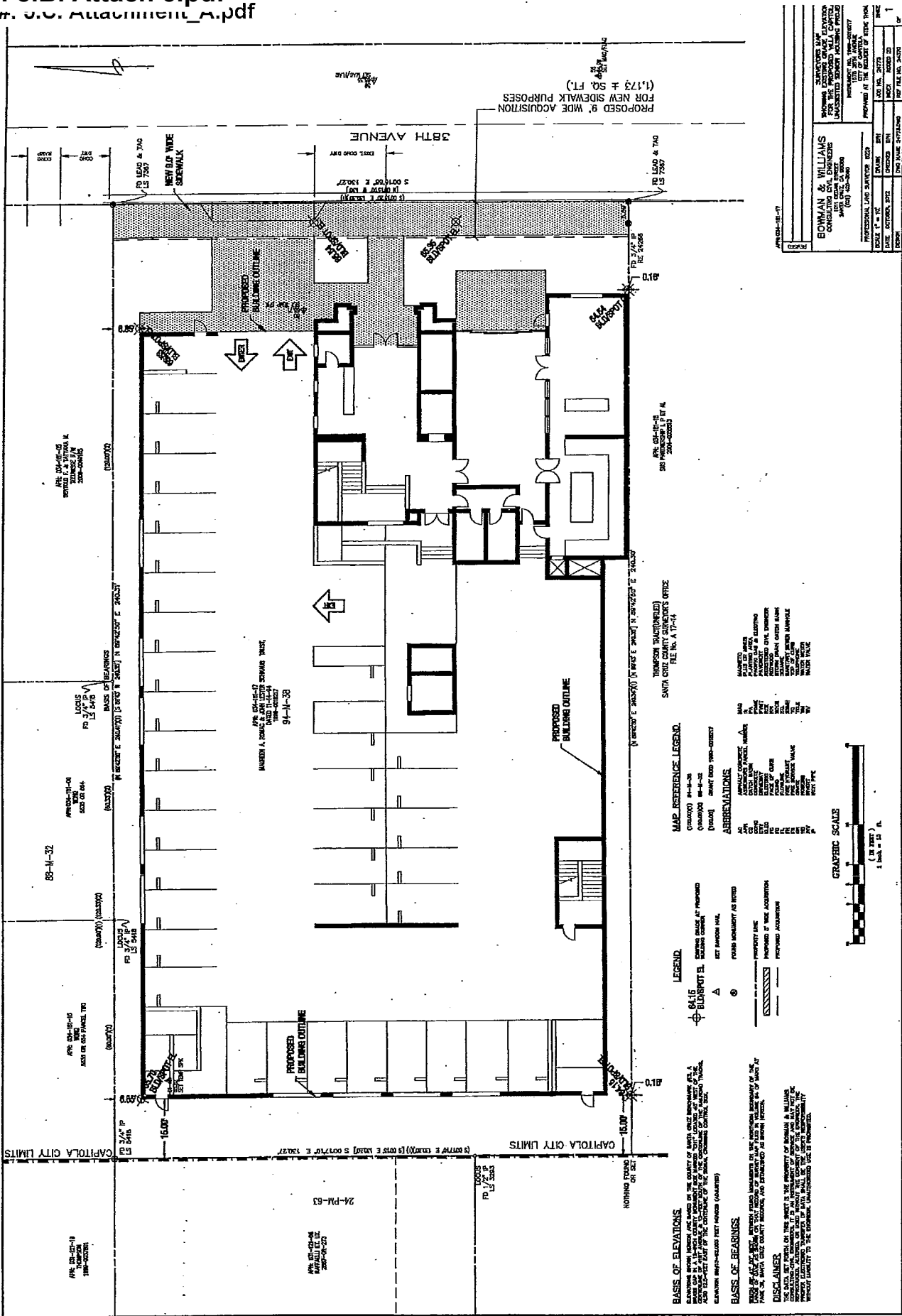
SCALE: None
DATE: 04-18-13
DRAWN BY: NLH
JOB NO.: N1140
DWG. NO.: N1140-G-1

G-1

sheet of sheets

Item #: 8.B. Attach 5.pdf

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SPECIFICALLY IDENTIFIED ON
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APPROVALS:

APPROVED	DATE
APPROVED	DATE
APPROVED	DATE
APPROVED	DATE
APPROVED	DATE

PROFESSOR AND ARCHITECT
 BOWMAN & WILLIAMS
 CONSULTING CIVIL ENGINEERS
 5401 CENTRAL AVENUE
 SUITE 100
 DENVER, CO 80221
 (303) 755-8800

PROFESSOR AND ARCHITECT
 BOB BOWMAN
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PROFESSOR AND ARCHITECT
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PROFESSOR AND ARCHITECT
 BOB BOWMAN
 BOB WILLIAMS
 5401 CENTRAL AVENUE
 SUITE 100
 DENVER, CO 80221
 (303) 755-8800

MAP REFERENCE LEGEND:

(DASHED) 64-1-16
 (DASHED) 64-1-16
 (DASHED) 64-1-16

ABBREVIATIONS:

AR - ARCHITECTURE
 CE - CIVIL ENGINEERING
 EL - ELEVATION
 E - EXISTING
 P - PROPOSED
 S - SURVEY
 T - TRAILER
 U - UTILITY

LEGEND:

6416 - BUILDING ELEVATION
 A - SET BACKSIDE WALL
 B - FORM SIGNATURE AS NOTED
 C - PROPERTY LINE
 D - INCREASED FIRE ACQUISITION
 E - PROPOSED ACQUISITION

GRAPHIC SCALE:
 1" = 40' 0"

BASIS OF ELEVATIONS:
 THE BASIS OF ELEVATIONS IS THE SURFACE OF MEAN SEA LEVEL (MSL) AS SHOWN ON THE SURVEY MAPS AND AS NOTED ON THE SURVEY MAPS. THE SURVEY MAPS ARE THE BASIS OF ELEVATIONS FOR ALL ELEVATIONS SHOWN ON THIS PLAN. THE SURVEY MAPS ARE THE BASIS OF ELEVATIONS FOR ALL ELEVATIONS SHOWN ON THIS PLAN.

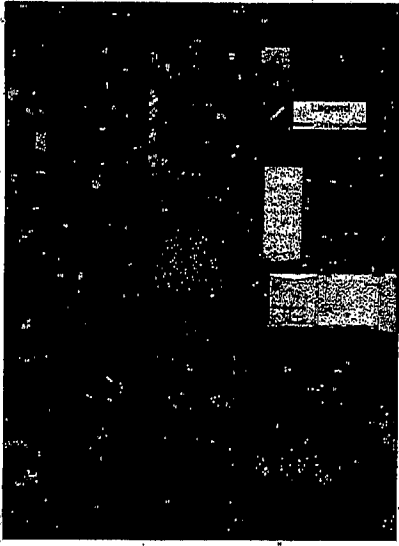
BASIS OF BEARINGS:
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DISCLAIMER:
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ARCHITECTS

8200 SOCUEL DRIVE
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FAX (831)888-3205

Progress
04-18-13



Existing Vicinity Parcels / Drainage Lines



Existing Site Conditions

no.	date	description

REVISIONS

PROJECT TITLE
VILLA CAPITOLA
UNASSISTED
SENIOR HOUSING
1575 38th AVENUE
SANTA CRUZ, CA
APN: 034-181-17

SHEET TITLE
EXISTING
CONDITIONS for
DEMOLITION

SCALE: None
DATE: 04-18-13
DRAWN BY:
JOB NO.: N1140
DWG. NO.: N1140-A-1

A-1
sheet of sheets

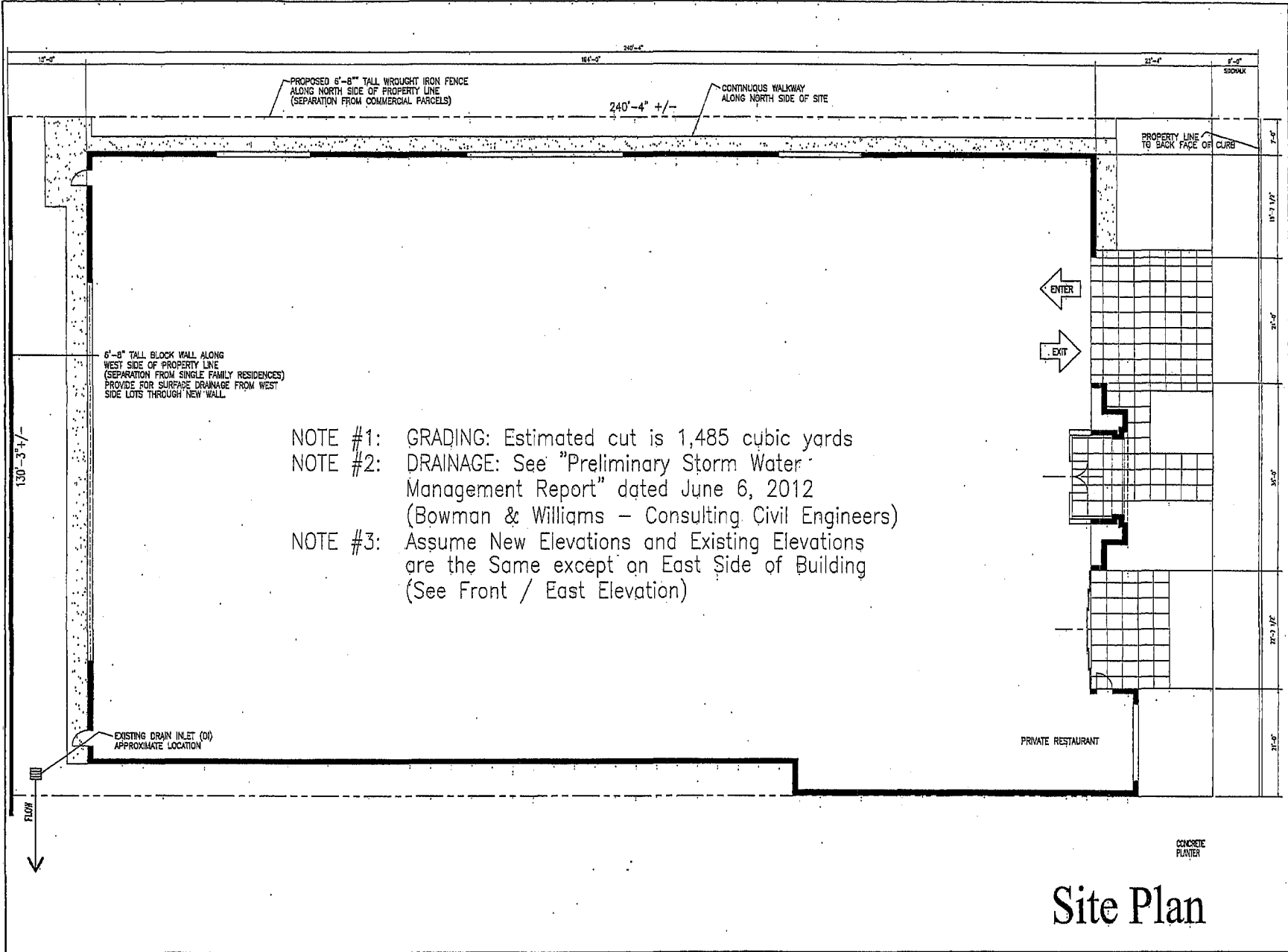
Existing Conditions for Demolition

Item #: 8.B. Attach 5.pdf

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 APTOS, CA 95003
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 FAX (831)688-3205

Progress
 04-18-13



- NOTE #1: GRADING: Estimated cut is 1,485 cubic yards
 NOTE #2: DRAINAGE: See "Preliminary Storm Water Management Report" dated June 6, 2012 (Bowman & Williams - Consulting Civil Engineers)
 NOTE #3: Assume New Elevations and Existing Elevations are the Same except on East Side of Building (See Front / East Elevation)

6'-8" TALL BLOCK WALL ALONG WEST SIDE OF PROPERTY LINE (SEPARATION FROM SINGLE FAMILY RESIDENCES) PROVIDE FOR SURFACE DRAINAGE FROM WEST SIDE LOTS THROUGH NEW WALL.

PROPOSED 6'-8" TALL WROUGHT IRON FENCE ALONG NORTH SIDE OF PROPERTY LINE (SEPARATION FROM COMMERCIAL PARCELS)

CONTINUOUS WALKWAY ALONG NORTH SIDE OF SITE

PROPERTY LINE TO BACK FACE OF CURB

ENTER
 EXIT

EXISTING DRAIN INLET (DI) APPROXIMATE LOCATION

PRIVATE RESTAURANT

CONCRETE PLANTER

Site Plan

no.	date	description
△	04-18-13	xxx

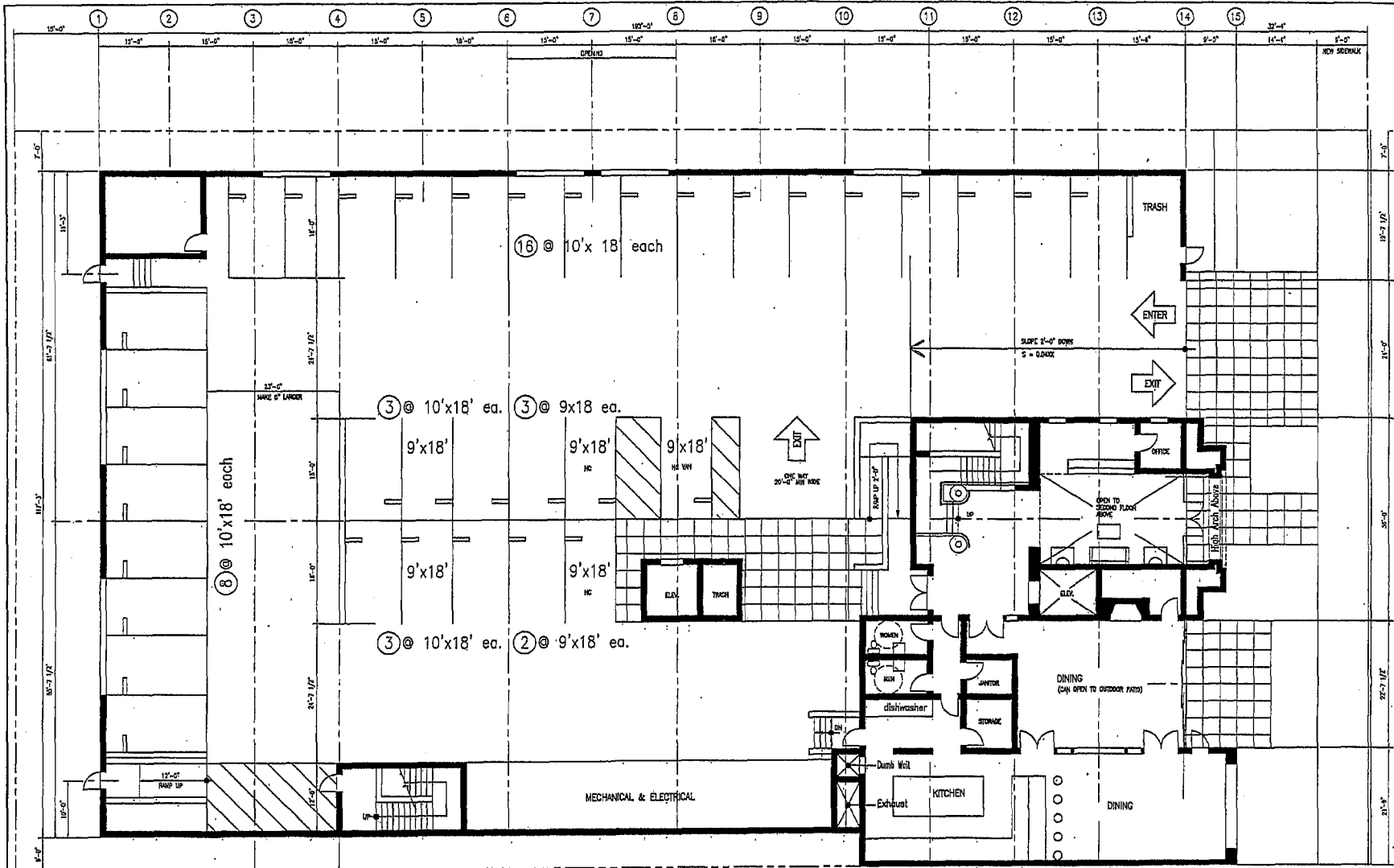
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PROJECT TITLE
 VILLA CAPITOLA
 UNASSISTED
 SENIOR HOUSING
 1575 38th AVENUE
 SANTA CRUZ, CA
 APN: 034-181-17

SHEET TITLE
 SITE PLAN

SCALE: 1/8" = 1'-0"
 DATE: 04-18-13
 DRAWN BY: NLH
 JOB NO.: N1140
 DWG. NO.: N1140-A-2

A-2
 sheet of sheets



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FAX (831) 658-3205

Progress
04-18-13

no.	date	description
1	04-18-13	ISSUE FOR PERMIT

REVISIONS

PROJECT TITLE
VILLA CAPITOLA
UNASSISTED
SENIOR HOUSING
1575 38th AVENUE
SANTA CRUZ, CA
APH: 034-181-17

SHEET TITLE
FIRST FLOOR
GARAGE PLAN

SCALE: 1/8" = 1'-0"
DATE: 04-18-13
DRAWN BY: NLH
JOB NO.: N1140
DWS. NO.: N1140-A-3

A-3
sheet of sheets

(35 total parking stalls)

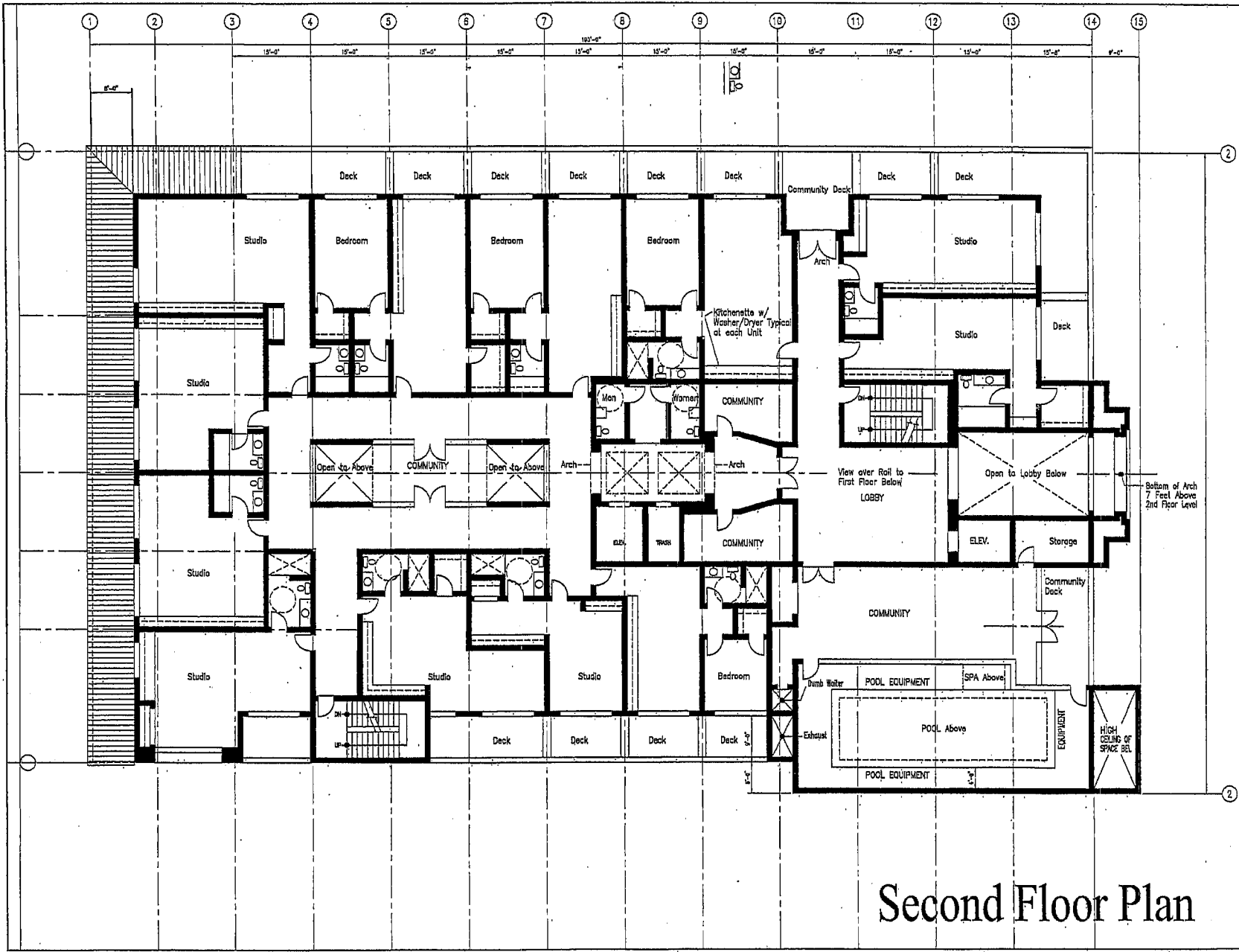
First Floor Garage Plan

Item #: 8.B. Attach 5.pdf

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 ARCHITECTS

9200 SOQUEL DRIVE
 APTOS, CA 95003
 PHONE (831)685-1206
 FAX (831)688-3205

Progress
 04-18-13



no.	date	description

REVISIONS

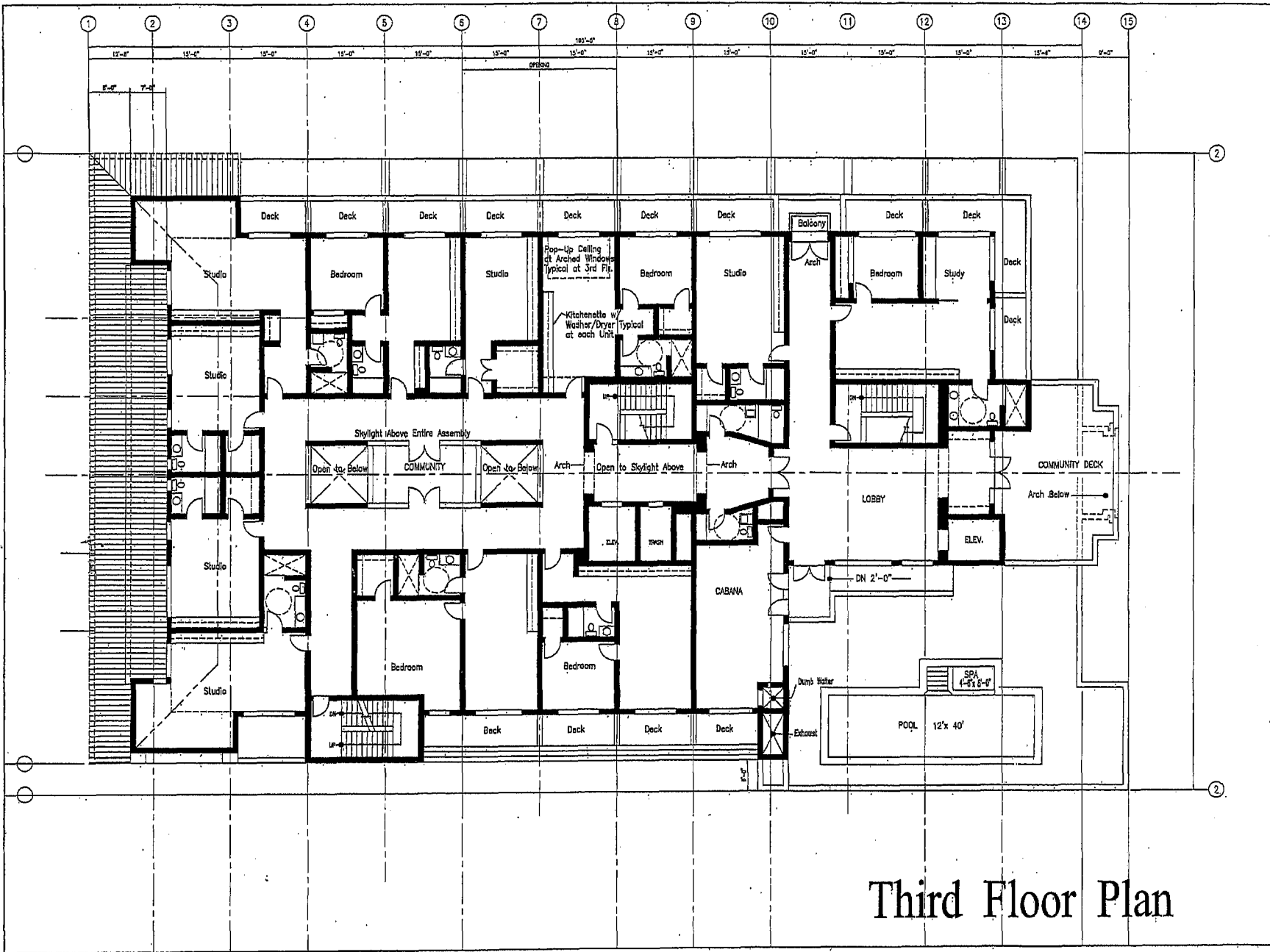
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 VILLA CAPITOLA
 UNASSISTED
 SENIOR HOUSING
 1575 39th AVENUE
 SANTA CRUZ, CA
 APN: 034-181-17

SHEET TITLE
 SECOND FLOOR PLAN

SCALE: 3/8" = 1'-0"
 DATE: 04-18-13
 DRAWN BY: NLH
 JOB NO.: N1140
 DWG. NO.: N1140-A-4

Second Floor Plan

A-4
 sheet of sheets



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PHONE (831)885-1206
FAX (831)688-3205

Progress
04-18-13

no.	date	description

REVISIONS

PROJECT TITLE
VILLA CAPITOLA
UNASSISTED
SENIOR HOUSING
1575 36th AVENUE
SANTA CRUZ, CA
APN: 034-181-17

SHEET TITLE
THIRD FLOOR
PLAN

SCALE: 1/8" = 1'-0"
DATE: 04-18-13
DRAWN BY: NLH
JOB NO.: N1140
DWG. NO.: N1140-A-5

A-5
sheet of sheets

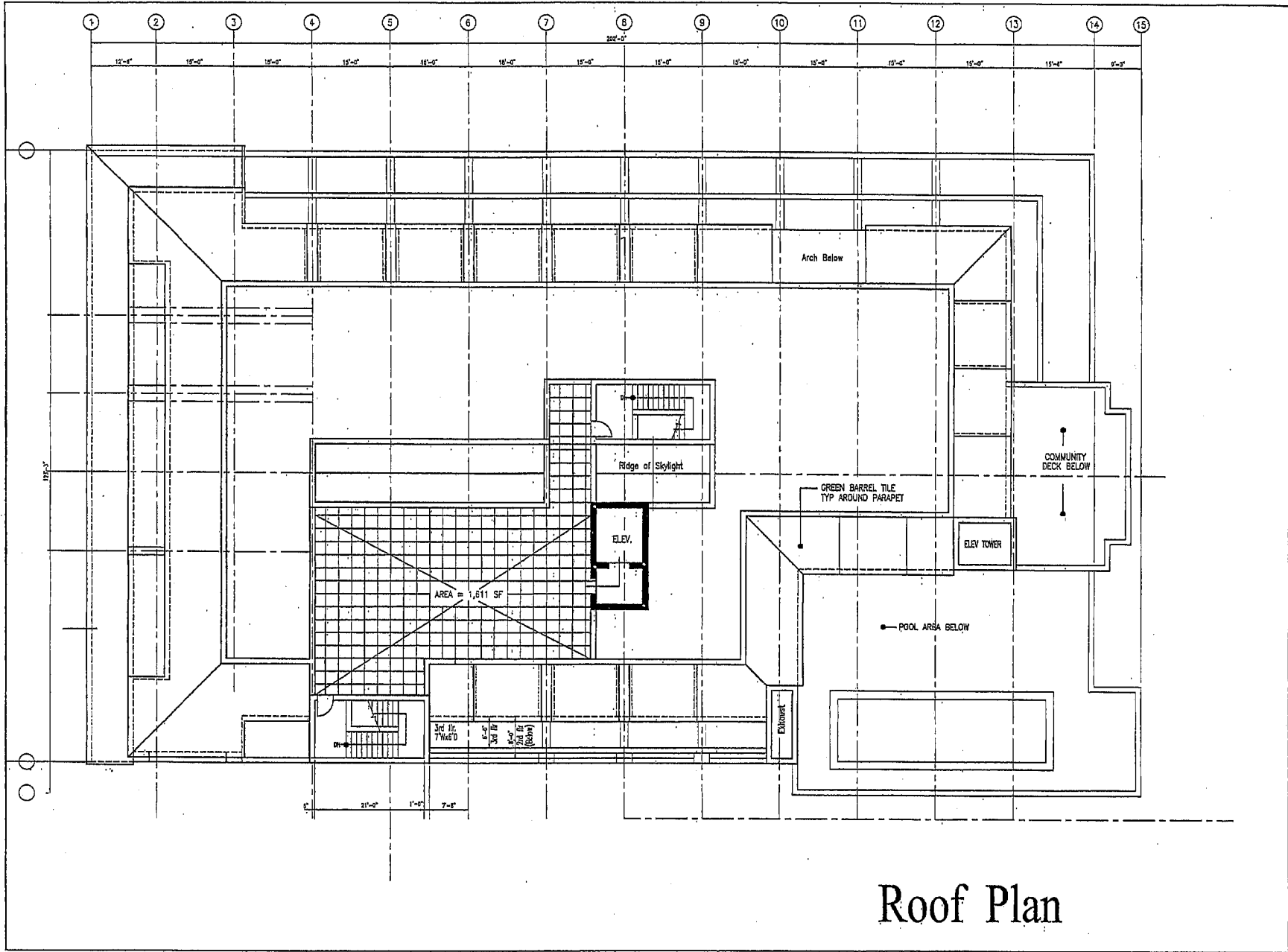
Third Floor Plan

Item Item #: 8.B. Attach 5.pdf

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 ARCHITECTS

3200 SQUEL DRIVE
 APTOS, CA 95023
 PHONE (831) 685-1205
 FAX (831) 688-3205

Progress
 04-18-13



no.	date	description

REVISIONS

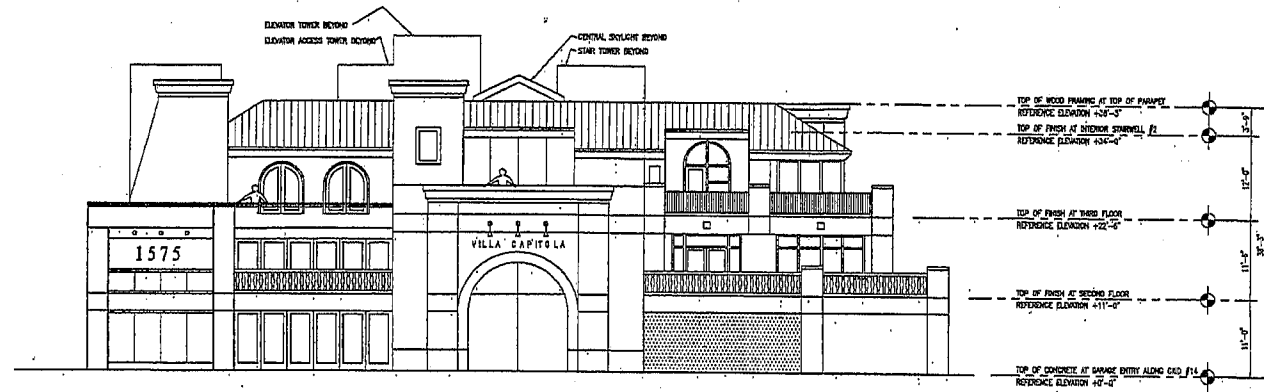
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 VILLA CAPITOLA
 UNASSISTED
 SENIOR HOUSING
 1575 38th AVENUE
 SANTA CRUZ, CA
 APN: 034-181-17

SHEET TITLE
 ROOF
 PLAN

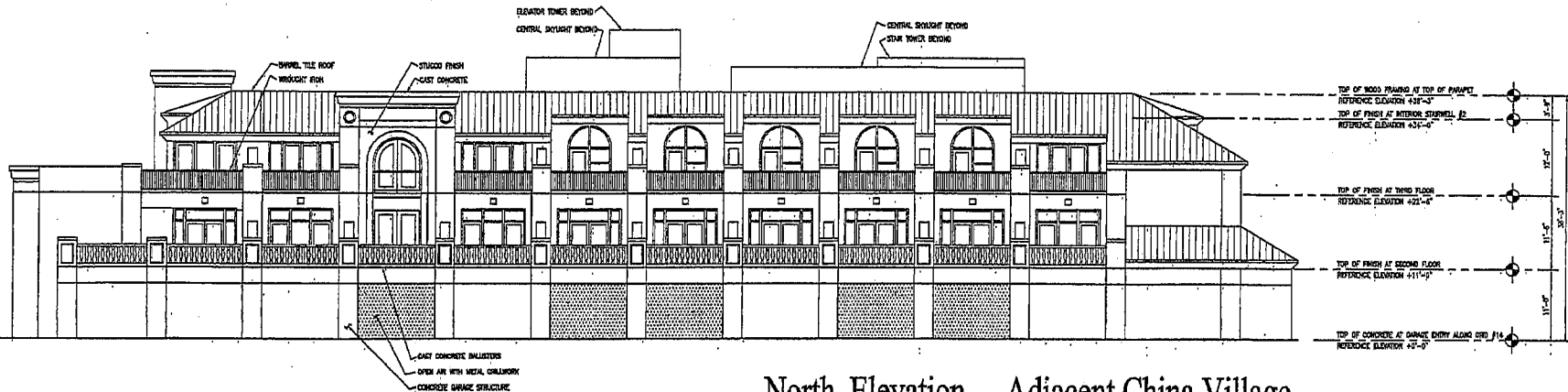
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 DATE: 04-18-13
 DRAWN BY: NLH
 JOB NO.: N1140
 DWG. NO.: N1140-A-6

Roof Plan

A-6
 sheet of sheets



East Elevation - Front



North Elevation - Adjacent China Village

See 3D
Renderings

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ARCHITECTS

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APTOS, CA 95003
PHONE (831)885-1205
FAX (831)888-3205

Progress
04-18-13

no.	date	description

REVISIONS

PROJECT TITLE
VILLA CAPITOLA
UNASSISTED
SENIOR HOUSING
1575 38th AVENUE
SANTA CRUZ, CA
APN: 034-181-17

SHEET TITLE
EXTERIOR
ELEVATIONS

SCALE: 1/8" = 1'-0"
DATE: 04-18-13
DRAWN BY: NLH
JOB NO.: N1140
DWG. NO.: N1140-A-7

A-7

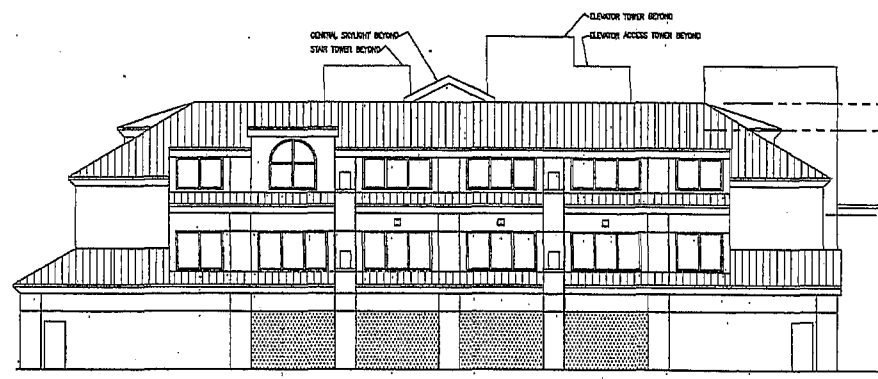
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Item #: 8.B. Attach 5.pdf

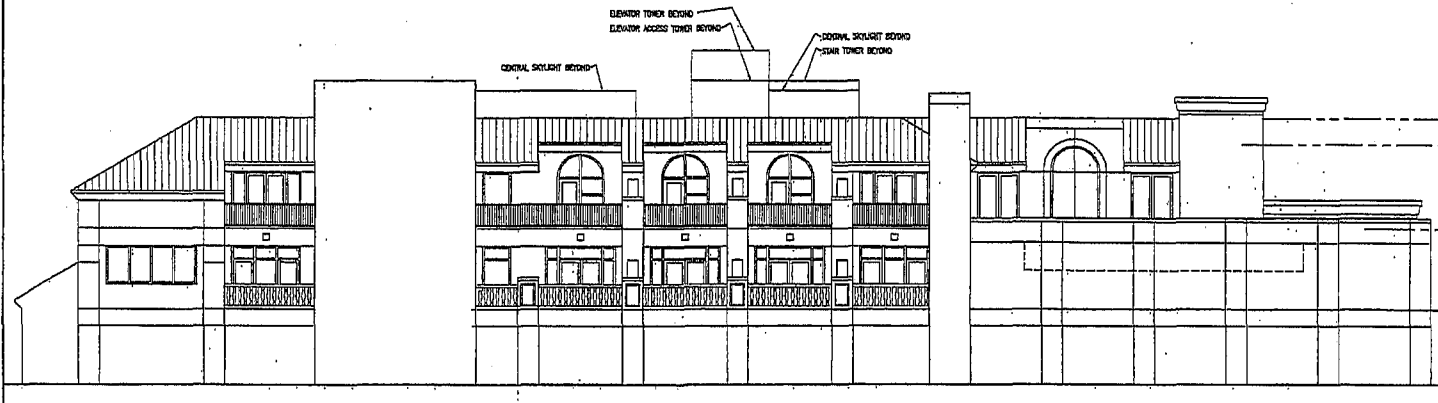
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Progress
 04-18-13



West Elevation - Rear



South Elevation - Adjacent Storage

See 3D
 Renderings

no.	date	description
1	04-18-13	ISSUE FOR PERMIT

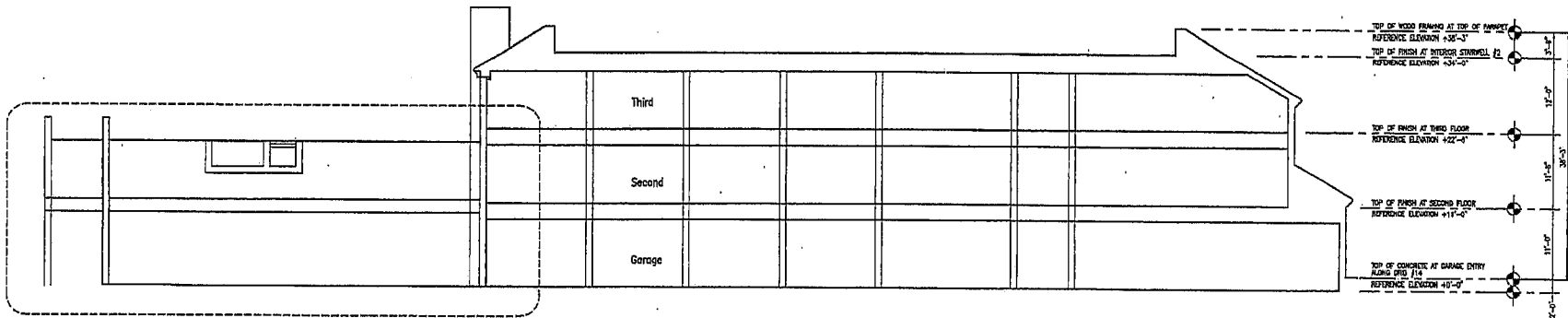
REVISIONS

PROJECT TITLE
 VILLA CAPITOLA
 UNASSISTED
 SENIOR HOUSING
 1575 38th AVENUE
 SANTA CRUZ, CA
 APN: 034-181-17

SHEET TITLE
 EXTERIOR
 ELEVATIONS

SCALE: 1/8" = 1'-0"
 DATE: 04-18-13
 DRAWN BY: NLH
 JOB NO.: N1140
 DWG. NO.: N1140-A-8

A-8
 sheet of sheets



Longitudinal Section

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Progress
04-18-13

NO.	DATE	DESCRIPTION

REVISIONS

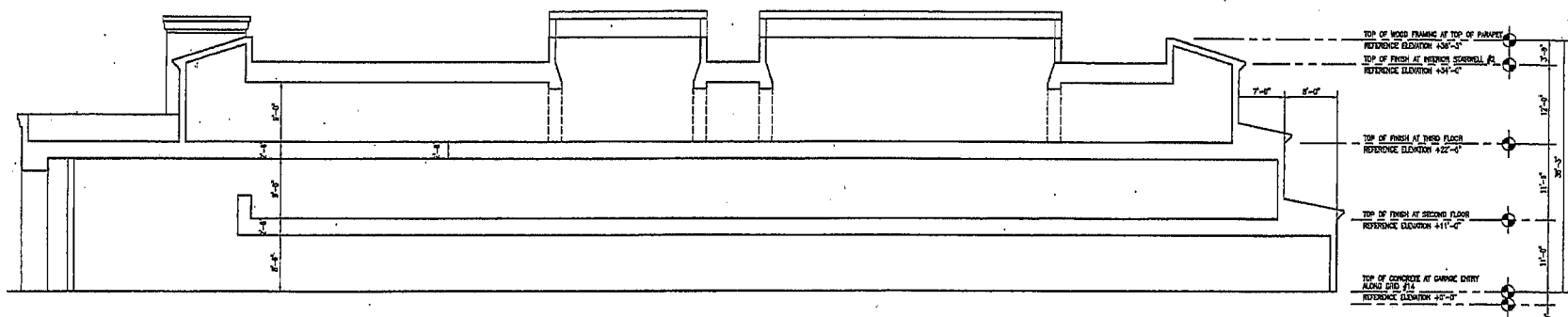
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VILLA CAPITOLA
UNASSISTED
SENIOR HOUSING
1575 38th AVENUE
SANTA CRUZ, CA
APN: 034-181-17

SHEET TITLE
BUILDING
SECTIONS

SCALE: 1/8" = 1'-0"
DATE: 04-18-13
DRAWN BY: NLH
JOB NO.: N1140
DWG. NO.: N1140-A-9

A-9
sheet of sheets

Item #: 8.B. Attach 5.pdf

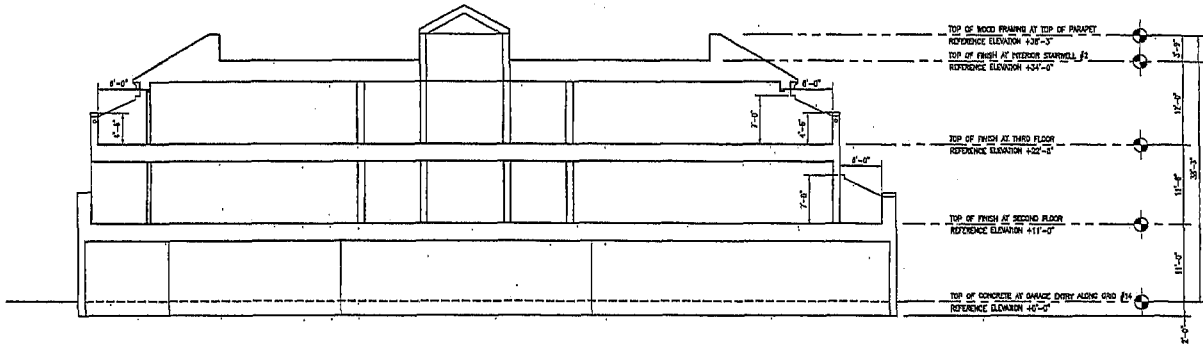


Longitudinal Section through Community/Skylight

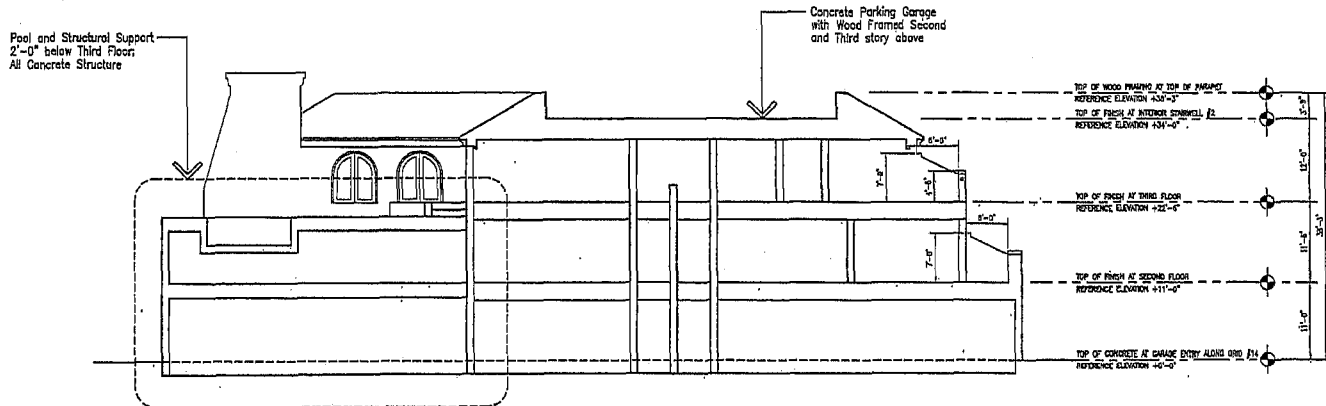
HUYCK
 ARCHITECTS

8200 SOQUEL DRIVE
 APTOS, CA 95003
 PHONE (831)685-1206
 FAX (831)688-3208

Progress
 04-18-13



Cross Section through Community Lightwell



Cross Section through Swimming Pool

no.	date	description

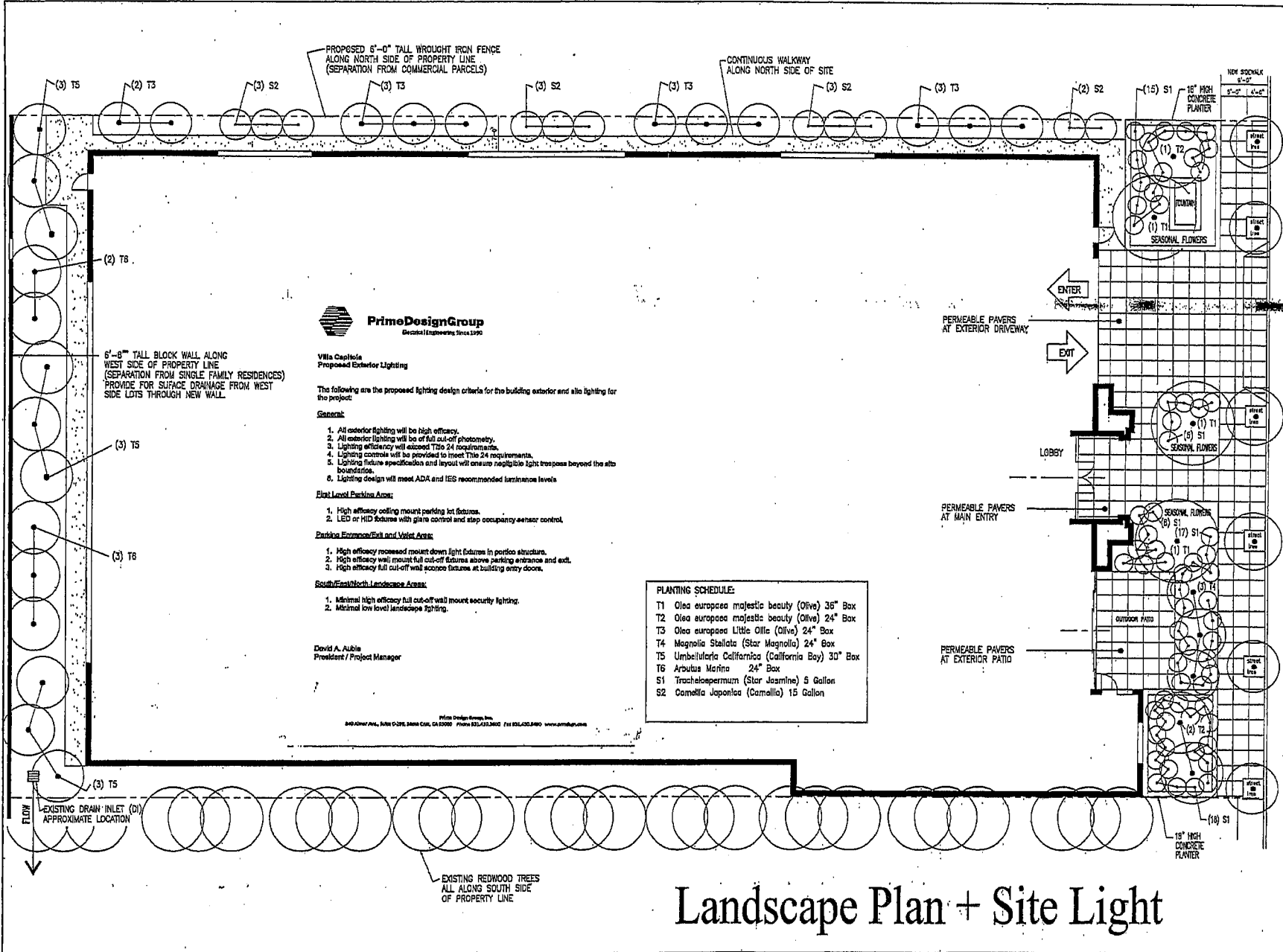
REVISIONS

PROJECT TITLE
 VILLA CAPITOLA
 UNASSISTED
 SENIOR HOUSING
 1575 38th AVENUE
 SANTA CRUZ, CA
 APN: 034-181-17

SHEET TITLE
 BUILDING
 SECTIONS

SCALE: 1/8" = 1'-0"
 DATE: 04-18-13
 DRAWN BY: NLH
 JOB NO.: N1140
 DWG. NO.: N1140-A-10

A-10
 sheet of sheets



Villa Capicola
Proposed Exterior Lighting

The following are the proposed lighting design criteria for the building exterior and site lighting for the project:

- General:**
- All exterior lighting will be high efficacy.
 - All exterior lighting will be of full cut-off photometry.
 - Lighting efficacy will exceed Title 24 requirements.
 - Lighting controls will be provided to meet Title 24 requirements.
 - Lighting fixture specification and layout will ensure negligible light trespass beyond the site boundaries.
 - Lighting design will meet ADA and IES recommended luminance levels.

- First Level Parking Area:**
- High efficacy ceiling mount parking lot fixtures.
 - LED or HID fixtures with glare control and step occupancy sensor control.

- Parking Entrance/Exit and Vestibule Area:**
- High efficacy recessed mount down light fixtures in portico structures.
 - High efficacy wall mount full cut-off fixtures above parking entrance and exit.
 - High efficacy full cut-off wall sconce fixtures at building entry doors.

- South/East/North Landscape Areas:**
- Minimal high efficacy full cut-off wall mount security lighting.
 - Minimal low level landscape lighting.

David A. Auble
President / Project Manager

Prime Design Group, Inc.
8401 17th Ave, Suite C-09, San Diego, CA 92161 Phone 619.453.2602 Fax 619.453.2600 www.primedesign.com

PLANTING SCHEDULE:

T1	Olea europaea majestic beauty (Olive) 36" Box
T2	Olea europaea majestic beauty (Olive) 24" Box
T3	Olea europaea Little Olive (Olive) 24" Box
T4	Magnolia Stellata (Star Magnolia) 24" Box
T5	Umbellularia Californica (California Bay) 30" Box
T6	Arbutus Marina 24" Box
S1	Trachelopermum (Star Jasmine) 5 Gallon
S2	Camellia Japonica (Camellia) 15 Gallon

HUYCK
ARCHITECTS

9200 SOQUEL DRIVE
APTOS, CA 95003
PHONE (831)685-1206
FAX (831)688-3205

Progress
04-18-13

no.	date	description

PROJECT TITLE
**VILLA CAPITOLA
UNASSISTED
SENIOR HOUSING**
1575 38th AVENUE
SANTA CRUZ, CA
APN: 054-181-17

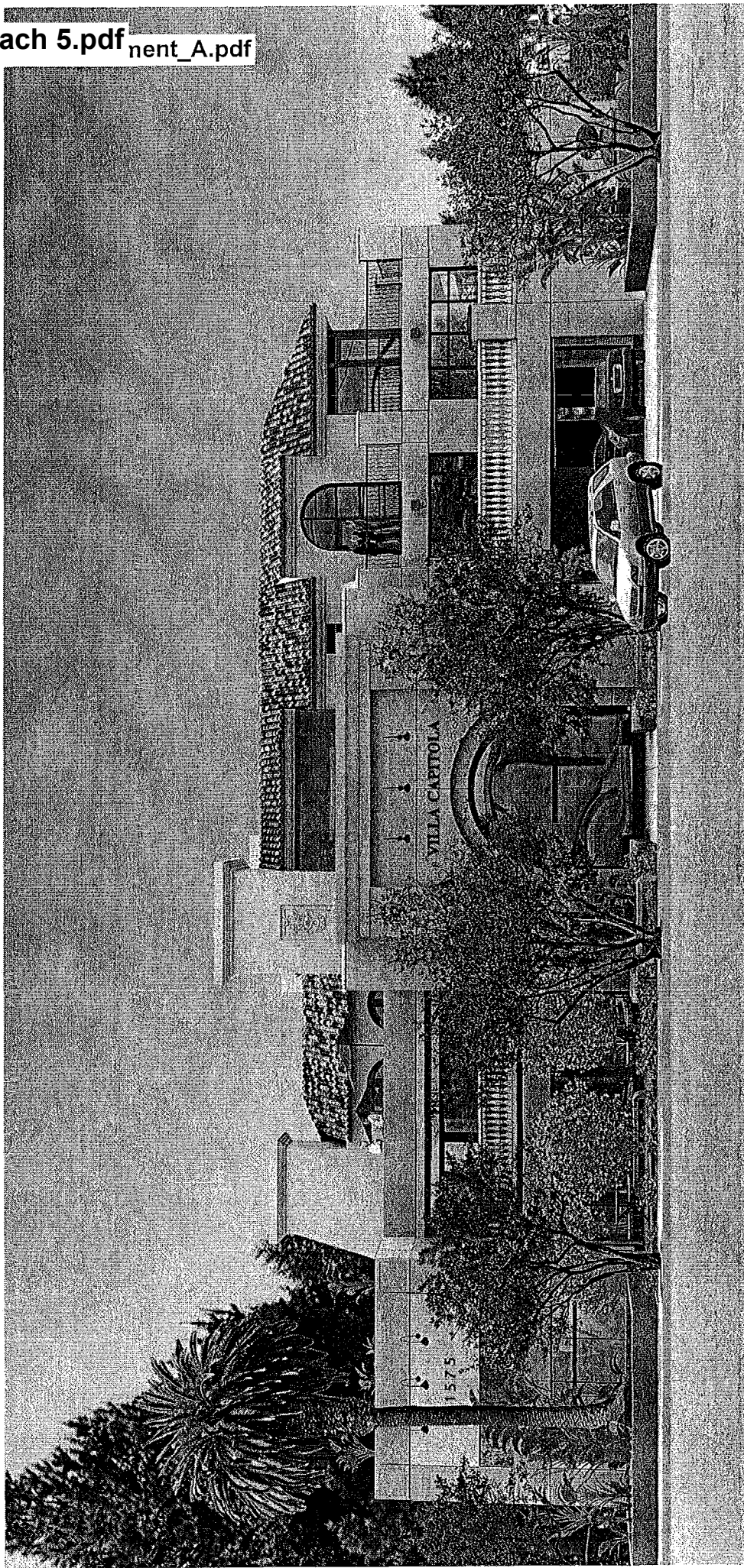
SHEET TITLE
**LANDSCAPE PLAN
and
SITE LIGHTING**

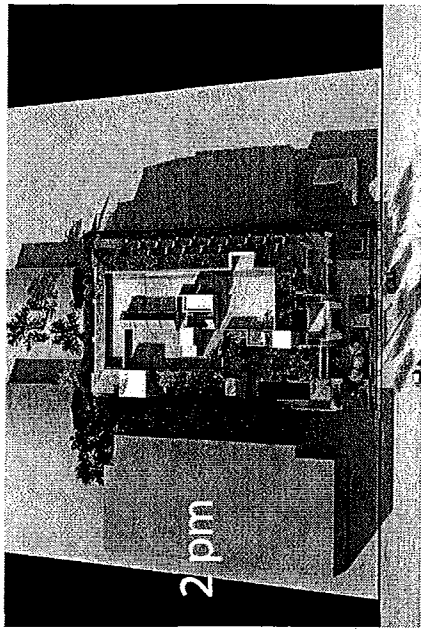
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DWG. NO.: N1140-A-11

A-11
sheet of sheets

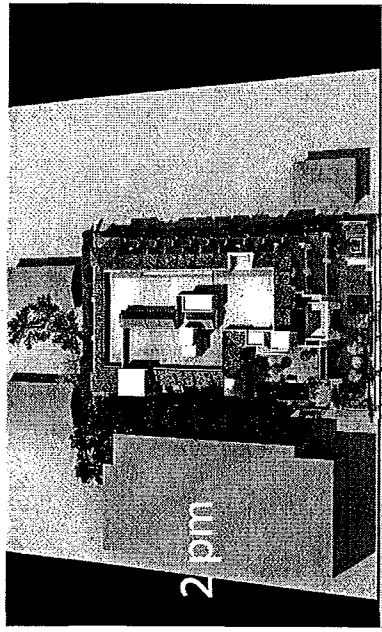
Landscape Plan + Site Light

Item #: 8.B. Attach 5.pdf

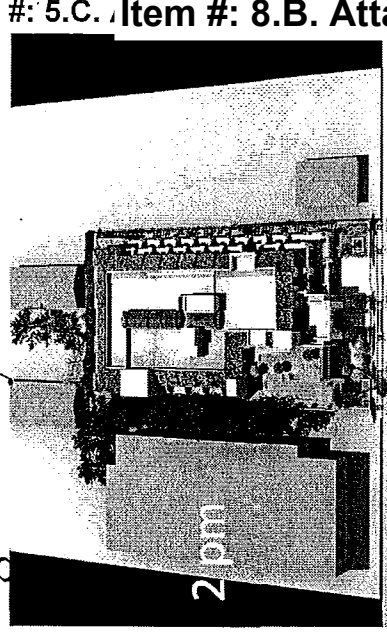




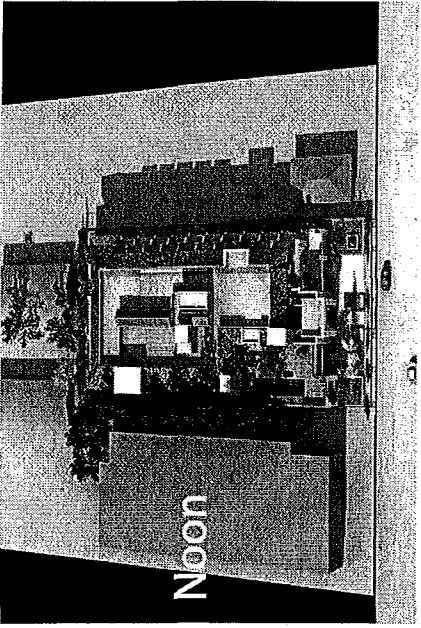
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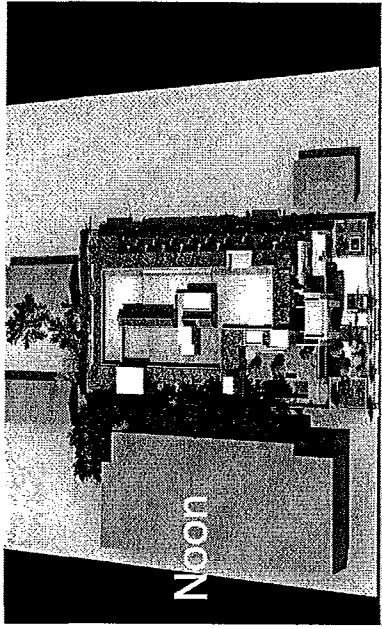
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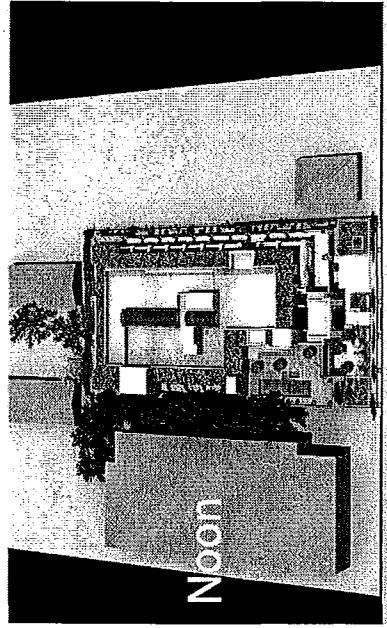
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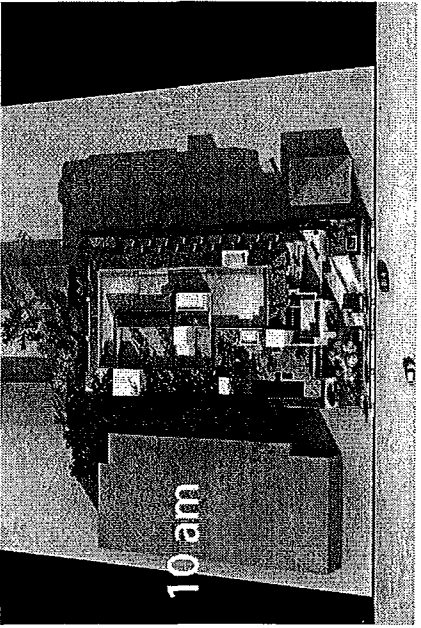
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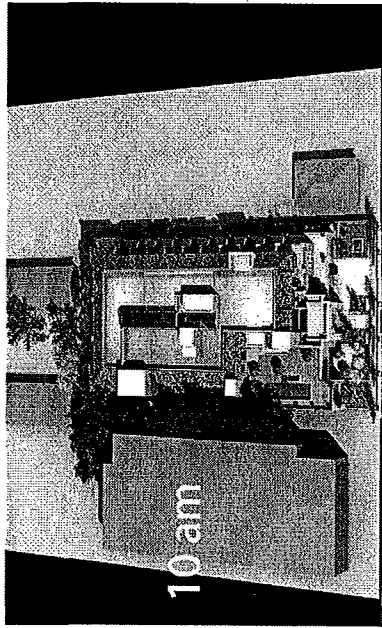
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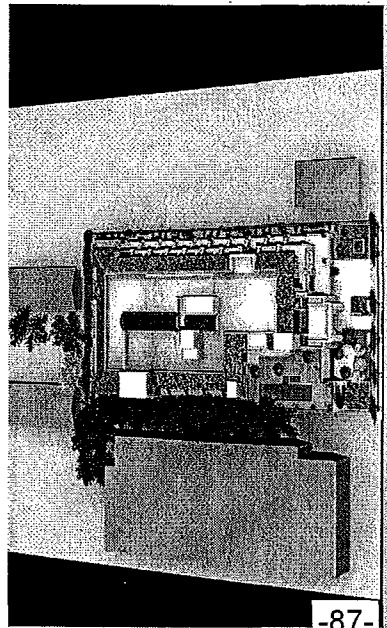
Noon



10 am



10 am



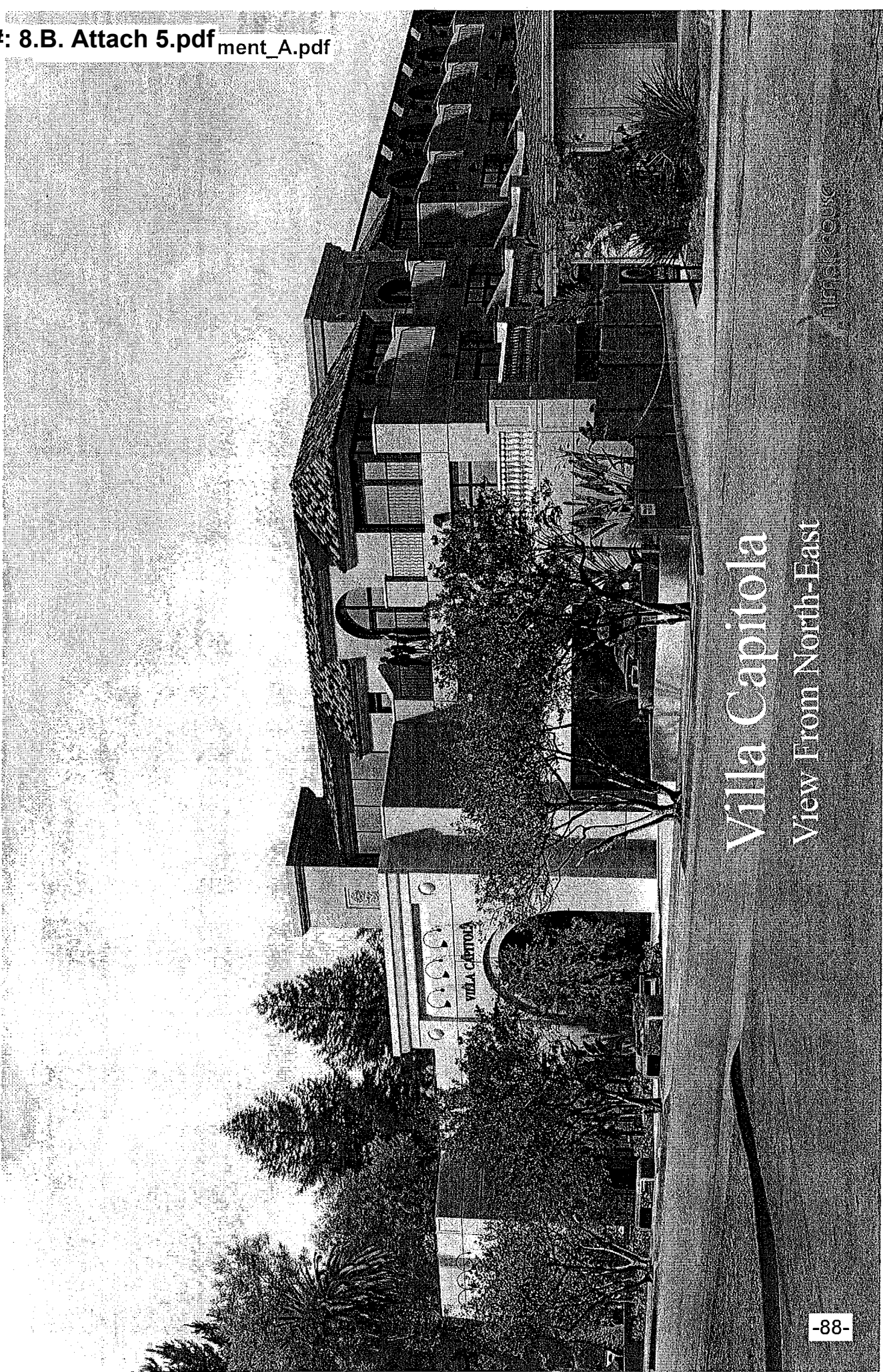
-87-

DECEMBER 21

SEPTEMBER 21

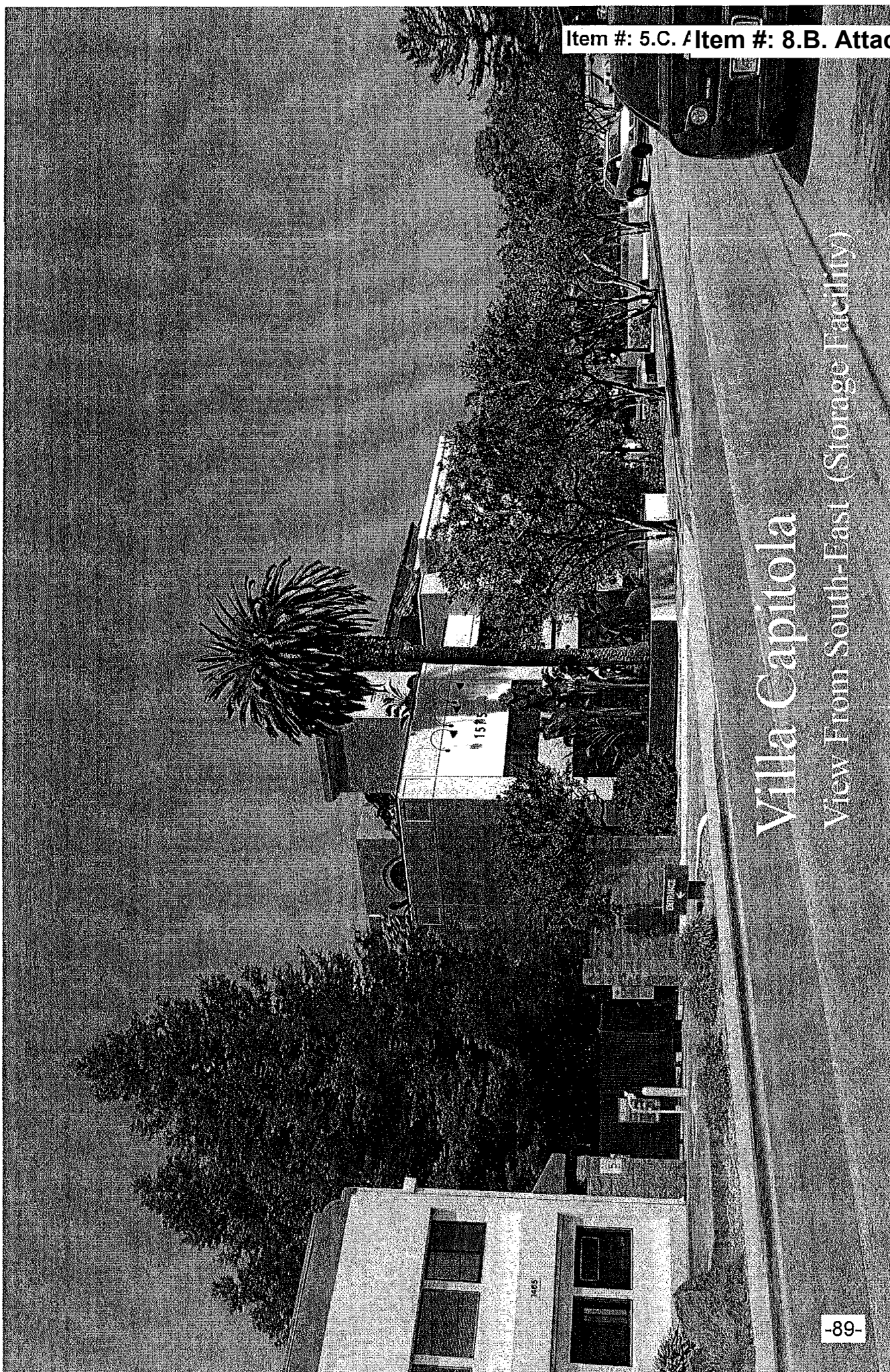
JUNE 21

VILLA CAPITOLA Shadow/Light Study

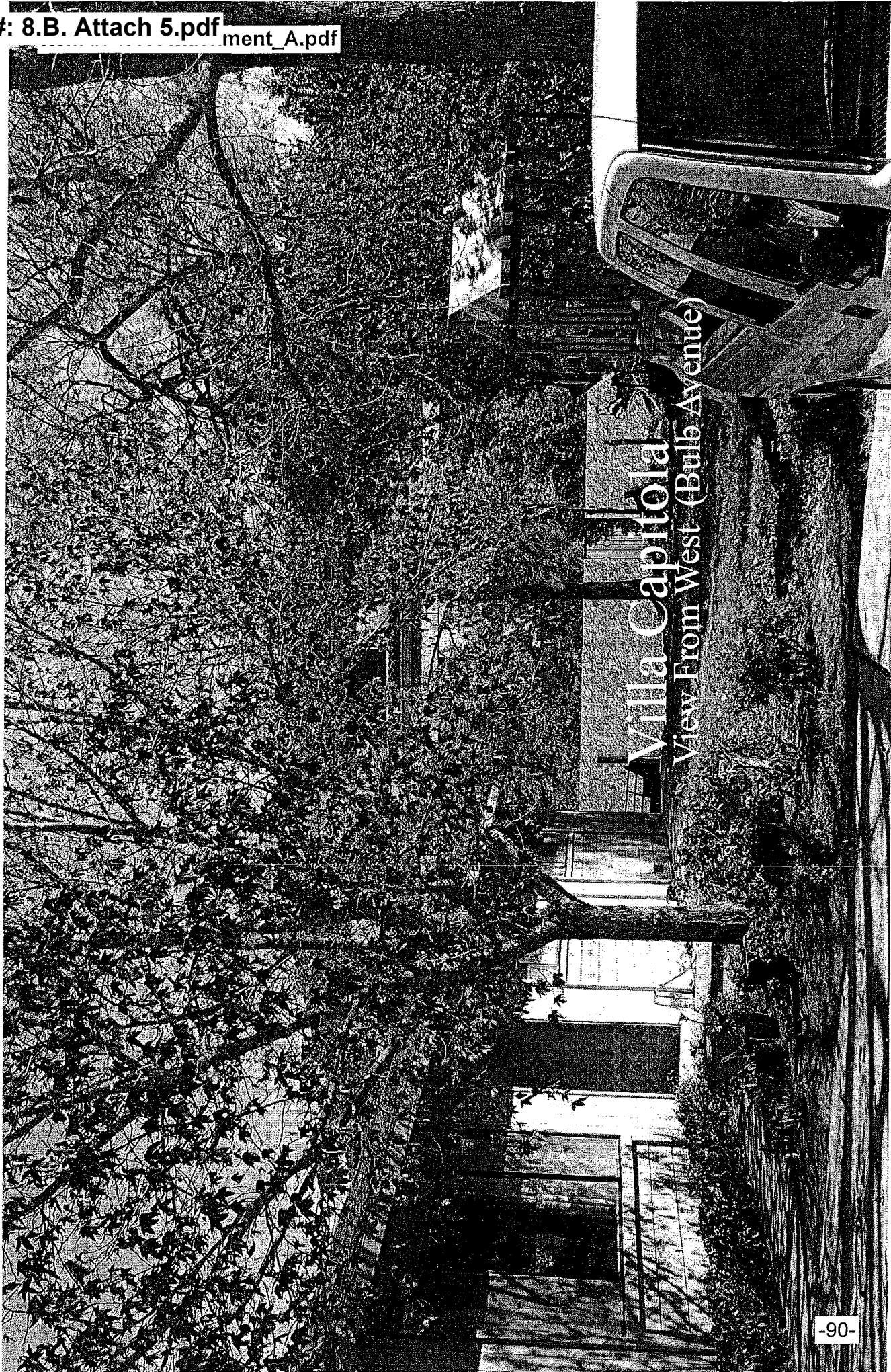


Villa Capitola
View From North-East

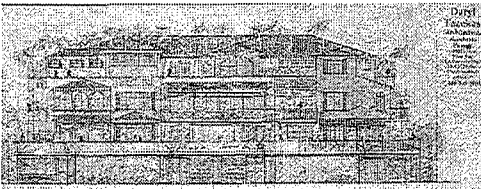
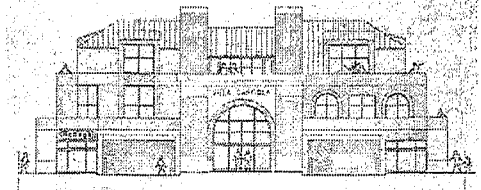
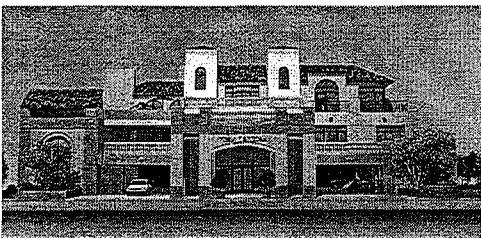

Signature House



Villa Capitola
View From South-East (Storage Facility)



Villa Capittola
View From West (Bulb Avenue)

Thumbnail Elevation	Proposed Building Specifications	Corrective Actions Taken	Recommendations/ Direction from Council
 <p>SUBMISSION #1 Villa Roma (Daryl Fazekas Architect)</p>	<ul style="list-style-type: none"> Four Story 67 Units 60 Car Parking Setbacks: <ul style="list-style-type: none"> -East Front 10'-0" -North Side 5'-0" -West Rear 10'-0" -South Side 5'-0" <p>Area Calculations Including Exterior Balconies</p> <ul style="list-style-type: none"> -Fourth Floor 21,037 sf -Third Floor 25,320 sf -2nd Floor 26,040 sf -Garage 26,040 sf TOTAL AREA: 98,437 sf Height: 46 Feet Average. <p>Separate Entry and Exit from Garage with front Valet Parking. Total Landscape Area: 4,280 sf (14% of Site.)</p>	<p style="text-align: center;">Not Applicable</p>	<p style="text-align: right;">MAY 20, 2011</p> <ul style="list-style-type: none"> Reduce Mass Reduce Scale Reduce Height
 <p>Front Elevation - East SUBMISSION #2 Villa Capitola (Nancy Huyck Architect)</p>	<ul style="list-style-type: none"> Three Story 57 Units 60 Car Parking Setbacks: <ul style="list-style-type: none"> -East Front 7'-0" -North Side 7'-0" -West Rear 7'-0" -South Side 7'-0" <p>Area Calculations Including Exterior Balconies</p> <ul style="list-style-type: none"> -Third Floor 23,812 sf -2nd Floor 25,220 sf -Garage 26,712 sf TOTAL AREA: 75,744 sf Height: 45 Feet Average. <p>Separate Entry and Exit from Garage. Total Landscape Area: 4,967 sf (16% of Site.)</p>	<ul style="list-style-type: none"> Reduced Mass Reduced Scale Reduced Height by 1 ft. 	<p style="text-align: right;">October 3, 2011</p> <ul style="list-style-type: none"> Reduce Mass Reduce Scale Reduce Height Traffic/parking study required Comprehensive Environmental Impact Study Required Increase Articulation providing 2nd and 3rd story balconies. Create Rooftop Garden Area Recommended Skylight to Illuminate Interior Common Areas
 <p>SUBMISSION #3 Villa Capitola (Nancy Huyck Architect)</p>	<ul style="list-style-type: none"> Three Story 23 Units 36 Car Parking Setbacks: <ul style="list-style-type: none"> -East Front 5'-0" to allow for 9' sidewalk -North Side 6'-10" -West Rear 15'-0" -South Side 2 inches with two areas of cutouts totaling 350 sf <p>Area Calculations Including Exterior Balconies</p> <ul style="list-style-type: none"> Third Floor 20,574 sf 2nd Floor 23,628 sf Garage 23,628 sf TOTAL AREA: 67,830 sf Height: 42' Average. <p>Separate Entry and Exit from Garage w/ front Valet Parking. Total Landscape Area: 4,967 sf. (16% of Site.) Rear Towers Located at Setback Lines. Balconies Provided for each Rear Unit.</p>	<ul style="list-style-type: none"> Reduced Mass Reduced Scale Reduced Height by 3 ft Reduced Units to 23 Increased Setbacks Parking/Traffic Study submitted. (See 6.c Attachment D, highlighted areas) C.E.Q.A. Review Process Completed. Mitigated Negative Declaration Prepared. Created Rooftop Garden Area Created Skylight to Illuminate Interior Common Areas 	<p style="text-align: right;">September 6, 2012</p> <ul style="list-style-type: none"> Architectural and Site Review Board Endorses Project (See comments Item # 6.c Staff report P.. 2 & 3) Staff Recommends adoption of Mitigated Negative Declaration and Approval of Project. Planning Commission Rejects City Recommendation and all submitted required data declaring: <ul style="list-style-type: none"> Inconsistency with existing neighborhood Insufficient percentage of Landscaping Insufficient setbacks to the South (Storage Building) Insufficient Setbacks to the East (38th Ave) Privacy issues with 2nd and 3rd story balconies facing Residents on Bulb Ave.
 <p>SUBMISSION #4 Villa Capitola (Nancy Huyck Architect)</p>	<ul style="list-style-type: none"> Three Story 23 Units 35 Car Parking Setbacks: <ul style="list-style-type: none"> -East Front 23'-0" includes 9' sidewalk -North Side 6'-10" -West Rear 15'-0" -South Side (Storage Bldg) Landscape area 813 sf <p>Area Calculations Including Exterior Balconies</p> <ul style="list-style-type: none"> Third Floor 19,805 sf 2nd Floor 22,272 sf Garage 23,378 sf TOTAL AREA: 65,455 sf Height: 39' Average. <p>Total Landscape Area: 7,075 sf. (23% of Site.)</p>	<ul style="list-style-type: none"> Reduced Height Average by 3 feet Reduced Total Building Area by 2,375 sf. Restructured Parking Garage Providing for Single Ingress/ Egress. (Allowing an additional 2090 sf. landscaping fronting 38th Ave. with bistro seating. Rear Balconies facing bulb avenue residents eliminated. Two-44 ft. Towers Facing Bulb Ave Residents to the Rear Eliminated. Increased Setback to 23' - 0" 	

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CITY OF CAPITOLA
Notice of Intent to
Adopt a Mitigated Negative Declaration



PROJECT: Villa Capitola Senior Housing APPLICATION #: 12-028

PROJECT LOCATION: 1575 38th Avenue, Capitola, CA 95010

APPLICANT: Nancy Huyck

PROJECT DESCRIPTION: The project consists of demolition of an existing commercial salvage yard and accessory buildings and construction of a 23-unit market-rate rental, "unassisted" senior housing development within a new three-story building. The project applications to be considered by the City include: Planned Development Rezoning, Conditional Use Permit, and Design Permit for the demolition and construction in a Neighborhood Commercial zone district.

Significant Effects on the Environment: Exposure to Noise.

The City of Capitola has reviewed the proposed project and has determined that the project will not have a significant effect on the environment with mitigation measures included as conditions of project approval. A copy of the Mitigated Negative Declaration and Initial Study document may be reviewed or obtained at the address below or is available on the City of Capitola website at www.ci.capitola.ca.us:

City of Capitola
420 Capitola Avenue
Capitola, Ca 95010

Comments on the Mitigated Negative Declaration should be submitted in writing to Ryan Bane at the address listed above from August 15, 2012 through September 3, 2012. The Mitigated Negative Declaration and project will be considered at a public hearing before the City of Capitola Planning Commission on September 6, 2012 at 7 PM at the Capitola City Hall at the address above.

If you have any questions or comments, please contact Ryan Bane in the Community Development Department at (831) 475-7300 or email at: rbane@ci.capitola.ca.us.

THIS NOTICE HAS BEEN POSTED AT THE CLERK
OF THE BOARD OF SUPERVISORS OFFICE FOR A
PERIOD COMMENCING 8/15 2012
AND ENDING 9/15 2012

**CITY OF CAPITOLA
Notice of Intent to
Adopt a Mitigated Negative Declaration**

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Villa Capitola
MND-Initial Study
DISTRIBUTION LIST

Association of Monterey Bay Area
Governments--AMBAG
P.O. Box 809
Marina, CA 93933-0809

County Clerk
c/o Clerk of the Board
701 Ocean Street
Santa Cruz, CA 95060

Santa Cruz County
Public Works Department, Room 410
701 Ocean St.
Santa Cruz, CA 95060

Santa Cruz County Planning Dept.
Kathy Previsich, Director
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

City of Santa Cruz Water Department
212 Locust Street
Santa Cruz, CA 95060

**CITY OF CAPITOLA
MITIGATED NEGATIVE DECLARATION**

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

PROJECT: Villa Capitola Senior Housing **APPLICATION #:** 12-028

PROJECT LOCATION: 1575 38th Avenue, CA 95010

APPLICANT: Nancy Huyck

PROJECT DESCRIPTION: The project consists of demolition of an existing commercial salvage yard and accessory buildings and construction of a 23-unit market-rate rental, "unassisted" senior housing development within a new three-story building. The project applications to be considered by the City include: Planned Development Rezoning, Conditional Use Permit, and Design Permit for the demolition and construction in a Neighborhood Commercial zone district.

FINDINGS: The City of Capitola Community Development Department has reviewed the proposed project and has determined, based on the attached Initial Study, that the project will not have a significant effect on the environment with implementation of mitigation measures. Consequently, adoption of a Mitigated Negative Declaration is appropriate. An Environmental Impact Report is not required pursuant to the *California Environmental Quality Act of 1970 (CEQA)*. This environmental review process and completion of the Initial Study and Mitigated Negative Declaration were conducted in accordance with the State *CEQA Guidelines*.

The following mitigation measures will be incorporated into the project design or as conditions of approval, to ensure that any potential environmental impacts will not be significant.

<u>Impact</u>	<u>Mitigation</u>
Exposure to Noise.	MITIGATION MEASURE 1: Require preparation of an acoustical study with building permit submittal and require building plans to incorporate any recommended building or window design measures, if needed to achieve required indoor noise levels.


By: Steve Jesberg, Interim Community Development Director

7-31-12
Date

CITY OF CAPITOLA

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

INITIAL STUDY**I. BACKGROUND INFORMATION**

Project Title: Villa Capitola Unassisted Senior Housing

Application No.: #12-028

Project Location: 1575 38th Avenue

Name of Property Owner: Steve Thomas and Maureen Romac

Name of Applicant: Nancy Huyck

Assessor's Parcel Number(s): 034-181-17

Acreage of Property: 31,365 square feet (0.72± acres)

General Plan Designation: C-LC (Shopping - Local)

Zoning District: CN (Neighborhood Commercial)

Lead Agency: City of Capitola

Prepared By: Stephanie Strelow, Strelow Consulting

Date Prepared: July 30, 2012

Contact Person: Ryan Bane, Senior Planner

Phone Number: (831) 475-7300

II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING

A. Environmental Setting and Surrounding Land Uses

This project site is located within the western portion of the City of Capitola, south of Capitola Road on the west side of 38th Avenue. The site is located at 1575 38th Avenue, just south of the Capitola Mall (see Figure 1). The site is bordered by 38th Avenue and the Kings Plaza Shopping Center on the east, commercial uses on the north and south, and residential uses on the west. The properties to the west are located within the unincorporated area of Santa Cruz County.

The project site is flat and currently is developed with a commercial salvage yard (Capitola Freight and Salvage) that consists of areas of stockpiled building elements (windows, doors, cabinets) and appliances, several older structures and an unpaved parking area. Approximately seven trees are located on the property, primarily at the edges.

The surrounding neighborhood is primarily characterized as commercial, except for residential uses that are located to the west of the site. A storage facility with parking is located immediately south of the project site; a row of redwood trees on this adjacent property borders the property line. Two older single-family homes are located adjacent to the project site on the north, which appear to be used for commercial purposes and are located within a commercial zone. A parking lot serving commercial uses along Capitola Road also borders the project site on the north. Older single-family homes are located to the west of the project site. An aerial photo with the existing site conditions is presented on Figure 2.

B. Project Description

Background. A preliminary proposal for the project site consisted of a four-story, 67-unit senior housing planned developed that was reviewed by Capitola's Architectural and Site Review Committee, Planning Commission and City Council in the fall of 2011. Based on comments and direction given at that time, the applicant redesigned the project and submitted a formal Planned Development application. The current proposal has been reduced in size to a three-story, 23-unit project as further described below.

Project Description. The project consists of demolition of the existing salvage yard and its accessory buildings and construction of a 23-unit rental (market rate), "unassisted" senior housing development. The project applications to be considered by the City include: Planned Development Rezoning, Conditional Use Permit, and Design Permit for the demolition and construction.

The proposed project will be contained within an approximate 70,000 square foot, three-story building. The proposed housing units will be located on the second and third floors. The planned units include 11 studio units, nine one-bedroom units, two one-bedroom with study units, and one two-bedroom with study unit.

The ground level includes an enclosed 36-space enclosed parking garage. An approximate 520 square foot "private restaurant" also is located on the ground floor adjacent to the parking area, which would serve meals in a dining room, coffee bar or poolside cabana. The restaurant area (with an approximate 520 square foot kitchen) is intended for residents only, where meals will be

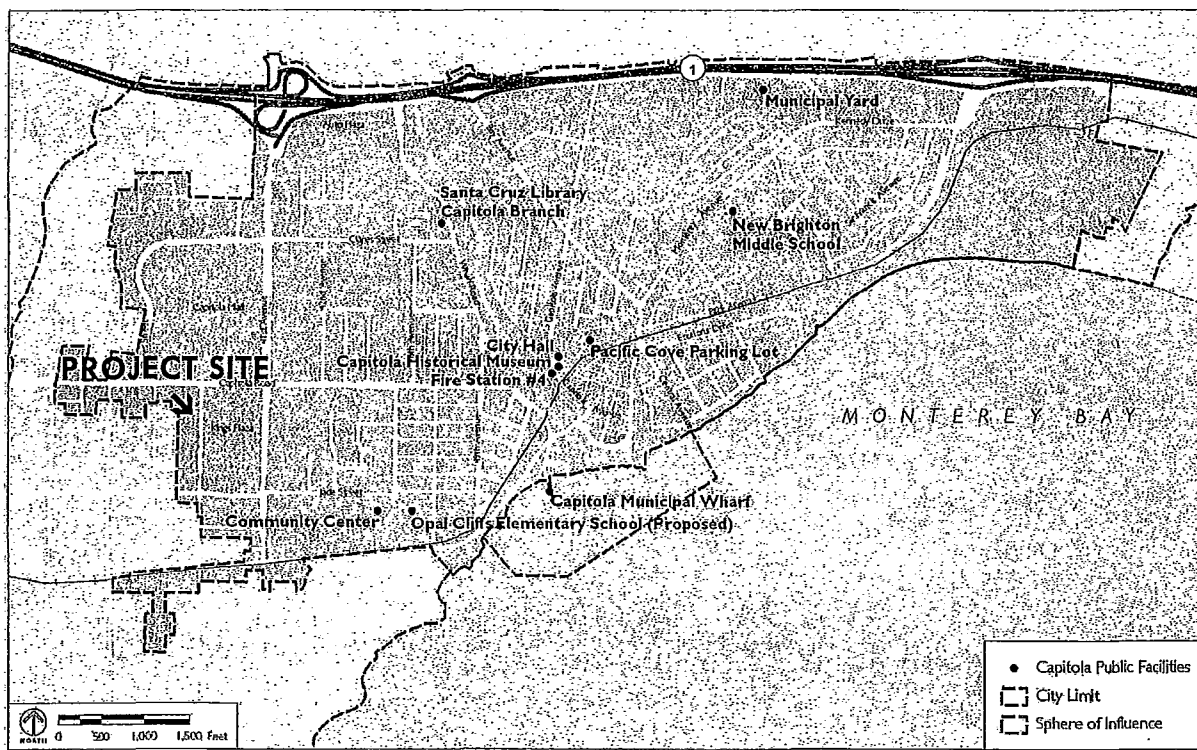
served three times a day. A lobby area is located on the second, and a 480-square foot pool with spa and cabana is proposed on the third floor. The site plan with the first two floors is shown on Figure 3.

Access will provided via 38th Avenue with a separate entrance and exit. Information provided by the applicant indicates that shuttle service will be provided for supplemental transportation for residents.

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

None are known other than the City of Capitola.

FIGURE 1: Vicinity Location



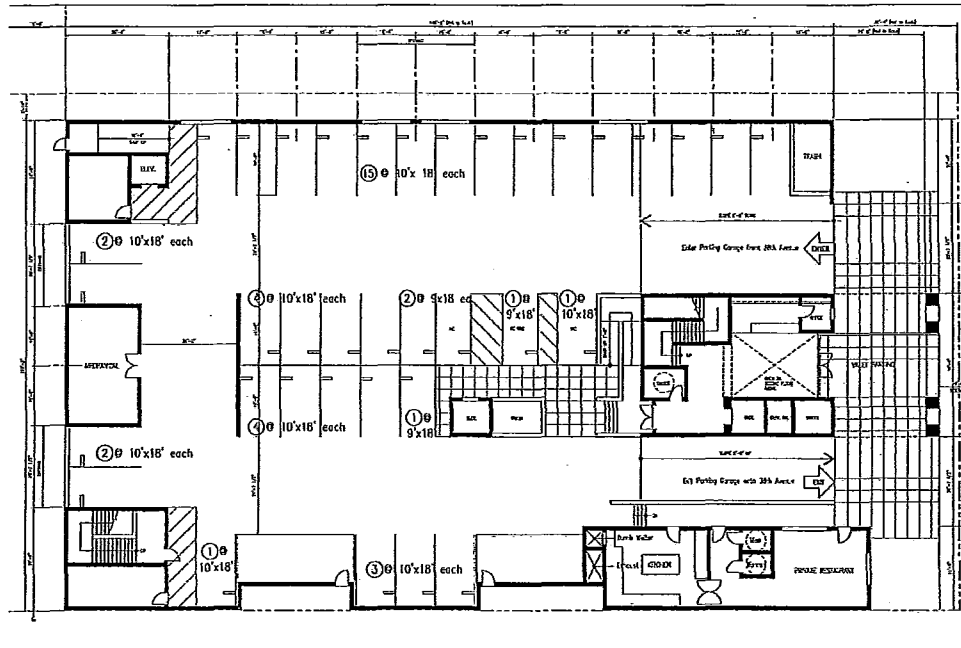
SOURCE: Imagine Capitola – City of Capitola General Plan Update

FIGURE 2: Existing Site Conditions

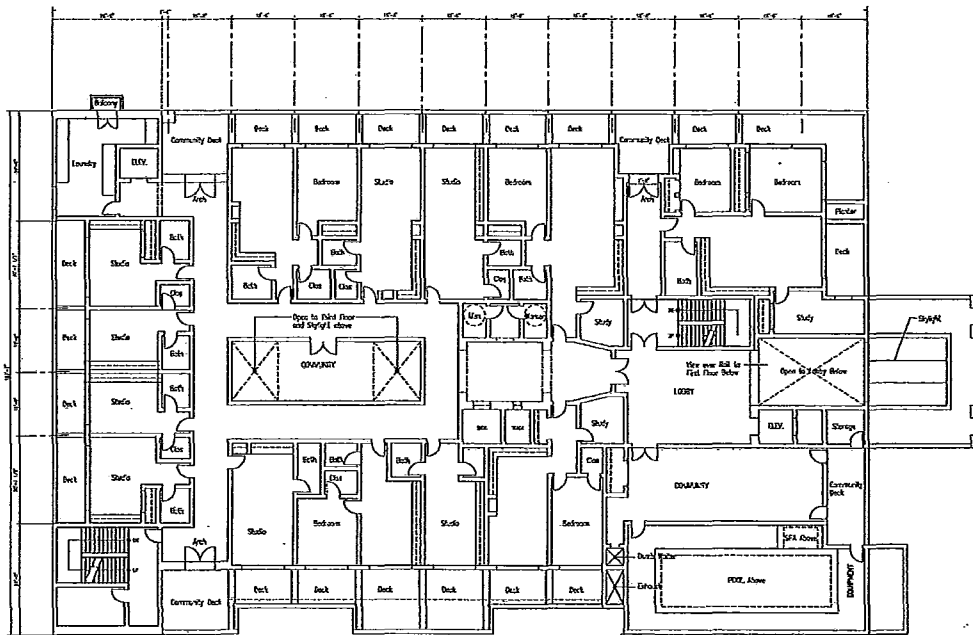


Existing Site Conditions

FIGURE 3: Site Plan - First & Second Floor Plans



(36 total parking stalls)  First Floor Garage Plan



 Second Floor Plan

III. ENVIRONMENTAL CHECKLIST

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

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

A. Instructions to Environmental Checklist

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

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

B. Use of Earlier Analyses

The project site is located within the service area of the City of Santa Cruz Water Department. In December 2011, the Santa Cruz City Council adopted the *2010 Urban Water Management Plan (UWMP)*, which evaluates water supply and demand within the City's service area over the next 20 years. Additionally, the City of Santa Cruz updated its General Plan, which was adopted by the City Council in June 2012 and certified an EIR for the *General Plan 2030* at the same time. The EIR provides a comprehensive analysis of impacts of water demand within the City's service area. Both the UWMP and General Plan EIR assess future water demand within the City's water service area that is located outside Santa Cruz city limits.

The preparation of this Initial Study has drawn from data and analyses contained in both the City of Santa Cruz adopted 2010 UWMP and certified General Plan 2030 EIR. These documents are hereby "incorporated by reference" pursuant to the State CEQA Guidelines section 15150. Where an EIR or Negative Declaration uses incorporation by reference, the incorporated part of the referenced document shall be briefly summarized where possible or briefly described if the data or information cannot be summarized. The EIR analyses and conclusions and relevant findings of the 2010 UWMP are summarized in subsections 17(b,d) and 18(b) of this Initial Study. The documents are on file and may be reviewed at the City of Capitola during business hours (Monday through Friday, 8 AM to 12 PM and 1-5 PM), located at 420 Capitola Avenue, Capitola, CA. The documents are also available on the City of Santa Cruz website.¹

¹ City of Santa Cruz Planning Department: <http://www.cityofsantacruz.com/index.aspx?page=348> and City of Santa Cruz Water Department: <http://www.cityofsantacruz.com/Modules/ShowDocument.aspx?documentid=24687>.

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
1. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?				✓
b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?				✓
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			✓	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			✓	
2. AGRICULTURE RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (V.4)				✓
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				✓
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				✓
d) Result in the loss of forest land or conversion of forest land to non-forest use?				✓
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?				✓

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

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

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

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

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

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

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

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				✓
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				✓
g) Comply with federal, state, and local statutes and regulations related to solid waste?				✓
18. MANDATORY FINDINGS OF SIGNIFICANCE. Does the project:				
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				✓
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects.)			✓	
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				✓

IV. DETERMINATION:

On the basis of this initial evaluation:

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

TRy - B
 Ryan Bane, Senior Planner

8/7/12
 Date

V. SOURCE LIST

1. City of Capitola.
 - a) Adopted September 28, 1989. *General Plan City of Capitola*. Prepared by Freitas + Freitas.
 - b) Adopted February 11, 2010. "City of Capitola Housing Element of the General Plan 2007-2014."
2. "Imagine Capitola" – City of Capitola General Plan Update.
 - a) "General Plan Update Existing Conditions White Paper #1. March 2011. Prepared by Design, Community & Environment for the City of Capitola.
 - b) "White Paper #3 – Transportation & Parking". April 2011. Prepared by RBF Consulting and Kimley-Horn and Associates.
 - c) "White Paper #4 – Environmental Resources & Hazards". April 2011. Prepared by RBF Consulting.
 - d) "White Paper #5 – Environmental Resources & Hazards". April 2011. Prepared by RBF Consulting.
3. City of Santa Cruz.
 - a) June 26, 2012. Adopted. *General Plan 2030*.
 - b) April 2012. "City of Santa Cruz General Plan 2030 Final EIR."
 - c) September 2011. "City of Santa Cruz General Plan 2030 Draft EIR."
 - d) December 2011. Adopted. "City of Santa Cruz Urban Water Management Plan 2010."
4. California Department of Conservation. 2007. "Farmland Mapping and Monitoring Program."
5. Monterey Bay Unified Air Pollution Control District.
 - a) August 2008. *2008 Air Quality Management Plan for the Monterey Bay Region*.
 - b) February 2008. "CEQA Air Quality Guidelines."
 - c) May 18, 2011. Staff Report regarding "Presentation on Thresholds of Significance for Greenhouse Gases and Provide Suggestions to Staff for the Recommendation to be Presented at the June 2011 Board Meeting."
 - d) July 12, 2011. Staff Agenda Item for Board Meeting on June 15, 2011 regarding "Consider Adoption of a Resolution Approving Proposed Revisions to the District Consistency Procedure."
6. Donald Ballanti, Certified Consulting Meteorologist. June 22, 2012. "Greenhouse Gas Analysis for the Villa Capitola Project, Capitola, California."
7. Bowman & Williams. June 6, 2012. "Preliminary Storm Water Management Report for Senior Housing, APN: 034-181-17, 1575 38th Avenue, Santa Cruz, California."

8. RBF Consulting. June 8, 2012. "Forecast Trip Generation, On-site Parking Analysis and Pedestrian Warrant Analysis for the Proposed Villa Capitola Senior Housing Project."
9. Global Climate Change References:
 - a) California Air Resources Board. September 22, 2010 (Last Updated). "Greenhouse Gas Inventory Data – 2000 to 2008." Online at: <http://www.arb.ca.gov/cc/inventory/data/data.htm>
 - MAY 12, 2010. "California Greenhouse Gas Inventory for 2000-2008 – By — by Category as Defined in the Scoping Plan"
 - May 28, 2010. "Trends in California Greenhouse Gas Emissions for 2000 to 2008 – by Category as Defined in the Scoping Plan."
 - b) California Air Resources Board. December 2008. *Climate Change Proposed Scoping Plan – A Framework for Change.* December 2008. Online at: http://www.arb.ca.gov/cc/scopingplan/document/adopted_scoping_plan.pdf
 - c) California Climate Action Team. December 2010. "Climate Action Team Report to governor Schwarzenegger and the California Legislature." California Environmental Protection Agency.
 - d) California Governor's Office of Planning and Research. June 19, 2008. "CEQA and Climate Change: Addressing Climate Change Through California Environmental Quality Act (CEQA) Review."
 - e) California Natural Resources Agency. "2009 California Climate Adaptation Strategy." A Report to the Governor of the State of California in Response to Executive Order S-13-2008.
 - f) Bay Area Air Quality Management District. June 2010. "California Environmental Quality Act Guidelines." Online at: <http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES/Updated-CEQA-Guidelines.aspx>

VI. EXPLANATION OF ENVIRONMENTAL CHECKLIST RESPONSES

1. Aesthetics.

(a) Scenic Views. The proposed project is located within a developed commercial area within the City of Capitola. The City's General Plan does not identify any "vista points" in the project vicinity. The project site is not visible from a designated vista point nor is it within an identified or observed scenic view. There are no scenic views across or from the project site. The project would not obstruct or remove scenic coastal views as none exist in the area.

(b) Scenic Resources. The site contains seven trees, including two large pine trees, one redwood and four smaller ornamental trees. The two large pines are taller than other onsite trees and are visible in the immediate vicinity of the project site. Generally, trees are planted along 38th Avenue.

Impact Analysis. All onsite trees will be removed for project development. None of the trees are visually prominent or distinctive, and they do not represent a significant visual element of the surrounding area, which is characterized by existing commercial development with landscaping. The pine tree in the southeast corner of the site is the most visible and is prominent in the immediate vicinity of the project site, but it does not possess unique or unusual aesthetic features for this type of tree. Trees are planted along 38th Avenue, including redwood trees further south of the site, and as a result, the street appears lined with trees that partially screen some existing buildings. While any tree may be considered to possess aesthetic attributes, the trees on the project site do not possess qualities under which they would be considered scenic, such as being visually prominent from a wide area, visually distinctive and/or being an exceptional specimen of a particular species. Thus, the onsite trees are not considered a scenic resource, and the project would not have an adverse effect on scenic resources. Tree removal in relation to City tree removal regulations is reviewed below under subsection 4(e).

(c) Visual Effects upon Surrounding Area. The visual quality of the project vicinity is characterized primarily by a mix of developed commercial uses. Commercial uses are prominent along the segment of 38th Avenue in which the project site is located, including the Kings Plaza Shopping Center to the east and the Capitola Mall to the north. Commercial development dominates the visual character in the area, although some older homes of mixed styles and age are located further south of the project site along 38th Avenue. Trees are planted along 38th Avenue.

Impact Analysis. The proposed project would result in construction of a new three-story building within a predominantly commercial area. The building will occupy nearly the entire site. It will of similar scale and mass as the storage facility to the south and other larger commercial buildings in the area, including those at the Kings Plaza Shopping Center to the east and at the Capitola Mall to the north. The proposed building would be one taller than existing buildings, and would be more massive than residential properties to the west.

Building elevations provided as part of the site plan are shown on Figure 4. The overall building mass is broken up by architectural recesses and windows along each side. Additionally, the upper floors are slightly set back from the ground floor on the front and partially on the rear, which also reduces the overall building mass.

The building height of 42 feet exceeds the height limit of 27 feet for the CN zone in which the site is located. However, the proposal includes a rezoning to Planned Development in which building heights can vary. The project site is located at the edge of the Community Commercial district in which heights of 40 feet are permitted. Given this proximity, the proposed building height would not be substantially different than permitted heights in the adjacent district or some structures in the area and along 41st Avenue. The building height likely would be

most noticeable from residential properties to the west, although landscaping would be provided along this boundary.

Overall, the project building mass and scale is similar to other commercial buildings in the vicinity, and the project would not substantially degrade the visual character of the surrounding area. The building height would be greater than other nearby buildings, but is not likely to appear out of scale with vicinity commercial buildings. With the planned architectural and building design features, materials, and colors, the proposed building would not substantially degrade the existing visual character of the surrounding area. Removal of the onsite trees (as discussed above in subsection 1b) would not be highly noticeable given the commercial character of the area and other tree cover that is present along 38th Avenue. Therefore, the project would have a less-than-significant impact on the visual character of the surrounding area. Further review of design details will be made by the City Planning Commission as part of the Architectural and Site approval that is required for permitted or conditional uses in a CN district as provided in Chapter 17.63 of the City's Municipal Code.

(d) Light and Glare. The project will not result in introduction of a major new source of light and glare, although there will be exterior building lighting typically associated with residential and planned development buildings. This is not expected to create significant visual impacts on the surrounding neighborhood. Further review of design details will be made as part of the Architectural and Site review process. Additionally, standard conditions of approval require that all lighting shall be shielded and directed on to the property, away from adjacent residential properties. Lighting intensity shall be reviewed and approved by staff prior to final occupancy and shall be reviewed by the Planning Commission upon receipt of a complaint.

2. **Agricultural and Forest Resources.** The project site is located in a developed urban area. The project site is not in agricultural production or located adjacent to or near agricultural uses. The project site, as all of Capitola, is designated "Urban and Built-Up" by the California Department of Conservation Farmland Mapping and Monitoring Program (SOURCE V.4). Similarly, the project site is located within a developed commercial area and is not designated for timber resource production. The proposed project would have no effects on agricultural or forest resources.

3. **Air Quality.**

(a) Consistency with Air Quality Management Plan. The proposed project will result in construction of 23 senior residential units. On June 15, 2011 the Monterey Bay Unified Air Pollution Control District (MBUAPCD) Board approved a new procedure for determining consistency with the *Air Quality Management Plan* (AQMP), effective September 1, 2011. In the past, the Association of Monterey Bay Area Governments (AMBAG) determined whether population increases would remain within AMBAG's population forecasts used in the AQMP. The new procedure uses AMBAG's adopted housing unit forecast instead of population (SOURCE V.5d).

The Air District's adopted procedure was used to determine project consistency with the AQMP. The city of Capitola had 5,537 existing dwelling units as of January 1, 2012.² According to Capitola City staff, there are four residential units that are under construction or have been approved. With these four units and the project (23 units), there would be a total of 5,564 residential units within the City which is below the AMBAG forecast of 5,601 units projected in 2015. Therefore, the proposed project is consistent with the AQMP, and would not conflict with or obstruct implementation of the AQMP.

(b) Project Emissions. To protect public health, both the U.S. Environmental Protection Agency (EPA) and the California Air Resources Board (CARB) have established ambient air quality standards (AAQS) that are the maximum levels of ambient (background) air pollutants considered safe, with an adequate margin of safety to protect public health and welfare. The national standards address six criteria pollutants, including ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, fine particulate matter (both PM₁₀ and PM_{2.5}, which refer to particles less than 10 microns and 2.5 microns, respectively), and lead. The state standards, which are generally more stringent than the federal standards, apply to the same pollutants as the federal standards do, but also include sulfate, hydrogen sulfide, and vinyl chloride.

The North Central Coast Air Basin (NCCAB), in which the project site is located, is under the jurisdiction of the Monterey Bay Air Pollution Control District (MBUAPCD) and includes Santa Cruz, Monterey and San Benito Counties. The NCCAB is currently in attainment for the federal PM₁₀ (particulate less than 10 microns in diameter), ozone, nitrogen dioxide, sulfur dioxide, and carbon monoxide standards and is unclassified or attainment for the federal PM₂₅ and lead standards. The basin is designated non-attainment for the state ozone and PM₁₀ standards, and is in attainment for all other state standards, except for carbon monoxide for which it is unclassified (SOURCE V.5a).

Impact Analysis. The proposed project consists of construction of 23 senior housing units. There would be vehicular traffic increases associated with the proposed project, but emissions would not exceed MBUAPCD's criteria for significance. According to the MBUAPCD's CEQA Guidelines (February 2008), the proposed number of new residential units is below the District's screening level for potential significant ozone impacts for apartments and condominiums (SOURCE V.5b). Furthermore, the project does not include operations that would result in stationary emissions. Thus, the project would not violate current air quality standards, and would result in a less-than-significant impact related to air emissions.

Demolition, excavation and construction could result in generation of dust and PM₁₀ emissions. According to MBUAPCD's "CEQA Air Quality Guidelines" (as

² Per California Department of Finance, "E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011 and 2012" (May 2012). Online at: <http://www.dof.ca.gov/research/demographic/reports/estimates/e-5/2011-20/view.php>.

updated in June 2008), 8.1 acres could be graded per day with minimal earthmoving or 2.2 acres per day with grading and excavation without exceeding the MBUAPCD's PM₁₀ threshold of 82 lbs/day. The project site area is approximately 0.72 acres, which would be below the 2.2 acre grading threshold. Thus, potential construction-related PM₁₀ emissions would be less-than-significant.

(c) Cumulative Pollutant Increases. According to the MBUAPCD CEQA Guidelines, projects that are consistent with the "Air Quality Management Plan" (AQMP) would not result in cumulative impacts as regional emissions have been factored into the Plan. The MBUAPCD prepares air quality plans, which address attainment of the state and federal emission standards, and which, incorporate growth forecasts developed by AMBAG. As indicated in subsection 3(a) above, the proposed project is consistent with the AQMP, which takes into account cumulative development within the City, and thus, cumulative emissions have been accounted for in the Plan.

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

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

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

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

Impact Analysis. Demolition, excavation, grading and project construction could involve the use of diesel trucks and equipment that will emit diesel exhaust,

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

There are existing residential units adjacent to the site on the west. Construction-related diesel emissions would be of limited duration (i.e., primarily during grading) and would be temporary. CARB has identified diesel exhaust particulate matter as a toxic air contaminant, and assessment of toxic air contaminant cancer risks is typically based upon a 70-year exposure period. Project excavation and construction activities that would utilize diesel-powered equipment would expose receptors to possible diesel exhaust for a very limited number of days out of a 70-year (365 day per year, 24-hour per day) period. Because exposure to diesel exhaust will be well below the 70-year exposure period, and given the limited and short-term duration of activities that would use diesel equipment, construction-related diesel emissions are not considered significant. Furthermore, the State is implementing emission standards for different classes of on- and off-road diesel vehicles and equipment that applies to off-road diesel fleets and includes measures such as retrofits. Additionally, Title 13 of the California Code of Regulations (section 2485(c)(1)) prohibits idling of a diesel engine for more than five minutes in any location. Thus, the project would not expose sensitive receptors to substantial pollutant concentrations, and potential exposure of sensitive receptors to diesel emissions and associated risks is considered a less-than-significant impact.

(e) Odors. The planned residential use will not create objectionable odors.

4. **Biological Resources.**

The project site is located along 38th Avenue, west of 41st Avenue, which is a major transportation and commercial arterial. The site is developed with a commercial salvage materials business, and is located within a developed commercial area. There are no known biological resources on the project site or in the vicinity. The site is not mapped in the City's General Plan as being located in a riparian corridor or monarch butterfly grove (SOURCE V.1a).

(e) Tree Removal. There are seven existing trees on the project property, including two large pine trees, one redwood and four smaller ornamental trees. The majority of the trees are located on the perimeter of the site. The trees on the project site are not considered "heritage" trees under City of Capitola regulations (Chapter 12.12 – Community Tree and Forest Management). However, removal of non-heritage trees requires a permit pursuant to section 12.12.160 of the City's Municipal Code with the following findings:

1. The tree removal is in the public interest based on one of the following:
 - a. Because of the health or condition of the tree, with respect to disease infestation, or danger of falling;
 - b. Safety considerations; or
 - c. In situations where a tree has caused, or has the potential to cause, unreasonable property damage and/or interference with existing utility services.
2. All possible and feasible alternatives to tree removal have been evaluated, including, but not limited to undergrounding of utilities, selective root cutting, trimming and relocation.
3. The type, size and schedule for planting replacement trees are specified and shall be concurrent with the tree removal or prior to it.
4. The removal of the tree would not be contrary to the purposes of Chapter 12.12 – "Community Tree and Forest Management" and Chapter 17.95 – Environmental Sensitive Habitats.
5. Replacement trees in a ratio of two to one as needed to ensure that with replacement trees, a canopy coverage of at least fifteen percent will result, and location(s) for tree replanting are selected, and/or as a last resort, in-lieu fees have been paid as a condition of the permit in accordance with Section 12.12.190. Replacement trees and/or in-lieu fees are not required if post-removal tree canopy coverage on the site or parcel will be thirty percent or more.

Impact Analysis. The proposed project will result in removal of seven trees, but none are considered heritage trees under City regulations. Removal would not conflict with City regulations with approval of a permit and replanting replacement trees. Thus, the impact is considered less-than-significant.

None of the existing onsite trees will be retained. An arborist report has not been prepared, and thus, the condition of the trees is unknown. The trees are on the edge of the property, except for four smaller trees within the site. The trees located at the edges of the property may ultimately damage sidewalks or utilities. The proposed landscaping plan shows planting of 15 olive trees along the eastern and northern property boundaries. This represents one tree over the a 2-to-1 replacement ratio required under City regulations, and thus, exceeds the City's replanting ratio requirement. Thus, it appears that planned tree removal would not conflict with City regulations, but City staff will provide further review as part of the tree removal permit process.

Existing redwood trees located on adjacent property to the south would be retained. These could be inadvertently damaged during grading and construction. Grading and soil compaction and inadvertent damage due to construction equipment could damage the root zones unless the trees and root zones are adequately protected during construction. Although no mitigation measures are required, the following Condition of Approval is recommended to ensure protection of adjacent trees.

RECOMMENDED CONDITION OF APPROVAL: Implement measures to protect existing redwood trees along the property boundary in order to minimize damage to the trees and their root zones during construction as recommended by a certified arborist review.

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

5. Cultural Resources. There are no historical resources on the project site.

(b) Archaeological Resources. According to the City maps, the project site is not located within an archaeologically sensitive area. The project site has been previously graded and disturbed. Thus, there would be no impacts to cultural resources. However, the following Condition of Approval is recommended in the event that unknown resources are discovered during project grading and excavation.

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

(c) Paleontological/Unique Geological Resources. No unique geologic features have been identified. The proposed demolition and construction of the proposed senior housing project will have no effect on any unanticipated paleontological resources.

6. Geology and Soils.

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

The most probable seismic hazards to Capitola are from the San Andreas Fault (in the Santa Cruz Mountains) and, further south, the Palo Colorado-San Gregorio fault. Seismic historical records of the area show that earthquakes of 6.5 – 7.0 magnitude occur periodically on the San Andreas Fault. The main trace of the San Andreas Fault is approximately nine miles northeast of Capitola. One of the largest earthquakes in the Santa Cruz area occurred on October 17, 1989 due to movement

on this fault and measured 7.1 on the Richter scale. The epicenter of the Loma Prieta earthquake was approximately five (5) miles southeast of Capitola (SOURCE V.2c).

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

The primary seismic hazard that could affect the project is seismic shaking. The site is located in an area subject to high seismic shaking hazards according to maps in the City's General Plan (SOURCE V.1a). Liquefaction, differential compaction of near surface soils, and lateral spreading can present seismic hazards during earthquakes. The potential for these hazards to occur are dependent on soil conditions and geologic patterns (SOURCE V.2c). Soil liquefaction occurs when loose, saturated sandy soil deposits lose internal strength and transform from a solid to a liquefied state due to reduced stresses within the soils mass. The site is in a low liquefaction potential zone (Ibid.).

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

Impact Analysis. The project site is located in an area of high seismic activity and will be subject to strong seismic shaking during an earthquake. Preparation of a geotechnical report will be required prior to issuance of a building permit per California Building Code requirements, and the building will be required to be designed in accordance with the latest edition of the California Building Code, which sets forth structural design parameters for buildings to withstand seismic shaking without substantial structural damage. Structures built in accordance with the latest edition of the California Building Code and recommendations in the required geotechnical report have an increased potential for experiencing relatively minor damage which should be repairable. Thus, this is considered a less-than-significant impact.

(e.g) Soils and Erosion. According to the Soil Conservation Service *Soil Survey of Santa Cruz* (August 1980), onsite soils are classified as Pinto loam and Elkhorn sandy loam. These soils are classified as having a low to moderate shrink-swell potential depending on soil depth, and erosion hazard is slight to moderate.

Impact Analysis. Soils with potential shrink-swell conditions could result in structural damage if not properly designed. The required geotechnical report will set forth site preparation and foundation requirements that will address onsite soil constraints determined through soil borings and testing. Thus, impacts related to soils constraints are considered less-than-significant.

The onsite project soils are classified as having a slight to moderate erosion hazard. Project development will include excavation and grading, although the project site is relatively flat and located within a developed urban area. Approximately 1,485 cubic yards of material will be excavated, which will require submittal of a grading plan with erosion control measures in accordance with City regulations. The project site is not located adjacent to existing water bodies. With implementation of required erosion control measures as part of the required grading plan, the potential for offsite erosion and inadvertent transport of soils into the municipal storm drain system is considered less-than-significant. Although mitigation measures are not required, the following Condition of Approval is recommended.

RECOMMENDED CONDITION OF APPROVAL: Implement erosion control measures, including, but not limited to: conduct grading prior to the rainy season if possible; protect disturbed areas during the rainy season; implement other Best Management Practices (BMPs) during construction to protect water quality; and immediately revegetate disturbed areas.

(h) Soil Suitability for Septic Systems. The site is currently served by sewer as is the balance of the City, therefore there are no impacts associated with new septic systems.

7. Greenhouse Gas Emissions.

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

Climate change models predict changes in temperature, precipitation patterns, water availability, and rising sea levels, and these altered conditions can have impacts on natural and human systems in California (SOURCE V.9c). Changes in temperature,

precipitation, and sea levels can affect California's public health, habitats, ocean and coastal resources, water supplies, agriculture, forestry, and energy use (Ibid.), as well as result in increased droughts and flooding. Potential global warming impacts in California may include, but are not limited to, loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years. Secondary effects are likely to include a global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity (SOURCE V.6).

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

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

The California Air Resources Board (CARB) is the lead agency for implementing AB32. In accordance with provisions of AB 32, CARB has completed a statewide Greenhouse Gas (GHG) Inventory that provides estimates of the amount of GHGs emitted to, and removed from, the atmosphere by human activities within California. Based on review of this inventory, in December 2007 CARB approved a 2020 emissions limit of 427 CO₂ equivalent million metric tons (MMT CO₂e)³, which is equivalent to the 1990 emissions level. In accordance with requirements of AB32, a Scoping Plan was released in October 2008 and adopted by CARB in December 2008. Key elements for reducing the state's greenhouse emissions to 1990 levels by 2020 include:

- Expanding and strengthening existing energy efficiency programs as well as building and appliance standards;
- Achieving a statewide renewables energy mix of 33 percent;
- Developing a California cap-and-trade program that links with other Western Climate Initiative partner programs to create a regional market system;

³ The CO₂ equivalent emissions are commonly expressed as "million metric tons of carbon dioxide equivalent (MMT CO₂E)". The carbon dioxide equivalent for a gas is derived by multiplying the tons of the gas by the associated Global Warming Potential (GWP).

- Establishing targets for transportation-related greenhouse gas emissions for regions throughout California, and pursuing policies and incentives to achieve those targets;
- Adopting and implementing measures pursuant to existing State laws and policies, including California's clean car standards, goods movement measures, and the Low Carbon fuel Standard; and
- Creating targeted fees, including a public goods charge on water use, fees on high global warming potential gases, and a fee to fund the administrative costs of the State's long-term commitment to AB 32 implementation (SOURCE V.9b).

The Scoping Plan identifies 18 emissions reduction measures that address cap-and-trade programs, vehicle gas standards, energy efficiency, low carbon fuel standards, renewable energy, regional transportation-related greenhouse gas targets, vehicle efficiency measures, goods movement, solar roofs program, industrial emissions, high speed rail, green building strategy, recycling, sustainable forests, water and air (SOURCE V.9b).

Senate Bill 375, signed in 2008, aims to reduce greenhouse gas emissions by discouraging urban sprawl and reducing vehicle miles traveled. Among other things, SB 375 requires regional transportation plans to include a "sustainable community strategy" (SCS) to meet greenhouse gas reduction targets set by the California Air Resources Board. AMBAG is currently developing such a plan in cooperation with local jurisdictions. To encourage smart growth development, SB 375 also provides streamlined review under CEQA for certain projects consistent with the SCS: transit priority projects (projects comprising at least 50 percent residential use, a residential density of at least 20 units per net acre and located within one half mile of a regional transit corridor) and residential or mixed use projects with a residential component requiring at least 75 percent of the total square footage.

Senate Bill 375 established a basis for identifying regional reduction targets related to transportation and land use. It is one of the CARB's Scoping Plan strategies to reduce greenhouse gas emissions from the transportation sector, and the Scoping Plan estimates a reduction of statewide GHG emissions by 5 million metric tons (SOURCE V.9b), approximately 3% of the total statewide GHG emissions reduction identified in the strategies outlined in the *Scoping Plan*. In order to achieve these reductions, SB 375 requires metropolitan transportation plans to include a "*Sustainable Communities Strategy*" (SCS) to meet GHG reduction targets for vehicle travel. In September of 2010, the CARB adopted regional per capita greenhouse gas targets for each of California's eighteen metropolitan planning regions as required under SB 375. The Monterey Bay area's specific mandate is to reduce per capita greenhouse gas emissions from cars and light trucks to 2005 levels by 2020 and to reduce per capita levels to 5% below 2005 levels by 2035. This results in a regional per capita GHG emissions target of 14.1 pounds per day per capita for 2020 and 13.4 pounds per day per capita for 2035.

The City of Capitola is in the process of updating its General Plan, which will include preparation of a Climate Action Plan. The Association of Monterey Bay Area Governments (AMBAG) completed GHG emissions inventories for all member jurisdictions, including the City of Capitola. The City of Capitola inventory identifies citywide GHG emissions as well as emissions produced solely from City government operations occurring in the year 2005. In 2005, approximately 76,020 metric tons of CO₂ were emitted within the community of Capitola (SOURCE V.2c).

Impact Analysis. The proposed project will result in the construction of 23 senior housing units. The project site currently is developed with a materials salvage yard that will be demolished. The project will result in an increase in GHG emissions, primarily due to project-related traffic, energy use, and construction-related traffic and energy use.

The project is estimated to result in a net increase of GHG emissions of approximately 296 metric tons CO₂e annually due to project operation (i.e., traffic, energy use, etc.), and approximately 772 metric tons due to construction (SOURCE V.6). To date, no state agency has adopted significance criteria for GHG emissions. In June 2010, the Bay Area Air Quality Management District (BAAQMD) in the San Francisco Bay area revised and adopted its CEQA Guidelines, which include thresholds of significance for greenhouse gas emissions. The BAAQMD was the first regional air district to adopt numeric thresholds for greenhouse gas emissions from residential and commercial projects. The guidelines identified 1,100 MT CO₂e/yr or 4.6 MT/year per service population (residents/employees) as a numeric emissions level below which a project's contribution to global climate change would be less than "cumulatively considerable" (SOURCE V.9f).

The project site is located within the jurisdiction of the Monterey Bay Unified Air Pollution Control District (MBUAPCD), which to date, has not adopted significance criteria or thresholds. However, in June 2011, the MBUAPCD initiated a process to develop GHG emission thresholds for project and plan level impact analyses. At that time, District staff recommended a threshold of 4.6 MT/year per service population (residents/employees) for land use projects, which is similar to the threshold adopted by the BAAQMD. This approach is based on the total emissions estimated for the land use sector for the state of California divided by the state's projected service population. This reflects the total number of jobs and residents provided by a project, such that the project would ensure consistency with the goals of AB 32 (i.e., 1990 GHG emissions levels by 2020) (Ibid.). GHG thresholds are under review by the MBUAPCD, but have not yet been adopted.

Although, neither the city of Capitola nor the MBUAPCD has adopted GHG emission significance thresholds, the project's estimated GHG emissions (about 296 MT/year CO₂e) are below significance thresholds proposed in the San Francisco Bay area (1,100 MT/yr). While this threshold is adopted for the San Francisco Bay area, the area is adjacent to the MBUAPCD region, and it does support the conclusion that the project-level emissions are less

than significant and less than cumulatively considerable. The estimated increase in residential population resulting from the project would represent 8.5 MT/year. This is below the AMBAG target of 14.1 MT/year. (See discussion below under section 13 regarding estimated project population.)

The project's estimated GHG emissions are below targets adopted by AMBAG and significance thresholds adopted by the BAAQMD. The GHG emissions calculated by the project would be partially offset by emissions related to the existing onsite use. It is also expected that GHG emissions resulting from the proposed project would be partially offset by the incorporation of energy and water conserving features and "green" building designs that would be required under State building regulations. The applicant has indicated that the project will be a "LEED" certified development. Furthermore, the project site is within walking distance to commercial and shopping facilities, and it is located within an area served by transit, bicycle and pedestrian facilities. Bus stops are located near the site on Capitola Road and 38th Avenue within walking distance to the project site. The project represents infill development with a density of approximately 22 units per acre. The proposed residential use and proximity to a transit corridor are consistent with SB375 priority projects. Therefore, greenhouse gas emissions resulting from development of the project is considered a less-than-significant impact, and the project's incremental effect is less-than-cumulatively considerable.

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

8. Hazards.

(a,c-d) Hazardous Materials/Wastes. The proposed project does not involve the transport, use, or disposal of hazardous materials or wastes and would not result in creation of a public health hazard. The project consists of a 23-unit senior housing project. As such, the proposed use will not result in creation of risks associated with hazardous material use, exposure to health hazards, or creation of a health hazard.

(b) Hazardous Materials Release. The project site is currently used as a commercial salvage yard that sells used windows, doors, cabinets, appliances, and tiles and other building components. Several older structures are present on the site. The existing onsite buildings will be demolished. It is not known whether existing buildings may contain asbestos or lead-based paint. Any demolition of buildings containing asbestos would be required to comply with the Monterey Bay Unified Air Pollution Control District's Rule 306 that requires reporting and investigation of certain buildings with asbestos as established under federal law. The National Emissions Standards for Hazardous Air Pollutants (NESHAPS) as set forth in the

Code of Federal Regulations—40CFR61—is designed to prevent “visible emissions” of asbestos when buildings are renovated or demolished. Under federal law, a building must be inspected for asbestos prior to demolition or renovation, and federal and state agencies must be notified prior to demolition. According to the State Air Resources Control board, removal and disposal of asbestos procedures and controls must be specified in the notification form.

Impact Analysis. Construction workers may be exposed to asbestos during demolition of existing buildings if found. However, demolition would need to comply with local and federal standards and permit requirements if asbestos is found. Therefore, this is considered a less-than-significant impact. Although mitigation measures are not required, the following Conditions of Approval are recommended.

RECOMMENDED CONDITION OF APPROVAL: All demolition activities to be undertaken according to MBUAPCD Rule 306 requirements and OSHA standards to protect workers from asbestos and lead based paint, if found within buildings to be demolished. Specific measures include air monitoring during demolition/construction activities, which include existing buildings.

RECOMMENDED CONDITION OF APPROVAL: Any building materials classified as hazardous materials will be disposed of in conformance with Federal, State, and local laws.

(e-f) Airport Safety. The project site is not located near a public airport or private airstrip.

(g) Emergency Response. The site location and scale have no impact on emergency response or emergency evacuation.

9. Hydrology.

(a-b) Water Quality Standards and Groundwater. The project is located on a developed site within a developed urban area and will not affect groundwater recharge.

(c-e) Drainage. The City of Capitola maintains its street drainage systems and relies on the County to provide major storm drain services through the Santa Cruz County Flood Control & Water Conservation District Zone 5. The infrastructure associated with flood protection and stormwater drainage includes underground systems; above ground drainage ditches and water courses; pump stations, catch basins and outfalls. Storm drainage from most of the 41st Avenue area flows to a Santa Cruz County flood control drainage basin near 38th Avenue/Brommer Street, and then flows into Moran Lake, north and west of Capitola (SOURCE V.2d). Capitola prepared a Draft Stormwater Management Plan in 2008 that contains policies and measures to

implement best management practices related to its drainage infrastructure, including outfall inspection and cleaning, annual storm drain cleaning in the fall, and zero discharge sidewalk cleaning (Ibid.).

Impact Analysis. The proposed project will result in an increase of impervious surfacing, although the site currently contains impervious surfacing due to the presence of buildings and sheds. The proposed project would result in approximately 26,600 square feet of impervious surfacing, including replacement of approximately 50% of the existing impervious surfacing on the site (SOURCE v.7). Runoff flows from the site will increase from 0.37 cubic feet per second (cfs) to 1.18 cfs for a 10-year storm event and from 0.48 cfs to 1.56 cfs for a 25-year storm event (Ibid.). The project will not alter existing drainage patterns. All site runoff from roof and hardscape areas will be routed to an underground detention system, consisting of a chamber that will provide detention storage (Ibid.). Detained runoff will be released at pre-development rates to an offsite storm drain system that ultimately discharges to the County-maintained detention basin located at the southeast corner of the Brommer and 39th Avenue intersection. Thus, project runoff and drainage is considered a less-than-significant impact. Drainage improvements will be required to be designed in accordance with City standards and Public Works requirements.

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

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

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

the state's requirement for storm water retention on new construction sites (SOURCE V.2d).

Impact Analysis. Project runoff would not result in significant water quality degradation as the proposed parking area will be an enclosed parking garage as part of the first floor, which would limit urban pollutants from vehicles from entering storm drainage facilities. Additionally, the project stormwater management plan calls for use of Best Management Practices (BMPs) to treat runoff prior to discharge into the underground detention basin, which may consist of treating runoff through vegetated areas or by utilizing a mechanical treatment unit (SOURCE V.7). Thus, no impacts to water quality are anticipated as a result of project stormwater runoff.

Project excavation and grading could result in potential off-site transport of sediments into the municipal storm drain system. An erosion control plan has not yet been prepared. However, as discussed in subsection 6(e,g) above, project grading is regulated by the City, which requires submittal of a grading plan with erosion control measures. Implementation of erosion control measures would prevent sediments from inadvertently entering storm drains.

- 10. Land Use and Planning.** The project is located within a developed area of the city of Capitola, and is located on a site that is currently developed. The proposed demolition of the existing salvage yard and development of the proposed senior housing project would not divide an established community. There are no known Habitat Conservation or Natural Community Conservation Plans that would be applicable to the site.

(b-c) Consistency with Local Policies/ Plans. The project site is designated for commercial uses in the City's General Plan and Zoning Ordinance. The CN (Neighborhood Commercial) zone district allows multiple residential with the issuance of a Conditional Use Permit. However, the project includes a proposed rezoning to a PD (Planned Development) district. As indicated in the City's current Housing Element (SOURCE V.1b), development standards in the PD zone are flexible, tailored to the constraints of the site and needs of the development. The Housing Element identifies the PD zone as a way to allow site-specific density increases. Additionally, the project site is identified as a housing opportunity site in the Housing Element. The project does not conflict with any policies or regulations adopted for the purpose of avoiding or mitigating an environmental impact.

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

12. Noise.

(a-b) Noise Exposure. The project site is not located near an airport or private airstrip. However, the site is located within a commercial area that is affected by traffic noise, primarily along Capitola Road and 41st Avenue. According to information developed as part of the City's General Plan update, the project site is located with an area that could experience very high noise intensity levels, although specific ambient noise levels are not identified (SOURCE V.2c).

The City General Plan identifies land use compatibility standards for noise levels. For multi-family residential uses, normally acceptable exterior noise levels 60-65 decibels and conditionally acceptable levels are identified as 60-70 decibels. These standards indicated that new development in a conditionally acceptable noise range should be undertaken only after a detailed analysis of noise reduction requirements is made. Interior noise levels are limited to 45 decibels pursuant to state regulations.

Impact Analysis. The proposal consists of construction of 23 senior housing units. Project interior and outdoor areas may be exposed to noise levels that exceed City standards due to traffic noise along 38th Avenue and nearby Capitola Road. This is considered a potentially significant impact.

The City of Capitola General Plan sets forth noise and land use compatibility standards. Noise levels of 60 to 70 CNEL are considered conditionally acceptable for multi-family residential uses, and may need additional noise insulation or attenuation in building designs. City and State standards require interior noise levels of 45 decibels (dB) or less. Closed windows, building materials and design features, such as insulation and noise-attenuating windows, can reduce interior noise levels. Preparation of an acoustical study as recommended in the City's General Plan (Policy 8) with Implementation of recommendations in the study will reduce the impact to a less-than-significant level.

MITIGATION MEASURE 1: Require preparation of an acoustical study with building permit submittal and require building plans to incorporate any recommended building or window design measures, if needed to achieve required indoor noise levels.

Monitoring: Include measure as Condition of Project Approval. Require applicant to submit acoustical study to Planning Department staff prior to construction for approval. City Planning and Building staff are responsible for reviewing building plans to ensure recommended measures are incorporated into the building design.

(c) Permanent Noise Increases. The immediate project vicinity is characterized by commercial uses, except for residential uses to the west. The proposed residential uses would not result in significant increases in ambient noise levels, especially with regards to existing commercial business activity and traffic. A swimming pool is

proposed on the third floor along the 38th Avenue frontage, and would be located away from existing residences. There is no planned exterior mechanical equipment that would generate increased sound levels or noise.

(d) Temporary Noise. There will be a temporary increase in existing noise levels during demolition, grading and construction. Adjacent residential uses to the west are considered sensitive receptors. Anticipated equipment includes, but is not limited to equipment that would be used for excavation, grading, and building construction, as well as trucks.

Impact Analysis. Construction activities could cause temporary annoyance and activity interference at adjacent residences. Construction-related noise levels would vary throughout the day, depending on the type of equipment in use at any one time. Conventional construction activities are expected to generate noise levels in the range of 75 to 85 decibels at a distance of 50 feet. Noise levels would decrease with distance from the site. Noise levels associated with construction will vary throughout the construction period and throughout any given day, depending on the type of equipment in use. Noise levels associated with use of heavy equipment would be intermittent throughout a given day. Because construction-related impacts are temporary and noise levels are variable, construction-related noise impacts are considered less-than-significant. Although mitigation measures are not required, Best Management Practices are recommended as a Condition of Approval to be included in the project construction specifications.

RECOMMENDED CONDITION OF APPROVAL: Require implementation of the following measures during construction:

- Prohibit construction on weekends and limit construction to weekdays between 8 AM and 5 PM.
- Require proper maintenance of construction equipment.
- Require all stockpiling and vehicle staging areas and stationary noise-generating construction equipment to be located as far as possible from nearby residences as practicable.
- As part of construction specifications, require all equipment to be kept in good repair and fitted with superior quality mufflers. All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.
- Require the contractor to assure that mobile noise-generating equipment and machinery are shut off when not in use.

13. Population and Housing.

(a) Population Growth. The city of Capitola had 5,537 existing dwelling units as of January 1, 2012 with a total population of 9,981 residents.⁴ The proposed project will result in construction of 23 senior housing units. The resulting population increases is estimated at approximately 35 new residents assuming one person per studio unit and up to two persons per one- and two-bedroom units. The City's overall average household size is 2.124 residents per dwelling unit. The City's population would total 10,016 residents with the proposed project, which would not AMBAG's population forecast of 10,222 residents by the year 2015. Thus, the population expected with the proposed project is within population growth projections for the City, and the project would not result in a substantial increase in population growth.

(b-c) Removal of Housing/Displacement of People. The project site currently is in commercial use, and the project will not result in removal of existing housing or displacement of people.

14. Public Services.

(a-b) Fire and Police Protection Services. The proposed project will be served by existing services and utilities. The project will have no measurable effect on existing public services in that the incremental increase in demand will not require expansion of any services to serve the project. Construction of new fire or police facilities to serve the project would not be warranted. New development will be required to install automatic fire sprinklers and alarms in accordance with City requirements and comply with other Fire Department recommendations regarding access. Thus, the proposed project would not result in significant impacts to fire and police protection services.

(c) Schools. The proposed project would result in construction of 23 senior housing rental units. As a senior housing project, there would be no increase in study enrollments or impacts to existing school facilities.

(d) Parks. See discussion below under subsection 15 – Recreation.

15. Recreation.

The proposed project's net increase of 23 senior residential units and the associated population of 35 estimated residents will result in an incremental increased demand for recreational facilities, but is not expected to result in a significant increased use to existing parks and facilities to the extent that a substantial physical deterioration would occur. The project does provide onsite swimming pool and spa.

⁴ Per California Department of Finance, "E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011 and 2012" (May 2012). Online at: <http://www.dof.ca.gov/research/demographic/reports/estimates/e-5/2011-20/view.php>.

16. Transportation/Traffic.

(a-b,f) Traffic and Circulation. The project site is located on 38th Avenue, just south of Capitola Road and west of 41st Avenue. 38th Avenue is identified as a collector street in the City's existing General Plan, but is identified as a "minor" arterial in the background reports prepared for the General Plan Update that is in progress (SOURCE V.2b). The Capitola Road/38th Avenue intersection is signalized. There are no congestion management programs in effect in Capitola or county of Santa Cruz. The proposed project would not conflict with adopted policies or plans supporting alternative transportation.

Impact Analysis. The proposed project is estimated to result in an increase in daily traffic, but would result in reduced trips during peak hours. Thus, increased traffic as a result of the project is considered a less-than-significant impact.

The proposed project is estimated to result in a net increase of 39 daily weekday trips based on trip generation rates for senior housing and warehouse uses published by the Institute of Transportation Engineers (SOURCE V.8). Traffic from the existing salvage yard was deducted from the total trips generated by the proposed senior housing project. The proposed project is estimated to result in a slight decrease in AM and PM peak trips compared to the existing use. The addition of approximately 40 project trips to study intersections throughout the day would not have a noticeable effect. Thus, the project's traffic would result in a less-than-significant impact, and no mitigation measures are required.

(d-e) Access. Site access for the proposed project is planned via one inbound driveway and one outbound driveway located along 38th Avenue. Due to the site location, the proposed driveways are planned to be offset from the two existing driveways serving the existing retail center located across the project site on 38th Avenue. The project design would not result in increased hazards or inadequate emergency access.

17. Utilities and Service Systems.

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

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

Wastewater treatment is provided by the City's wastewater treatment plant that has an average dry weather flow capacity of 17 million gallons per day (mgd) and currently operates at approximately 62 percent of its capacity with a remaining capacity of approximately 10.5 mgd. As part of the total capacity, the Santa Cruz County Sanitation District has treatment capacity rights of 8 million gallons per day. The Sanitation District contributes 5.5 mgd with a remaining capacity of 2.5 mgd (SOURCE V.3b). The treatment plant has adequate capacity to serve the project, which is estimated to generate approximately 0.001 mgd of wastewater based on a conservative estimate that 90 percent of the estimated project water use would result in wastewater generation.

(b,d) Water Supply. The project site is located within the service area of the City of Santa Cruz Water Department. The City of Santa Cruz Water Department serves approximately 22,000 connections in an approximate 20 square mile area that includes lands within existing City limits, a portion of UCSC, a portion of Live Oak in the unincorporated area of Santa Cruz County, a small part of the City of Capitola and coastal agricultural lands outside City limits.

In December 2011, the Santa Cruz City Council adopted the *2010 Urban Water Management Plan (UWMP)* in accordance with State law, which evaluates water supply and demand within the City's service area over the next 20 years. Additionally, the City of Santa Cruz updated its General Plan, which was adopted by the City Council in June 2012. The City of Santa Cruz *General Plan 2030 EIR* was certified at the same time. The EIR provides a comprehensive analysis of impacts of water demand within the City's service area. Both the UWMP and General Plan EIR assess future water demand within the City's water service area that is located outside Santa Cruz city limits based on population growth projections developed by the Association of Monterey Bay Area Governments (AMBAG). The following section summarizes background information contained in these documents, which are incorporated by reference as indicated in section III.B of this Initial Study. A summary of existing conditions is presented; the full water supply review and analysis is provided on pages 4.5-1 to 4.5-44 of the Draft EIR volume and pages 3-2 to 3-19 of the Final EIR volume.)

Water Supplies. The City's water system is comprised of four main sources of supply: North Coast sources; San Lorenzo River diversions; Loch Lomond Reservoir; and Live Oak wells. On average, about 84 percent of the City's annual water supply needs are met by surface diversions from the coastal streams and San Lorenzo River, while approximately 12 percent is supplied by Loch Lomond Reservoir and four percent of the supply is derived from the Live Oak Well system (SOURCE V.3d). Major facilities include two water treatment plants, several pump stations and 16 distribution reservoirs storing almost 15 million gallons of treated water. There are also about 300 miles of water pipelines throughout the service area (Ibid.).

Water production has fluctuated over the past ten years; annual production has ranged from a high of nearly 4,500 MGY in 2000 to a low of approximately 3,200

MGY in 2009 (SOURCE V.3d). Average water production between 1985 and 2010 was approximately 3,900 MGY, while average water production between 2006 and 2010 averaged approximately 3,500 MGY (Ibid.).

The 2010 UWMP estimates future water supplies in the year 2030 as 4,160 MGY, depending on the outcome of negotiations between the City and regulatory agencies regarding releases for fish habitat. Continued access to the same amount of North Coast supply sources will depend on the outcome of a Section 10 "incidental take" permit application and accompanying Habitat Conservation Plan (HCP) that are being prepared by the City pursuant to the federal Endangered Species Act for City activities designed to prevent take of a listed federal species. The permit and plan must be approved by the U.S. Fish and Wildlife Service and NOAA National Marine Fisheries Service (NMFS). The City entered into the HCP process in 2001, and over the past 6 years, the City has coordinated and met with U.S. Fish and Wildlife Service and NMFS on HCP-related issues and has conducted a number of studies. A draft HCP has not yet been completed, but the City has prepared and submitted a Draft Conservation Strategy that identifies minimum in-stream flows at City diversions to minimize the effect of diversions on habitat conditions for steelhead and coho salmon.

The water supply estimates in the 2010 UWMP were developed using the City's water supply operations model and incorporates the best available information about future operations beginning in 2015 under a yet to be approved Habitat Conservation Plan (HCP). The final outcome is not known as the City of Santa Cruz is currently negotiations with the federal agencies on flow requirements.

Water Demand. The adopted 2010 UWMP estimates a water demand of between 4,046 and 4,537 MGY in the year 2030 within the entire water service area. This is based on two scenarios; the higher demand reflects water use trends experienced between 1999 and 2004, while the lower demand reflects more recent water use trends experienced in 2007-08. The 2010 UWMP indicates that the lower demand scenario is more reasonable given recent trends and state mandates for water conservation (SOURCE V.3d).

In 2009, the state of California enacted SB7, which sets a goal of reducing urban per capita water use by 20% by December 31, 2020. Under the law, each urban retail water supplier must include a base daily water use, a 2020 urban water use target and an interim (2015) water use target in its UWMP. The baseline water use value for California as a whole is 192 gallons per capita per day (gpcd); the value for the Central Coast Region, which encompasses the area from Santa Cruz to Santa Barbara, is 154 gpcd (SOURCE V.3d). Over the last 10-year period, per capita water use within the City of Santa Cruz water service area has declined from about 126 gpcd in 2001 to 93 gpcd in 2010 (SOURCE V.3d). The City's 10-year baseline (ending 2010), determined in accordance with the state's technical methodologies, is 113 gpcd. In accordance with state methodologies, the UWMP includes a 2020 target of 110 gpcd, and the City would be in compliance with state law if it maintains its per capita demand at or below this level.

Water Supply Reliability. The primary water reliability issue currently facing the City of Santa Cruz is the lack of adequate water supply during droughts due to the wide range in the yield of surface water sources from year to year and limited storage capacity. Updated modeling conducted for the 2010 UWMP found that the worst-year peak season shortage could range between 23 and 37% and between 42 and 51% with additional flow releases for fish habitat. Historically, one dry or critically dry year has not created a water shortage due to sufficient storage in Loch Lomond Reservoir. Based on past experience, however, a shortage is likely to occur when the central coast region experiences two or more dry or critically dry years in a row (SOURCE V.3d). The total water supply estimated to be available to the City in single dry years (i.e., 1994) is 3,900 MG (Ibid.). However, during an extreme two-year drought similar to the 1976-77 event, the estimated water supply available to the City in the second year of that event is 2,800 MG with a resulting deficit of approximately 1,200 MG (Ibid.). The peak season is between April and October since this is the period that would be most affected by a supply shortage due to peak water demand.

The City faces a series of ongoing challenges that potentially could lead to some loss of existing supply in the future, although it is uncertain at this time to what extent and which supplies might be affected. These considerations include: potential flow releases associated with the HCP as described above, the outcome of water rights petitions, groundwater availability and climate change issues. These considerations are described in section 4.5 of the City of Santa Cruz General Plan 2030 Draft EIR as updated by the Final EIR document.

The City of Santa Cruz has been actively considering possible new water supplies for nearly 20 years. In 2005, the City adopted an Integrated Water Plan (IWP), which identifies a water management strategy. The purpose of the IWP is to help the City reduce drought year water shortages and provide a reliable supply that meets long-term needs while ensuring protection of public health and safety. The adopted IWP water management strategy consists of the following three major components:

- Water conservation programs.
- Customer use curtailment (water use cutback) in times of shortage.
- Supplemental water supply for drought protection provided by a 2.5 million-gallon-per-day (mgd) desalination plant with potential for expansion up to 4.5 mgd in increments of one mgd.

The City is actively implementing water conservation programs. Additionally, the City and Soquel Creek Water District are pursuing regulatory approvals for a permanent, 2.5 mgd (with potential for expansion to 4.5 mgd) desalination plant. The facility would provide a backup water supply to the City in times of drought and would provide water to the District at other times to reduce its reliance on well water and avert the threat of seawater intrusion in local groundwater aquifers.

A one year of testing at a pilot desalination plant has been completed, and environmental review is underway for a permanent facility, which is expected to be constructed and in operation by the year 2016, pending completion of project-level

environmental review and regulatory permit approvals, e.g., approval of a coastal development permit from the California Coastal Commission.⁵ The design and environmental review phases are currently underway. There is some uncertainty related to the approval and timing of the permanent desalination plant construction and operation. The likelihood of construction of a permanent plant is currently uncertain as design plans have not been completed, and it cannot be predicted at this time whether the Coastal Commission and other agencies would issue the necessary approvals.

Impact Analysis. The proposed project is estimated to result in a net increase in water demand of approximately 0.53 MGY based on water use rates developed by the City Water Department for the residential uses, landscaping and swimming pools as summarized on Table 1. This estimate deducts estimated existing water demand at the site based on City of Santa Cruz rates. Additionally, the proposed project includes a restaurant-dining facility for residents only. Thus, project water use may be a slightly higher, i.e. 0.6 MGY. Discussions with staff of the City Water Department indicate that the estimate project water demand is consistent with water use at a nearby 25-unit senior housing project.

Table 1: Estimated Project Water Demand

Type of Use	Size	Water Demand Rate	Water Use (Million Gallons Per Year)
Multi-Family Residential Units	23 units	70 gpd / room	0.60
Landscaping	2,000 sq. ft.	0.02 x sq. ft. = billing units (100 cf) x 100 x 7.48 gallons	0.03
Swimming Pool	480 sq. ft	Area x 4 x 7.48 gallons	0.02
Total Project Water Use:			0.65
Existing Consumption Salvage Materials Yard	10,000 sq. ft.	12 gallons/sf/yr	0.12
Net Water Use			0.53

⁵ Other potential permits, approvals and/or consultations for a permanent desalination plant and supporting infrastructure (i.e., intake facility and distribution pipeline) may be required from various agencies, including, but not limited to U.S. Fish and Wildlife Service, State Lands Commission, and California Department of Health Services.

The estimated project water demand is within the 20-year estimated water demand for areas outside Santa Cruz city limits. The 2010 UWMP predicts that water supplies will be adequate in normal years to serve estimated growth within the City of Santa Cruz water service area. Therefore, increased water demand under normal conditions is a less-than-significant project impact.

During periods of drought, water customers would be subject to water curtailment as enacted by the City. The minimal increased water demand associated with the proposed project would not cause any noticeable effects on the level of curtailment that would be required of all water customers in a single dry year scenario. The proposed project's increased demand is considered minimal and would not have significant effects on the levels of curtailment that would be required throughout the service area. As indicated above, the City of Santa Cruz in partnership with the Soquel Creek Water District is pursuing development of a desalination facility that would serve the City during periods of drought.

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

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

18. Mandatory Findings of Significance.

(a) Quality of the Environment. The proposed project would have no effect on biological or cultural resources and would not result in elimination of important examples of major period of California history or prehistory. The project would not degrade the quality of the environmental or otherwise affect fish and wildlife habitat. No significant impacts were identified related to cultural historical resources.

(b) Cumulative Impacts. There are no cumulative projects pending in the city of Capitola, except for the opening of a Target store at the Capitola Mall to replace a former department store that closed within the last few years. The proposed project would contribute to cumulative water supply and global climate change impacts as

discussed below. There are no other known significant cumulative impacts to which the project would contribute.

Water Supply. The proposed project will contribute to cumulative water demand under normal and under drought conditions in which there are existing water shortages. Cumulative development and growth within the City's water service area could result in a cumulative increase in water demand of approximately 520 MGY by the year 2030 (SOURCE V.3b), which includes projected population growth outside city limits but within the City's water service area. This cumulative water demand estimate is based on population projections for areas outside city of Santa Cruz city limits, but does not include any additional growth that may be anticipated in the City of Capitola General Plan, which is being updated.

The City of Santa Cruz adopted 2010 UWMP indicates that there would be adequate supplies during a normal year to serve cumulative development within the service area based on expected water demand trends and usage. However, as indicated above in subsection 17(b-d), existing supplies may be reduced in the future with implementation of a Habitat Conservation Plan and resolution of petitions before the State Water Resources Control Board, although whether or not this may occur is uncertain at this time, and if so, to what extent and which supplies might be affected also are not known. If water demand in the City's water service area is higher than what was experienced in the last five years (instead of more recent lower water demand levels), cumulative development could result in a significant cumulative impact on water supply during normal years (SOURCE V3.c).

Additionally, cumulative water demand would also increase during drought periods in which City supplies cannot meet water demand under existing conditions. The 2010 UWMP estimates an annual shortfall of approximately 1,200 MGY in 2030 during a multiple-year drought. Thus, cumulative development and growth would result in a significant cumulative water impact as it results in additional demand in a system that does not currently have adequate water supplies during a drought condition.

As previously indicated in section 17 above, the City has been actively considering possible new water supplies for nearly 20 years, and its adopted *Integrated Water Plan (IWP)* identifies potential approaches to drought-year water supply options. The adopted IWP water management strategy includes three components: water conservation, water use curtailment during droughts, and a supplemental desalination water supply. The City is actively implementing water conservation programs. The City currently imposes a "System Development Charge" on all new connections based on meter size that is used to fund conservation programs and partially offset the desalination plant's costs.

The certified IWP EIR evaluates impacts of the construction of a desalination facility and associated pipelines on a programmatic level, which are summarized in the City of Santa Cruz General Plan 2030 EIR. Construction could have physical environmental effects, and the IWP EIR identified potentially significant impacts that could be mitigated to a less-than-significant level, except for temporary construction noise. The EIR also includes further review of population projections and City/County

land use planning documents prior to any expansion of a plant in ensure that development of an additional water supply is consistent with planned growth projections (SOURCE V.3c).

The City has completed a one-year operation of the pilot desalination plant, and design and environmental review for a permanent facility are currently underway. A permanent desalination plant is expected to be constructed and in operation by the year 2016, pending completion of project-level environmental review and acquisition of necessary regulatory approvals (e.g., from the California Coastal Commission). The desalination facility would provide a supplemental water supply during periods of drought and could be expanded at a future time to provide additional supply after additional environmental review and permitting. The City acknowledges some uncertainty related to the approval of and timing for construction of the permanent desalination facility as the project is subject to completion of environmental review and permit approvals, including a coastal permit from the California Coastal Commission.

The City's adopted IWP and 2010 UWMP identified seawater desalination as the only feasible alternative for a backup supply of drinking water during a drought. Recycled wastewater was determined to be potentially feasible for landscape irrigation, but is not the City's preferred water supply strategy, although the City's General Plan 2030 policy remains open to pursuing this option (SOURCE V.3d).

Cumulative Impact Analysis. Cumulative development and growth would result in a significant cumulative water impact as it results in additional future demand in a system that does not have adequate existing or long-term water supplies during drought conditions and may not have adequate future supplies in normal years. The project's incremental contribution to this situation would be less than one hundredth of one percent of the total cumulative demand.

The project will be required to include water conserving fixtures and landscaping in accordance with building code and City requirements. In addition, the project will pay the required "System Development Charge," which is used in part to implement conservation and desalination plant costs planned under the IWP. Under drought conditions, the project, like other City customers, would be required to curtail water use by varying amounts, depending on the severity of the drought. The minor increase in project water demand would not substantially exacerbate water supply reliability during a drought or in the future due to cumulative growth because, as explained above (in section 17[b,d]), and would not be expected to result in any noticeable increase in the curtailment in customer use that would be implemented during drought conditions. Thus, the incremental effects of the proposed project would not be cumulatively considerable.

Additionally, the City's adopted Integrated Water Plan includes a supplemental future supply of 2.5 MG/year from the proposed, but not yet approved or constructed desalination plant. The facility would provide a

supplemental water supply during periods of drought and could be expanded in the future to provide additional water to accommodate growth planned within the City's water service area. As indicated above (in section 17[b,d]), the City is in the process of completing design plans and preparing an EIR for the project. The City also regularly monitors water demand and water supply options via preparation of annual water demand reports to the City Council and five-year updates of the UWMP, which includes a 20-year planning horizon for water supply management.

Global Climate Change. See discussion above under subsection 7 above regarding global climate change.

(c) Substantial Adverse Effects on Human Beings. No environmental effects have been identified that would have direct or indirect adverse effects on human beings, except for potential exposure to noise, which can be mitigated to a less-than-significant level.

EXCERPT PLANNING COMMISSION MINUTES OF SEPTEMBER 6, 2013

6. PUBLIC HEARINGS

C. 1575 38TH AVENUE

#12-028

APN: 034-181-17

Planned Development Rezoning, Conditional Use Permit, and Design Permit to demolish a commercial salvage yard (Capitola Freight and Salvage) and construct a three-story, 23-unit residential senior housing project in the CN (Neighborhood Commercial) Zoning District.

Environmental Determination: Mitigated Negative Declaration

Property Owner: Maureen A. Romac, filed 3/2/12

Representative: Steve Thomas

Commissioner Newman recused himself as he has an interest in property within 300 feet of the subject property application.

Senior Planner Bane presented the staff report.

Chairperson Graves acknowledged receipt of a letter from County Supervisor John Leopold's office.

Commissioner Smith clarified the concrete wall shown on the current plans, is 6'-8" high. She asked staff to highlight the changes in the current proposal from the preliminary review plans. She noted that the City Council had reviewed and commented on a three story, 57 unit proposal, and this is a three story 23 unit project.

Senior Planner Bane responded that the current plans are almost identical to the preliminary review plans.

Commissioner Ortiz questioned the General Plan comments in the second to last paragraph on page 70 of the agenda packet. She asked if this is language from the current General Plan and will it carry forward into the next General Plan.

Consultant Susan Westman responded that the current Housing Element identified this property as a possible low income housing site. The next Housing Element will require new sites to be identified for low income units.

The public hearing was opened.

Maureen Romac, property owner/applicant, spoke in support in application. She stated that they have worked with the neighbors to design this project and will continue to listen to neighborhood and city concerns.

Commissioner Ortiz asked if there is an age requirement, if the residents buy a meal plan; is there more than one shuttle bus; how many employees are there; what is the range of units offered to residents in this project?

Maureen Romac responded that the minimum age is 55 years of age; residents will be purchasing a meal plan as part of the tenancy agreement; there will be one shuttle bus; there will be four employees; there are studio units, one-bedroom units and two-bedroom units.

Rick De La Cruz, spoke in support of the application.

Item #: 8.B. Attach 5.pdf

Item #: 5.C. Attachment_D.pdf

CAPITOLA CITY PLANNING COMMISSION MINUTES – SEPTEMBER 6, 2012

Mark Davidson, spoke with concerns regarding the project. He requested clarification about the number of units specified in the staff report on page 4, General Plan, and the zoning change process. He requested a copy of the shading plan/shadow study.

Chairperson Graves explained the planned development process. He stated the staff would provide the shading plan/shadow study.

Don Mosegaard, representing three neighbors along the rear property boundary, spoke with concerns regarding the project. He submitted a handout of comments.

Kim Fry, spoke with concerns about the project height, setbacks, drainage issues, and loss of privacy and solar access. She requested construction hours be limited to 8:00 a.m.-6:00 p.m.

Tatiana Teeuwissc, spoke with concerns about the project height, loss of privacy and solar access, and noise during construction and the future use of the property.

Teressa Stolroff, spoke with concerns about the project and concurred with the prior speakers. She stated that the new plan reduced the number of units, but not the mass of the building. The elevation along the Bulb Avenue properties is a very straight wall with no articulation.

Steve Thomas, property owner, acknowledged the public comments.

Richard Haack, architect's representative, clarified the rear yard setback could be 10 feet, but the planned development permit allows for reduced setbacks.

The public hearing was closed.

Commissioner Routh stated the following: Below are the reasons I enumerated as to why the Planning Commission should not support this application and the commissioners agreed.

I stated the use is appropriate for the site but does not warrant all the exceptions being made to the zoning ordinance.

To quote the purpose of the CN Zone, "The purpose of the CN district is to accommodate, at convenient locations, those limited commercial uses which are necessary to meet frequently occurring basic shopping and service needs of people residing in adjacent areas and to implement the harmonious intermingling of pedestrian, commercial, and residential activities."

Here's the important part: "The style and scale of development should be consistent with the foregoing and the intensity of uses should have a low impact on the neighborhood".

The two important words here are "scale" and "consistent". This project is certainly not complimentary nor consistent to the scale of adjacent commercial and residential uses.

Planned Development standards and requirements state that "standards for area, coverage, density, yard requirements, parking and screening for PD district uses shall be governed by the standards of the residential, commercial, or industrial zoning district most similar in nature to the proposed PD district use." For this application, that would be the CN district standards and requirements.

The development standards and requirements for the CN district require a 27' height limit, (the proposed structure is 42' high), side yard setbacks of 10% for the first floor (the proposed development has 0' and 6'10" setbacks), and 15% for the second floor (the proposed structure has 0' and 6'10" setbacks), 15' front setback (the proposal is for 0' setback) and a minimum of 10' rear yard for

commercial uses and greater for residential uses (the proposed development has 15' rear yard setback).

The zoning ordinance does allow exceptions, but in order to grant these kind of exceptions there must be overwhelming benefits provided to the community through design, use, or special amenities. The benefits are not so overwhelming that we should set aside all of the CN district requirements and standards. Keep in mind also, this application is not even for a principal permitted use, but a conditional use.

In addition, the landscaping requirement in the CN zone requires 5% of the lot to be landscaped. This proposal has a few potted plants in the front, and minimal landscaping on the rear and north sides. On the south side the applicant is claiming the landscaping on the adjacent storage facility as if it were part of this project while it may adequately screen the south side, the applicant has no control over the adjacent property and redwood trees.

Nothing in this proposal conforms to any of the development standards required in the CN zone. In fact, it does not conform to any standards in any zone.

PD district standards and requirements also state no PD district shall include less than 4 acres (this proposal is .72 acres, 31,385 sq. ft.) unless certain findings are made; that the land is suitable as a PD district by virtue of its unique historical character (nothing historical about a used building supply lot), topography (nothing unique about a flat lot), land use (nothing special or unique about a large multi-family residential structure), or landscaping (no unique landscaping currently exists and none included in the proposal). It is impossible to make any of these findings.

In this case, the PD application simply is an end run around the requirements set forth in our zoning ordinance. It is a blatant attempt to squeeze more units, with inadequate setbacks and landscaping, at a height not in scale with the adjacent neighborhoods.

The density of this project is 1 unit for every 1365 sq. ft. The last time this community allowed a project of similar density was when the condominiums along Park Ave were approved way back in 1970. and the next election after those were approved a new council eliminated the zoning designation (RM-H) that supported that density and it has remained that way ever since, through several general plan updates and zoning ordinance revisions. The community has repeatedly spoken loudly, over several years and general plan and zoning updates, that this high zoning density is not supported in our community.

Approving this application, which meets no current development standards in the city, jeopardizes the very integrity of our zoning ordinance.

At the conclusion of the above comments, fellow Planning Commissioners concurred unanimously. A motion was made and seconded to deny the application based on the above reasons and passed unanimously. It is probable this application will be appealed to the City Council and the Planning Commission stated very specifically that they wanted the council to be made aware of the above comments.

Commissioner Ortiz concurred with Commissioner Routh's comments. She stated Commissioner Routh's comments should be forwarded to the City Council verbatim. She stated her concerns about applicant's anticipated number of employees with all of the services proposed: laundry, cooks, servers and the shuttle bus. She did not support the second floor decks as they eliminate privacy to adjacent properties. She recommended staff incorporate the green building requirements into the conditions of approval and that the construction hours be modified to address adjacent businesses and residents.

Item #: 8.B. Attach 5.pdf

Item #: 5.C. Attachment_D.pdf

CAPITOLA CITY PLANNING COMMISSION MINUTES – SEPTEMBER 6, 2012

Commissioner Smith concurred with Commissioner Routh's comments. She stated that senior housing is an important housing type to incorporate into our community. But the project, as proposed, shows minimal changes from the preliminary review.

Chairperson Graves stated that although the current proposal is scaled back from the prior design in the number of units, there are several concerns about the mass of the building the lack of landscaping throughout the project site. There is very minimal privacy afforded to the adjacent neighbors. He supported the concept of senior housing on this site, and the planned development process is the correct mechanism to achieve this project, but there are too many units. He stated that large scale developments have not been successful in Capitola noting the Capitola Beach Villas project. He had concerns about the drainage the fence or wall on the west property boundary and the impact of balconies facing west into the adjacent residential properties.

Consultant Susan Westman explained through the General Plan process, the 41st Avenue Area study provided the applicants with design that included increases to the project density, wider sidewalks and higher buildings along 38th Avenue.

A MOTION WAS MADE BY COMMISSIONER ROUTH AND SECONDED BY COMMISSIONER ORTIZ TO RECOMMEND TO THE CITY COUNCIL DENIAL OF A NEGATIVE DECLARATION AND THE PROJECT APPLICATION #12-028.

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



MEMORANDUM

To: Mr. Steve Jesberg – City of Capitola JN 70-100436
From: Frederik Venter, PE – RBF Consulting
Date: June 8, 2012
Subject: Forecast Trip Generation, On-Site Parking Analysis and Pedestrian Warrant Analysis for the Proposed Villa Capitola Senior Housing Project

This memorandum summarizes analysis of the following traffic and parking elements related to the proposed Villa Capitola Senior Housing Project:

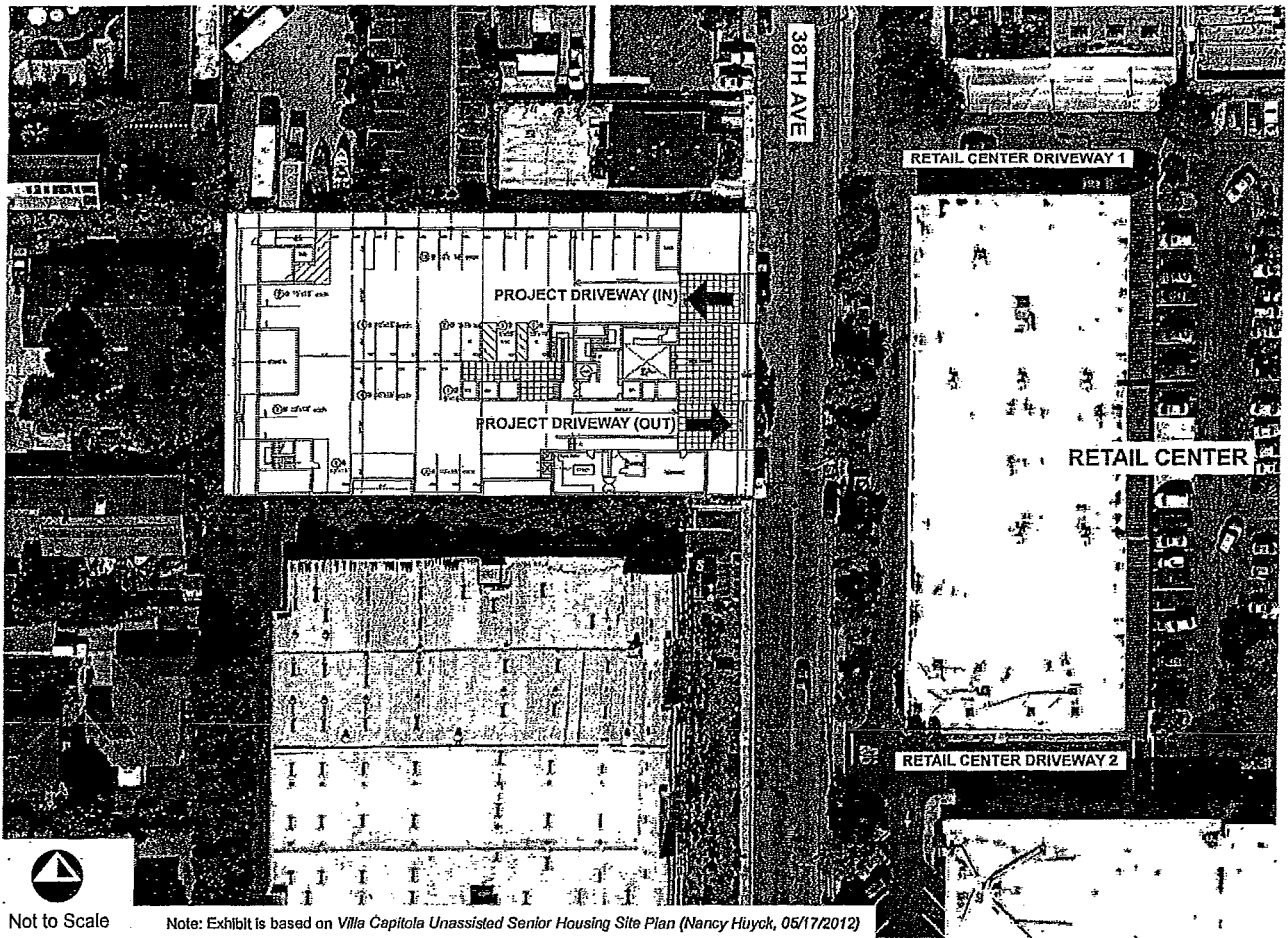
- Forecast net trip generation of the proposed project;
- Evaluation of on-site parking for the proposed project;
- Evaluation for the potential installation of an unsignalized mid-block pedestrian crossing between the project site and the retail center located across 38th Avenue; and
- Evaluation for the potential installation of a mid-block pedestrian crossing between the project site and the retail center located across 38th Avenue.

PROPOSED PROJECT

The proposed Villa Capitola Senior Housing project located at 1575 38th Avenue in the City of Capitola consists of construction of a three-story 23-unit attached senior housing. The proposed project is planned to displace the existing 0.72-acre commercial salvage yard and storage land use on the project site.

Site access for the proposed project is planned via one inbound driveway and one outbound driveway located along 38th Avenue. Due to the site location, the proposed driveways are planned to be offset from the two existing driveways serving the existing retail center located across the project site on 38th Avenue. Exhibit 1 shows the location of the project site and the planned driveways in relation to the existing retail center located across the project site on 38th Avenue.

Table 1 summarizes the dwelling unit types for the 23 proposed dwelling units.



Not to Scale

Note: Exhibit is based on *Villa Capitola Unassisted Senior Housing Site Plan (Nancy Huyck, 05/17/2012)*



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MAY 2012

Proposed Project Driveways In Relation to Driveways Across 38th Avenue

Exhibit 1

**Table 1
 Proposed Project Unit Types**

Unit Type	Count
Studio	11
One Bedroom	10
One Bedroom with Study	1
Two Bedroom	1
Total	23

FORECAST PROJECT TRIP GENERATION

To calculate trips forecast to be generated by the proposed project and the existing commercial salvage yard and storage, *Institute of Transportation Engineers (ITE)* trip generation rates were utilized. It should be noted that *ITE* does not have a specific land use category that defines the existing land use. As such, a comparable land use category was selected. The category selected is warehousing. Warehouses store materials and also have limited sales, per the *ITE* land use definition. A retail land use was not selected since the trip rate would have been unreasonably high and present unrealistic trip generation results. Table 2 summarizes the *ITE* trip generation rates used to calculate the number of trips forecast to be generated by the proposed project as well as the existing commercial salvage yard.

**Table 2
 ITE Trip Generation Rates Per Unit of Land Use for Proposed Project & Existing Land Uses**

Land Use (ITE Code)	Units	AM Peak Hour Trip Generation Rate			PM Peak Hour Trip Generation Rate			Daily Trip Generation Rate
		In	Out	Total	In	Out	Total	
Proposed Project								
Senior Adult Housing - Attached (252) - Trips per dwelling unit	dwelling unit	0.05	0.08	0.13	0.10	0.06	0.16	3.48
Existing Land Use to be Displaced								
Warehousing (150) - Trips per acre	acres	7.22	2.81	10.03	3.04	5.65	8.69	57.23

Source: 2008 *ITE Trip Generation Manual, 8th Edition.*

Utilizing the trip rates shown in Table 2, Table 3 summarizes the net trips forecast to be generated by the proposed project accounting for the displaced land use on the project site.

**Table 3
Forecast Net Trip Generation of Proposed Project**

Land Use	AM Peak Hour Trips			PM Peak Hour Trips			Daily Trips
	In	Out	Total	In	Out	Total	
Proposed Project Trip Generation							
23 Attached Senior Adult Housing Dwelling Units	1	2	3	2	2	4	80
Existing Land Use to be Displaced							
0.72 Acres of Warehousing/Storage	5	2	7	2	4	6	41
Total Forecast Net Trip Generation of Project (Proposed minus existing)	-4	0	-4	0	-2	-2	39

As shown in Table 3, when compared to the existing commercial salvage yard and storage, the proposed project is forecast to generate fewer trips during the a.m. and p.m. peak hours, but approximately 39 more trips during the day (the daily trips present a combination of non-peak hour and peak hour trips).

PARKING ANALYSIS

This section provides a summary of analysis for the following items related to the on-site parking for the proposed project:

- Number of on-site parking spaces required for the proposed project per the City of Capitola Municipal Code;
- Number of on-site parking spaces required for the proposed project utilizing guidelines for senior housing land use per other jurisdictions and standards;
- Parking space dimension requirements for the proposed project per the City of Capitola Municipal Code;
- Number of accessible parking spaces required for the proposed project per the *2010 ADA Standards for Accessible Design (Department of Justice, September 15, 2010)*;
- Accessible parking space width requirements for the proposed project per the *2010 ADA Standards for Accessible Design (Department of Justice, September 15, 2010)*; and
- Evaluation of vehicle maneuvers within the parking structure of the proposed project.

Number of On-Site Parking Spaces Required Per City of Capitola Municipal Code

The City of Capitola Municipal Code does not specifically include number of on-site parking space requirements for the senior housing land use category. Therefore, this analysis is based on the land use category which best fits the proposed project description and is covered in the City of Capitola Municipal Code which is the land use described as dwellings, apartments, and condominiums.

Hence, using the on-site parking requirements for Land Use C (dwellings, apartments, and condominiums) in Section 17.51.130 of the City of Capitola Municipal Code contained in Attachment A, the proposed project would be required to meet the following parking requirements:

- *Dwellings, apartments, and condominiums (townhouse) of more than four units, one covered space for each unit, plus one and one-half additional spaces on the site for each dwelling units. Each regular space must be a minimum of nine feet by eighteen feet. Forty percent of the spaces may be compact spaces of eight feet by sixteen feet.*

Table 4 summarizes the number of on-site parking spaces required according to City of Capitola Municipal Code utilizing guidelines established for dwellings, apartments, and condominiums land uses in comparison to the number of on-site parking spaces planned to be provided for the proposed project.

Table 4
On-Site Parking Spaces Required Per City of Capitola Municipal Code
(Utilizing Dwellings, Apartments, & Condominiums Land Use Category)
and On-Site Parking Spaces Planned for Proposed Project

Project Size and Land Use	City Parking Requirements ¹	On-Site Parking Spaces Required	On-Site Parking Spaces Planned	Adequate Parking Spaces Planned
23 du of attached senior adult housing	1 covered space per unit plus 1.5 space per unit ²	58	36 ³	No

Notes: du = Dwelling Unit

1 = Based on City of Capitola Municipal Code

2 = One of the spaces for each unit must be covered

3 = Parking supply is based on *Villa Capitola Unassisted Senior Housing Site Plan (Nancy Huyck, 05/17/2012)*

As shown in Table 4, based on the City of Capitola Municipal Code and utilizing the guidelines established for dwellings, apartments, and condominiums land uses, the proposed project is required to provide a total 58 parking spaces.

Based on the proposed project site plan dated May 17, 2012, the proposed project is planned to provide a total of 36 parking spaces. Hence, the proposed project is 22 parking spaces short of the parking requirements for the City of Capitola when utilizing guidelines established for dwellings, apartments and condominiums land use.

Number of On-Site Parking Spaces Required for Proposed Project Utilizing Guidelines for Senior Housing Land Use Per Other Jurisdictions and Guidelines

This section provides an evaluation and analysis of the number of on-site parking spaces required for the proposed project utilizing guidelines specifically designed for senior housing land use as set forth by other jurisdictions in the vicinity of the project site as well as information contained in other published guidelines used as industry standard.

The following standards and published guidelines were used in providing a comparative evaluation for the number of on-site parking spaces required for the proposed project:

- Number of on-site parking spaces required for senior housing land use per Section 17.25.030 of the City of Live Oak, California Municipal Code contained in Attachment B;
- Number of on-site parking spaces required for senior housing land use per Section 24.12.240 of the City of Santa Cruz, California Municipal Code contained in Attachment C;
- Number of on-site parking spaces required for senior housing land use per Section 17.34.040 of the City of Seaside, California Municipal Code contained in Attachment D; and
- Number of on-site parking spaces required for attached senior housing land use based on actual site surveys conducted and published in *Parking Generation, 3rd Edition (Institute of Transportation Engineers, 2004)* contained in Attachment E.

Table 5 summarizes the number of on-site parking spaces required for the proposed project utilizing guidelines specifically designed for senior housing land use as set forth by other jurisdictions in the vicinity of the project site as well as information contained in other published guidelines used as industry standard.

**Table 5
 On-Site Parking Spaces Required For Senior Housing Utilizing Guidelines Set
 Forth by Other Jurisdictions or Published in Other Industry Standard Documents**

Guideline Source	Senior Housing Parking Requirement Per Guideline	Project Size	On-Site Parking Spaces Required	On-Site Parking Spaces Planned	Adequate Parking Spaces Planned
City of Live Oak Municipal Code	0.6 Parking Spaces Per Unit	23 du	14	36 ²	Yes
City of Santa Cruz Municipal Code	1 Parking Space for each 3 Dwelling Units		8		Yes
City of Seaside Municipal Code	1 Parking Space for Each Unit With Half the Spaces Covered Plus 1 Guest Parking Space for Each 10 Units		26		Yes
ITE Parking Generation, 3 rd Edition	1.4 Parking Spaces per dwelling unit ¹		33		Yes

Notes: du = Dwelling Unit

1 = Observed peak parking demand of 50%.

2 = Parking supply is based on *Villa Capitola Unassisted Senior Housing Site Plan (Nancy Huyck, 05/17/2012)*

As shown in Table 5, utilizing guidelines specifically designed for senior housing land use as set forth by other jurisdictions in the vicinity of the project site as well as information contained in other published guidelines used as industry standard, the proposed project is required to provide a total of between 8 and 33 parking spaces.

Based on the proposed project site plan dated May 17, 2012, the proposed project is planned to provide a total of 36 parking spaces. Hence, based on guidelines for senior housing land use as set forth by City of Live Oak, City of Santa Cruz, City of Seaside and ITE, the proposed project is planned to provide adequate number of parking spaces.

Parking Space Dimension Requirements Per City of Capitola Municipal Code

As identified earlier, based on the City of Capitola Municipal Code, the minimum parking space width for the proposed project is 9 feet wide and 18 feet long. Additionally, based on the City of Capitola Municipal Code, forty percent of the parking spaces can be compact spaces of eight feet wide by sixteen feet long.

Based on the project site plan dated May 17, 2012, all of the 36 parking spaces planned to be provided by the proposed project are 18 feet long and range between 9 and 10 feet in width.

Therefore, based on the project site plan dated May 17, 2012, all of the planned parking spaces would meet the parking space dimension requirements per the City of Capitola Municipal Code and none of the parking spaces are planned to be compact size.

Number of On-Site Accessible Parking Spaces Required Per Americans with Disabilities Act

Table 6 summarizes the number of on-site parking spaces required for the proposed project per the *2010 ADA Standards for Accessible Design (Department of Justice, September 15, 2010)* in comparison to the number of on-site ADA parking spaces planned to be provided for the proposed project.

**Table 6
On-Site Accessible Parking Spaces Required
and On-Site Accessible Parking Spaces Planned for Proposed Project**

Total Number of Parking Spaces Provided	Minimum Number of Required Accessible Parking Spaces ¹	Number of On-Site Accessible Spaces Planned	Adequate Accessible Parking Spaces Planned
36 ²	2	3	Yes

Notes:

1 = Source: Table 208.2 of the *2010 ADA Standards for Accessible Design* (Department of Justice, September 15, 2010)

2 = Parking supply is based on *Villa Capitola Unassisted Senior Housing Site Plan* (Nancy Huyck, 05/17/2012).

As shown in Table 6, based on the *2010 ADA Standards for Accessible Design* (Department of Justice, September 15, 2010), the proposed project is required to provide a total 2 accessible parking spaces. Based on the project site plan dated May 17, 2012 and contained in Attachment F, the proposed project is planned to provide a total of 3 accessible parking spaces which include one a van accessible parking space. Hence, the proposed project is planned to provide adequate accessible parking spaces per the *2010 ADA Standards for Accessible Design* (Department of Justice, September 15, 2010).

Accessible Parking Space Width Requirements Per Americans with Disabilities Act

Table 7 summarizes the width requirements for the accessible parking spaces planned to be provided by the proposed project per the *2010 ADA Standards for Accessible Design* (Department of Justice, September 15, 2010) in comparison to the accessible parking space widths planned to be provided for the proposed project.

**Table 7
On-Site Accessible Parking Spaces Width Requirements
and On-Site Accessible Parking Space Widths Planned for Proposed Project**

Type of Accessible Parking Space	Minimum Width for Accessible Parking Space ¹	Minimum Width for Adjacent Access Aisle ²	Width of Accessible Parking Space Provided by Proposed Project ³	Width of Adjacent Access Aisle Provided by Proposed Project ³	ADA Width Requirements Met?
Van	8 feet	8 feet	9 feet	8 feet ⁴	Yes
Passenger Car	8 feet	5 feet	9 feet	8 feet ⁵	Yes
Passenger Car	8 feet	5 feet	10 feet	5 feet	Yes

Notes:

1 = Source: Section 502.2 of the *2010 ADA Standards for Accessible Design* (Department of Justice, September 15, 2010).

2 = Source: Section 502.3 of the *2010 ADA Standards for Accessible Design* (Department of Justice, September 15, 2010).

3 = Based on *Villa Capitola Unassisted Senior Housing Site Plan* (Nancy Huyck, 05/17/2012).

4 = Access aisle shared with the adjacent passenger car accessible parking space (see Exhibit 2).

5 = Access aisle shared with the adjacent van accessible parking space (see Exhibit 2).

As shown in Table 7, based on the project site plan dated May 17, 2012 and contained in Attachment F, the planned accessible parking spaces for the proposed project are planned to meet the width requirements identified in the *2010 ADA Standards for Accessible Design (Department of Justice, September 15, 2010)*.

Evaluation of Vehicle Maneuvers Within The Parking Structure

An evaluation of passenger car parking and turning maneuvers has been performed to determine potential maneuverability issues for passenger cars when utilizing the proposed parking structure.

Based on the performed evaluation, passenger vehicles are anticipated to have the ability to turn the corners within the proposed parking structure. However, access to a few of the planned parking spaces located by the walls might require wide turning radiuses and the drivers would need to plan ahead when entering these parking spaces so that they can approach the parking stall with a wider turning radius. Additionally, access to one of the planned parking spaces might require the driver to backup into the parking space.

Exhibit 2 shows the site plan for the proposed project and the graphic evaluation of the turning movements within the proposed parking structure.

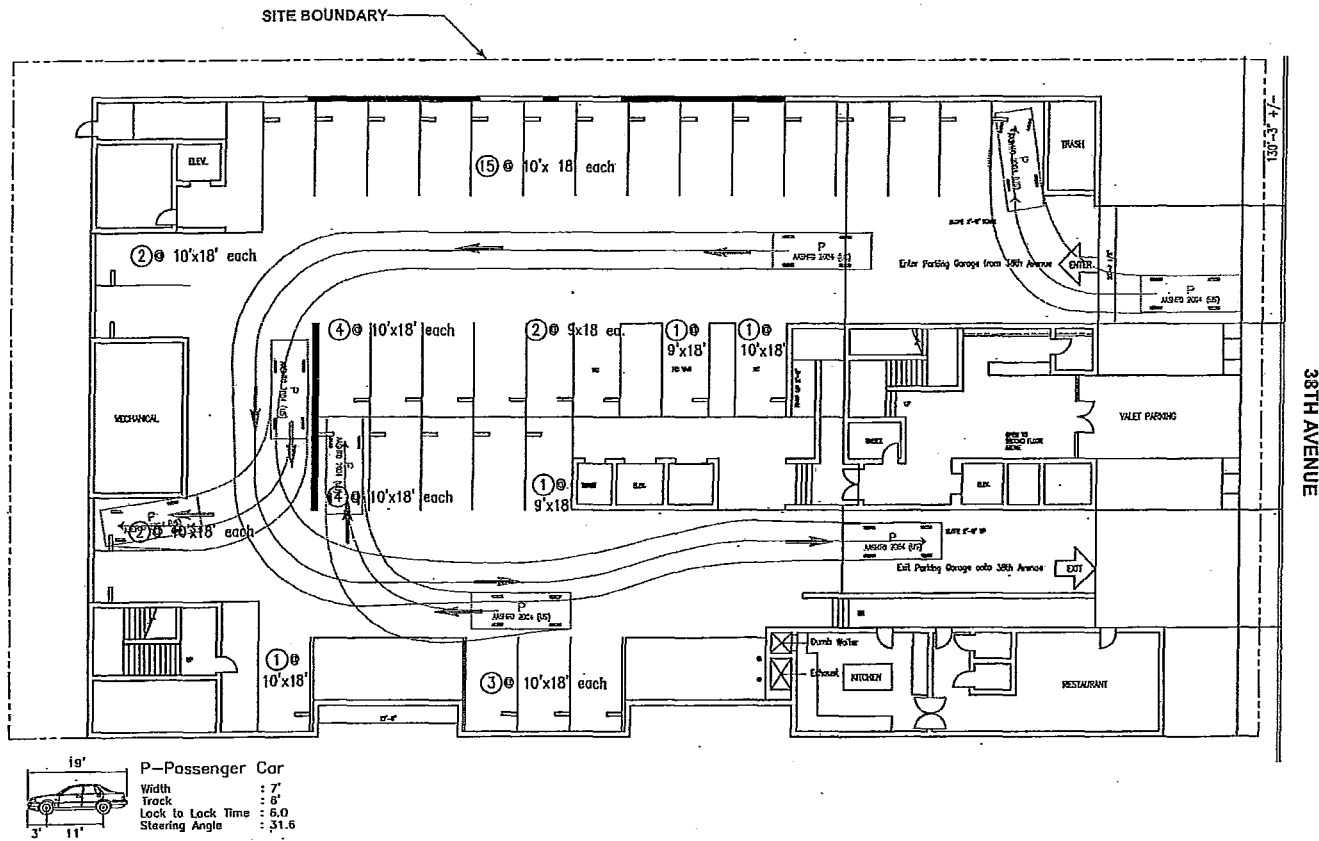
EVALAUATION FOR THE POTENTIAL INSTALLATION OF AN UNSIGNALIZED MID-BLOCK PEDESTRIAN CROSSING

The *California Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) (Federal Highway Administration, 2009 Edition as amended for use in California)* does not specify any guidelines for determination of the need to install an unsignalized pedestrian crossing at a mid-block location. However, Section 3B.18 of the *MUTCD* states:

"Mid-block pedestrian crossings are generally unexpected by the motorist and should be discouraged unless, in the opinion of the engineer, there is a strong justification in favor of such installation. Particular attention should be given to roadways with two or more traffic lanes in one direction as a pedestrian may be hidden from view by a vehicle yielding the right-of-way to a pedestrian."

Installation of a mid-block pedestrian crossing in front of the project site crossing 38th Avenue would be at the discretion of the City. However, it is recommended that the following issues be considered when planning and constructing an unsignalized mid-block pedestrian crossing:

- Provide adequate lighting to enhance the visibility of pedestrians to vehicular traffic;
- Provide a raised pedestrian crossing to enhance pedestrian visibility to vehicular traffic;
- Evaluate sight distance in the vicinity of the pedestrian crossing location and restrict parking adjacent to the pedestrian crossing location to provide better pedestrian visibility;
- Provide clear marking and advance warning signs per the *MUTCD* guidelines for vehicles approaching the pedestrian crossing location;



Note: Exhibit is based on Villa Capicola Unassisted Senior Housing Site Plan (Nancy Huyck, 05/17/2012)



Site Plan for Proposed Project & Passenger Vehicle Turning Maneuvers

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MAY/2012

Exhibit 2

- Narrow the street cross section at the pedestrian crossing location by means such as installation of a bulb out;
- Provide cross-walk markings per the *MUTCD* guidelines; and
- Provide In-Roadway Warning Lights at the crosswalk as permitted and instructed in section 4N.02 and other related sections of the *MUTCD* .

Exhibit 5 shows a conceptual layout of the pedestrian crossing on 38th Avenue.

EVALAUATION FOR POTENTIAL INSTALLATION OF SIGNALIZED MID-BLOCK PEDESTRIAN CROSSING

To evaluate the need for installation of a signalized pedestrian crossing on 38th Avenue between the project site and the existing retail center across the project site, a peak hour pedestrian volume traffic signal warrant analysis (Warrant 4) has been prepared in accordance with the *California Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD)* (*Federal Highway Administration, 2009 Edition as amended for use in California*).

Pedestrian Volume Warrant (MUTCD Warrant 4)

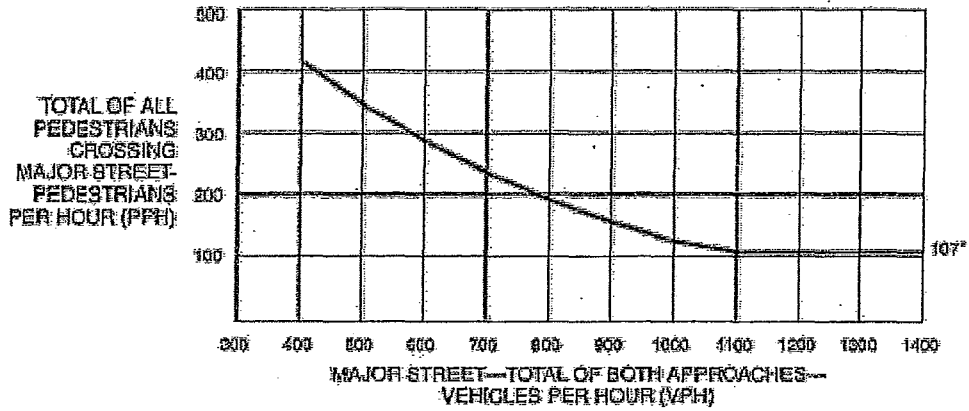
In accordance with the *MUTCD* guidelines, the need for a traffic control signal at an intersection or mid-block shall be considered if an engineering study finds that one of the following criteria is met:

- A. For each of any 4 hours of an average day, the plotted points representing the vehicles per hour on the major street (total of both approaches) and the corresponding pedestrians per hour crossing the major street (total of all crossings) all fall above the curve in Figure 4C-5 of the *MUTCD*; or
- B. For 1 hour (any four consecutive 15-minute periods) of an average day, the plotted point representing the vehicles per hour on the major street (total of both approaches) and the corresponding pedestrians per hour crossing the major street (total of all crossings) falls above the curve in Figure 4C-7 of the *MUTCD*.

If the posted statutory speed limit or the 85th-percentile speed on the major street exceeds 35 mph, or if the intersection lies within the built-up area of an isolated community having a population of less than 10,000, *MUTCD* Figure 4C-6 may be used in place of *MUTCD* Figure 4C-5 to evaluate Criterion A, and *MUTCD* Figure 4C-8 may be used in place of *MUTCD* Figure 4C-7 to evaluate Criterion B.

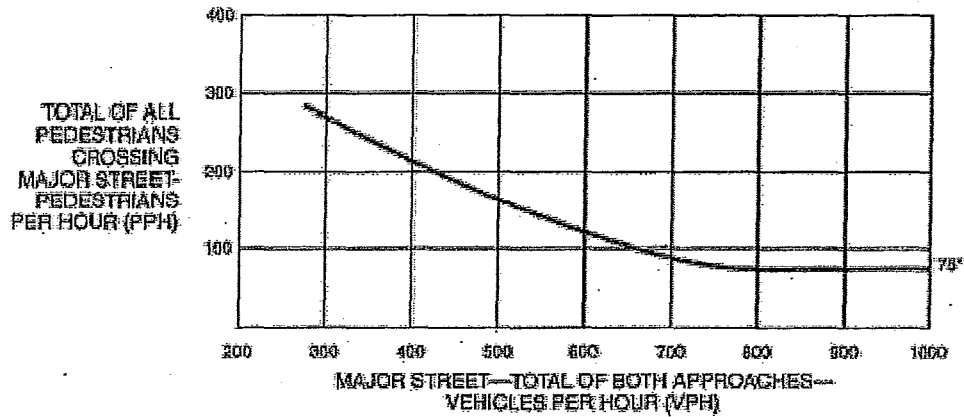
The Criterion for pedestrian volume crossing the major street may be reduced as much as 50 percent if the 15th-percentile crossing speed of pedestrians is less than 3.5 feet per second.

Figure 4C-5. Warrant 4, Pedestrian Four-Hour Volume



*Note: 107 pph applies as the lower threshold volume.

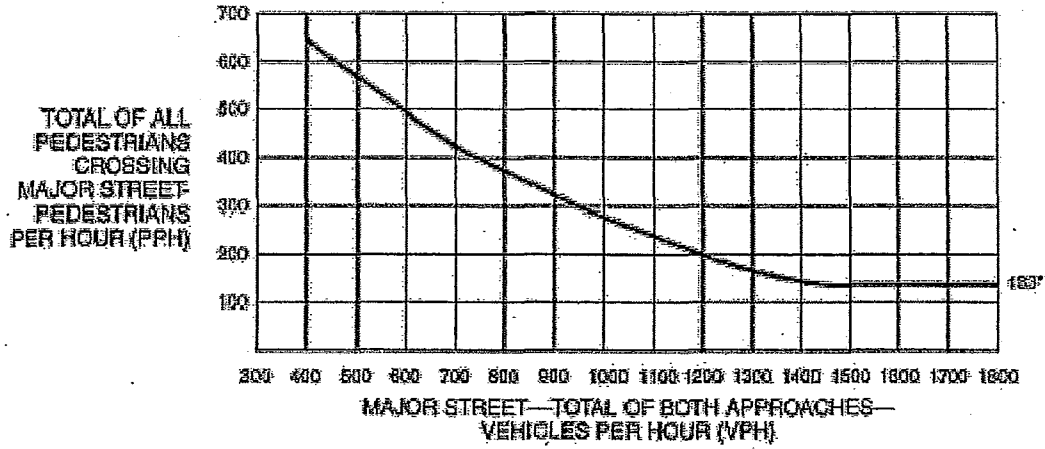
Figure 4C-6. Warrant 4, Pedestrian Four-Hour Volume (70% Factor)



*Note: 75 pph applies as the lower threshold volume.

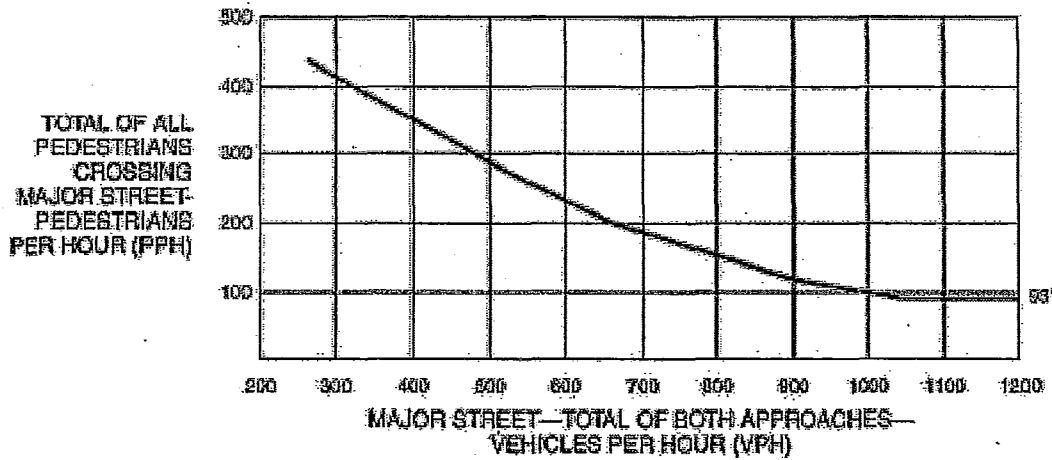
Source: 2012 MUTCD

Figure 4C-7. Warrant 4, Pedestrian Peak Hour



*Note: 153 pph applies as the lower threshold volume.

Figure 4C-8. Warrant 4, Pedestrian Peak Hour (70% Factor)



*Note: 93 pph applies as the lower threshold volume.

Pedestrian Volume Warrant (MUTCD Warrant 4) Calculations

Since the posted speed limit on the 38th Avenue is 25 miles per hour and the 15th-percentile crossing speed of pedestrians utilizing the crosswalk is forecast to be less than 3.5 feet per second, based on MUTCD guidelines, Figure 4C-7 with a 50-percent reduction for the required number of pedestrians crossing per hour is used to for the peak hour warrant calculations.

Based on information provided by the project applicant a maximum total of 92 persons associated with the project site are forecast to cross 38th Avenue to access the existing retail center and other land uses in the project site vicinity.

Existing peak hour vehicular traffic volumes utilized in this analysis are based on information contained in the Reposa Avenue Traffic Study recently prepared by RBF Consulting.

Table 8 summarizes the results of the Warrant 4 (Pedestrian Volume Warrant) analysis during the a.m. peak hour and the p.m. peak hour. Exhibit 3 shows the forecast pedestrian volume warrant analysis chart for the a.m. peak hour conditions. Exhibit 4 shows the forecast pedestrian volume warrant analysis chart for the p.m. peak hour conditions.

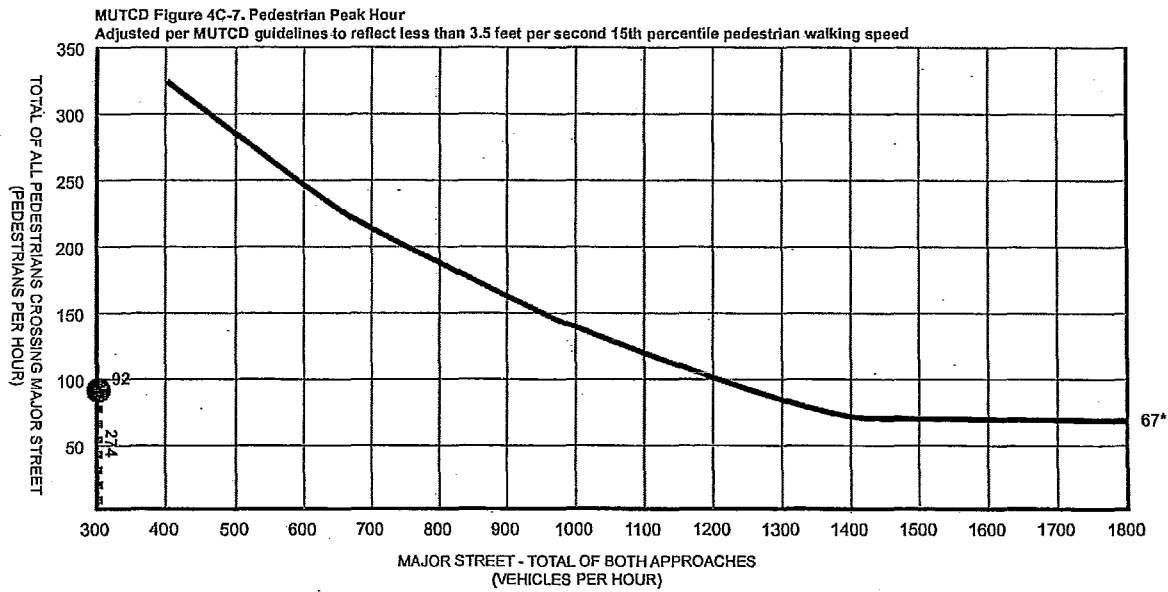
**Table 8
Summary of Warrant 4 – Pedestrian Volume Warrant Analysis**

Study Location	Warrant Satisfied?	
	AM Peak Hour	PM Peak Hour
Project Site Location at 38 th Avenue	No	No

As shown in Table 8, the *MUTCD* Pedestrian Volume Warrant is not satisfied for the study location. However, vehicular and pedestrian volumes at this location should be monitored and a signalized pedestrian crossing could be installed when the pedestrian and vehicular volumes become high enough to satisfy the warrant.

Meanwhile, installation of a signalized pedestrian crossing is at the discretion of the City.

Exhibit 5 shows a conceptual layout of the pedestrian crossing on 38th Avenue.



Source: 2012 MUTCD

Notes: Vehicular volumes are based on data contained in the Reposa Avenue Traffic Analysis prepared by RBF Consulting
 Pedestrian crossing volumes are based on data provided by project applicant

* 67 pedestrians per hour applies as the lower threshold volume adjusted per MUTCD guidelines to reflect less than 3.5 feet per second 15th percentile pedestrian walking speed

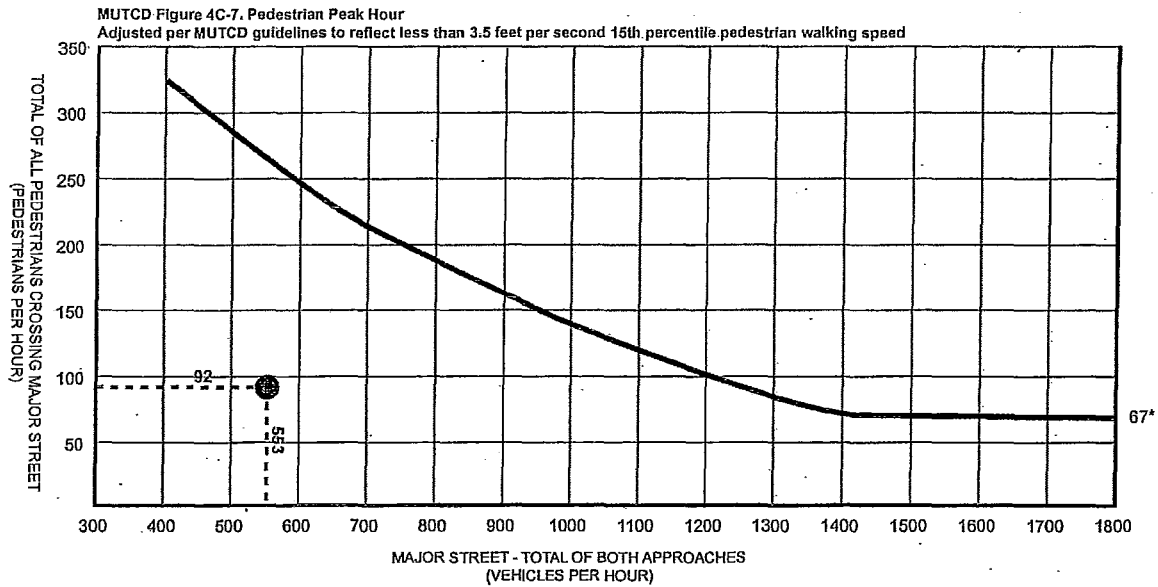
Forecast Existing AM Peak Hour
 Pedestrian Crossing Warrant Analysis for 38th Avenue



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MAY/2012

Exhibit 3



Source: 2012 MUTCD

Notes: Vehicular volumes are based on data contained in the Reposa Avenue Traffic Analysis prepared by RBF Consulting
Pedestrian crossing volumes are based on data provided by project applicant.

* 67 pedestrians per hour applies as the lower threshold volume adjusted per MUTCD guidelines to reflect less than 3.5 feet per second 15th percentile pedestrian walking speed

Forecast Existing PM Peak Hour Pedestrian Crossing Warrant Analysis for 38th Avenue



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MAY/2012

Exhibit 4

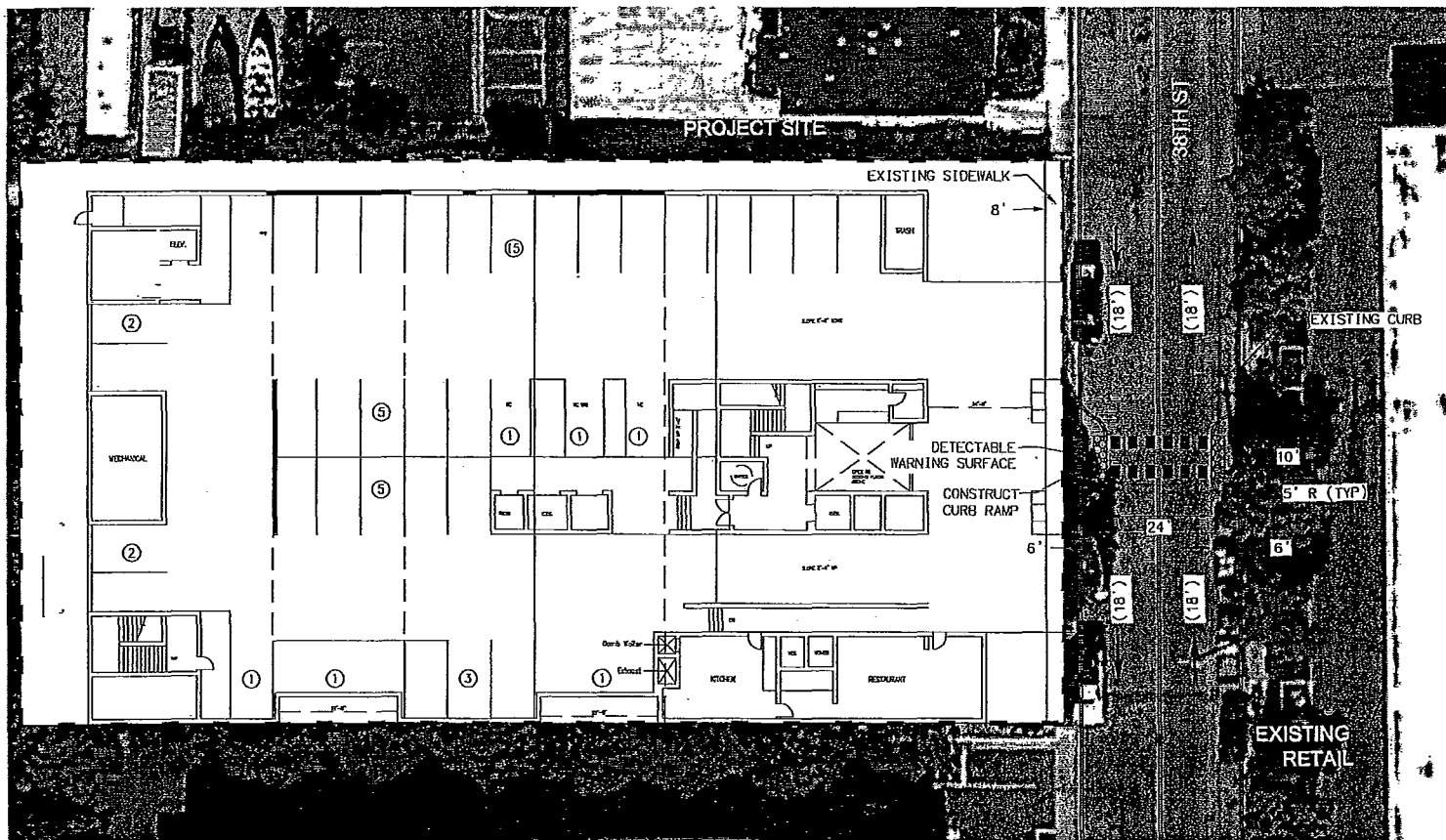


Exhibit 5 - Villa Capitola Senior Housing Project
38th Street Pedestrian Crossing Conceptual Design



SCALE: 1" = 20'



PROJECT LOCATION: 38th Street, Villa Capitola Senior Housing Project, 3/18/12 10:57 am

Item #: 8.B. Attach 5.pdf

Item #: 5.C. Attachment_E.pdf (

ATTACHMENT A
City of Capitola Municipal Code
Parking Space Requirements

17.51.130 Number of parking spaces required.

Capitola Municipal Code

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Title 17 ZONING

Chapter 17.51 PARKING AND LOADING

17.51.130 Number of parking spaces required.

The number of off-street parking spaces required for each use shall be as follows:

Residential.

A. Residential Structures, Single-Family Detached.

1. The minimum parking requirement for single-family residential units up to one thousand five hundred square feet shall be two uncovered spaces.
2. For single-family residential units one thousand five hundred one square feet to two thousand square feet, the minimum requirement shall be two spaces, one of which must be covered.
3. For single-family residential units two thousand one square feet to two thousand six hundred square feet, the minimum parking requirement shall be three spaces, one of which must be covered.
4. For single-family residential units two thousand six hundred one square feet to four thousand square feet, the minimum parking requirement shall be four spaces, one of which must be covered.
5. For single-family residential units four thousand one square feet and larger, the minimum parking requirement shall be one covered space and three uncovered spaces unless the planning commission determines that additional parking is needed based on house size, location, and/or conditions in the neighborhood.
6. Interior (covered) parking spaces shall be a minimum of ten feet by twenty feet clear, as measured from the interior finished wall surfaces. An additional one hundred square feet of ancillary activity area, e.g., laundry, workshop, or storage, which is not included in the area subject to additional parking requirements, is permitted in conjunction with the first required covered space provided in a detached garage.
7. The planning commission may require additional uncovered parking spaces beyond the minimum requirement for residential units over four thousand square feet, or if a finding can be made that there is a parking problem in the neighborhood.
8. No additional square footage exceeding ten percent of the existing gross floor area may be added to an existing single-family residential unit, unless minimum parking requirements are met.
9. Uncovered parking spaces for single-family residential units shall be ten feet by twenty feet in the front setback (or eighteen feet minimum for lots located in sidewalk exempt areas), i.e., on the driveway apron, with two feet of landscaping provided along the side property line, except that for existing homes and remodels, uncovered parking spaces may be nine feet wide. Uncovered spaces provided in tandem on a single-width driveway beyond the front setback shall also be located within an eleven-foot (for remodels and additions) or twelve-foot (for new units) area that includes two feet of required landscaping adjacent to the side property line. Tandem spaces outside the front setback may be eighteen feet in length.
10. Two feet of landscape planting is required in the front yard setback between the parking area and the side property line.
11. Maximum width of driveways serving attached or detached garages is twenty feet, not including the landscaped area.
12. A twelve-foot driveway is required to access attached or detached single garages beyond the front setback for new homes; an eleven-foot driveway may be permitted for remodels and additions. Two cars may be parked in tandem in the driveway in front of a garage or carport.

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17_51_130 NUMBER OF PAGES () pages required.

Page 2 of 3

13. Permeable driveway materials other than gravel are encouraged, as well as paved wheel strips for driveways, to increase extent of pervious surfaces on site.

B. Dwellings duplex or triplex, two for each unit, one space for each unit must be covered, tandem parking is permitted if the tandem parking is for an individual unit, each space must be a minimum of nine feet by eighteen feet.

C. Dwellings, apartments and condominiums (townhouse) of more than four units, one covered space for each unit, plus one and one-half additional spaces on the site for each dwelling unit. Each regular space must be a minimum of nine feet by eighteen feet. Forty percent of the spaces may be compact spaces of eight feet by sixteen feet.

D. Hotels and motels, one space for each guest room. Such additional spaces as the planning commission determines are necessary for the owners and employees. Each regular space must be a minimum of nine feet by eighteen feet. Thirty percent of the spaces may be compact spaces of eight feet by sixteen feet.

E. Bed-and-breakfast, one space for each bedroom rented, in addition to the spaces required for the single-family residence, each regular space must be a minimum of nine feet by eighteen feet. Fifty percent of the spaces may be compact spaces of eight feet by sixteen feet.

Quasi-public.

F. Churches, clubs, lodges, theaters,
one space for each forty square feet of floor area usable for seating or one for each three seats each regular space must be a minimum of nine feet by eighteen feet. Thirty percent of the spaces may be compact spaces of eight feet by sixteen feet.

G. Schools, one space for each employee, including teachers and administrators, plus additional spaces as determined by the planning commission to be adequate for student and visitor parking. Each regular space must be a minimum of nine feet by eighteen feet. Forty percent of the spaces may be compact spaces of eight feet by sixteen feet.

H. Sanitariums and nursing homes, one space for each six beds plus one space for each three employees, all nine feet by eighteen feet.

I. Medical office and clinics, one space for each three hundred square feet of gross floor area or five spaces per doctor, whichever is greater, all nine feet by eighteen feet.

Commercial.

J. Retail use and restaurants/take-out food establishments with six or fewer seats, one space for every two hundred forty square feet of gross floor area, each regular space must be a minimum of nine feet by eighteen feet. Thirty percent of the spaces may be compact spaces of eight feet by sixteen feet.

K. Wholesale establishments or warehouses, including mini-storage, one space per each five thousand square feet. Each space must be a minimum of nine feet by eighteen feet. No compact spaces are allowed.

L. Restaurants, one space per sixty square feet of gross floor area, each regular space must be a minimum of nine feet by eighteen feet. Fifty percent of the spaces may be compact spaces of eight feet by sixteen feet.

M. Bakeries, one space per two hundred forty square feet of gross floor area, each regular space must be a minimum of nine feet by eighteen feet. Thirty percent of the spaces may be compact spaces of eight feet by sixteen feet.

N. Bowling alleys, one space per five lanes, plus parking required for restaurant or retail uses associated with the facility, each regular space must be a minimum of nine by eighteen feet. Thirty percent of the spaces may be compact spaces of eight feet by sixteen feet.

O. Offices, corporate, administrative, real estate, one space per two hundred forty square feet of gross

17.51.130 Number of parking spaces required.

building space. Each regular space must be a minimum of nine feet by eighteen feet. Thirty percent of the spaces may be compact spaces of eight feet by sixteen feet.

P. Large community care residential facility or large family day care house, one for each employee not permanently residing at the facility or house. Parking requirements not specifically mentioned shall be determined by the planning commission. (Ord. 873 § 15, 2004; Ord. 718 § 1 (part), 1991; Ord. 700, 1990; Ord. 695, 1990; Ord. 623 (part), 1987; Ord. 608 § 10, 1986; Ord. 388 § 17.09, 1975)

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Item #: 5.C. Attachment_E.pdf (

ATTACHMENT B
City of Live Oak, CA Municipal Code Pages

17.25.110 Landscaping and Lighting

17.25.130 Maintenance

17.25.010 Purpose

The following requirements are intended to ensure that sufficient but not excessive off-street parking facilities are provided for all uses, and that parking facilities are designed to be attractive and unobtrusive.

17.25.020 Applicability

At the time of the installation, erection, enlargement or increase in capacity of any building, or at the time there is a change in the nature of occupancy or expansion of use of property, any of which would require increased parking, the following minimum off-street parking and loading spaces shall be provided, as well as adequate ingress and egress, in accordance with this Chapter.

17.25.030 Required Parking

- A. Number of required spaces:** The following number of spaces are required for each listed use, unless provided for elsewhere in this Chapter. The spaces shall be located on the same building site as the building or use, unless otherwise provided in this Chapter.

Table 17.25.030: Required Parking by Land Use

Residential Land Uses	Number of Required Parking Spaces
Single family residence	2 spaces.
Two family residence or half-plex	2 spaces per residence.
Multiple family residence	1 space per studio apartment or one-bedroom unit. 1.5 spaces per two-bedroom unit. 2 spaces per three-bedrooms or more. - Plus 1 guest space per 10 residences.
Second residence	1 space in addition to the 2 spaces for the primary residence.
Manufactured home park	2 spaces per residence (may be tandem) plus 1 guest space per 5 residences.
Bed and breakfast, boarding house	2 spaces plus 1 space per room for rent.
Residential care home, senior housing	.6 space per unit, or prepare a parking study based on type of residents, proximity to services (shopping, medical, etc.) and transit.

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ATTACHMENT C
City of Santa Cruz, CA Municipal Code Pages

4/26/12

Santa Cruz, California

v. Physical therapy 1 space per 200 square feet of floor area. In addition, 1 space per 50 square feet of pool (water) area

w. Residential Uses

		Number of Bedrooms				
Type	Efficiency	1	2	3	4 or more	

Single-family *(including townhouses)	1.0	1.0	2.0	2.0	3 + 1 for ea. addl. bedroom
---------------------------------------	-----	-----	-----	-----	-----------------------------

Houseboat, duplex, triplex, multiple mobilehome	1.0	1.5	2.0	2.0	3 + 0.5 for ea. addl. bedroom
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Lodging, rooming houses and bed-and-breakfast inns		2 spaces, plus 1 for each bedroom				
--	--	-----------------------------------	--	--	--	--

Residence halls, dormitories.		0.75 space for each guest or occupant				
-------------------------------	--	---------------------------------------	--	--	--	--

Senior housing development		1 for each 3 dwelling units or rooms intended for separate occupancy, plus an area of land equal to the required off-street parking for apartments, not including required open space, which could be converted to parking should the retirement center change to a multifamily residential use				
----------------------------	--	---	--	--	--	--

Small ownership unit (SOU)		1 space for each dwelling unit				
----------------------------	--	--------------------------------	--	--	--	--

Single-room occupancy dwelling unit, less than 300 square feet**		0.75 for each dwelling unit				
--	--	-----------------------------	--	--	--	--

Single-room occupancy dwelling unit, 300 square feet or more**		1 for each dwelling unit				
--	--	--------------------------	--	--	--	--

Accessory dwelling unit***		1 parking space, covered or uncovered, shall be provided on site for each bedroom in addition to the required parking for the primary residence				
----------------------------	--	---	--	--	--	--

Community housing projects		In addition to meeting above residential parking requirements, 1 additional parking space for each 4 dwelling units shall be provided				
----------------------------	--	---	--	--	--	--

Covered Parking. At least 1 of the required parking spaces for each dwelling unit shall be covered, within a carport or a garage unless otherwise specified within Title 24. Each standard-size parking space required to be located in a garage or carport for a residential unit shall be not less than nineteen feet in length by eight and one-half feet in width (19 ft. x 8 1/2 feet)

Covered Parking Exception. Exceptions to parking requirements may be granted to

Item #: 8.B. Attach 5.pdf

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ATTACHMENT D
City of Seaside, CA Municipal Code Pages

17.34.040 - Number of parking spaces required.

Each land use shall be provided the number of off-street parking spaces required by this section. See Sections 17.34.060 and 17.34.070 for off-street parking requirements for bicycles and motorcycles, respectively.

A. Parking requirements by Land Use.

1. Each land use shall provide the number of off-street parking spaces required by Table 3-7, except where a greater number of spaces is authorized through minor use permit or use permit approval in compliance with Section 17.52.070
2. A land use not specifically listed in Table 3-7 shall provide parking as required by the zoning administrator. The zoning administrator shall use the requirements in Table 3-7 as a guide in determining the appropriate number of off-street parking spaces required for the use.
3. In any case where Table 3-7 expresses a parking requirement based on floor area in square feet (for example: one space for each one thousand sf), "sf" means square feet of gross interior leaseable floor area, unless stated otherwise (e.g., ground area).
4. A single use with accessory components shall provide parking for each component. For example, a hotel with a gift shop shall provide the parking spaces required by Table 3-7 for a hotel (e.g., the guest rooms), and for a gift shop.

B. Expansion of Structure, Change in Use. When a structure is enlarged, or when a change in its use requires more off-street parking than the previous use, additional parking spaces shall be provided in compliance with this chapter. See also Chapter 17.62 (Nonconforming Uses, Structures and Parcels).

C. Multi-Tenant Sites.

1. A site with multiple tenants (e.g., two or more) shall provide the aggregate number of parking spaces required for each separate use (e.g., sum of the separate requirements for each use), except where the site is developed as an integrated shopping center with shared parking and no spaces reserved for a particular use. In this instance, the parking shall be provided as required by Table 3-7 for a shopping center.
2. When a multi-tenant center includes one or more uses that will need more parking than retail uses (e.g., a health/fitness facility, restaurant, or theater) additional parking shall be required for the non-retail use unless a parking reduction is approved in compliance with Section 17.34.080 (Reduction of Parking Requirements), below.

D. Alternate Use of Parking Areas Prohibited. Off-street parking areas shall not be used for the repair, servicing, or storage of vehicles or materials, the sale of any goods or services, or any other work area.

E. No Reduction of Parking Facility Allowed. No off-street parking facility shall be reduced in capacity or in area without sufficient additional capacity or additional area being provided in order to comply with the parking regulations of this chapter.

F. Recreational Vehicle (RV) Parking Spaces. Off-street recreational vehicle (RV) parking spaces shall be provided as follows for retail uses, shopping centers, and visitor attractions that are required by this chapter to provide forty or more off-street parking spaces.

1. Number of RV Spaces Required. RV parking spaces shall provided at a minimum ratio of one RV space for each forty off-street vehicle parking spaces, or fraction thereof, required by this chapter.
2. RV Stall Dimensions. Each RV parking space shall be designed as a pull-through space

with a minimum width of twelve feet and a minimum length of forty feet, with fourteen feet of vertical clearance.

3. Modifications by Zoning Administrator. The zoning administrator may modify the provisions of this subsection through a minor use permit granted in compliance with Section 17.52.070
- G. Excessive Parking.
1. The city discourages a land use being provided more off-street parking spaces than required by this chapter in order to avoid the inefficient use of land, unnecessary pavement, and excessive stormwater runoff from paved surfaces.
 2. The provision of off-street parking spaces in excess of the requirements in Table 3-7 is allowed only with minor use permit approval in compliance with Section 17.62.070, and only when additional landscaping, pedestrian amenities, and necessary storm drain improvements are provided to the satisfaction of the review authority.
- H. Rounding of Calculations. If a fractional number is obtained in calculations performed in compliance with this chapter, one additional parking space shall be required for a fractional unit of one-half or above, and no additional space shall be required for a fractional unit of less than one-half.
- I. Bench or Bleacher Seating. Where fixed seating is provided as benches, bleachers, pews, or similar seating, a seat shall be defined as twenty-four inches of bench space for the purpose of calculating the number of parking spaces required by Table 3-7.
- J. Parking Based on Employees. Whenever parking requirements are based on the number of employees, calculations shall be based on the largest number of employees on duty at any one time.
- K. Use of On-Street Parking—Exception. Available on-street parking spaces cannot be used to meet the parking requirements identified in this chapter. An exception to this provision may be granted for a licensed day care facility or a pre-school, subject to minor use permit approval in compliance with Section 17.52.070
1. The minor use permit may be issued if it meets all of the following criteria, in addition to the findings identified in Section 17.52.070
 - a. The exception shall be granted only for uses in an existing structure. It shall not be granted for any expansion of gross floor area to a structure, for new construction, or where the use of an existing building has been intensified by subletting portions of the building for additional uses.
 - b. The maximum amount of parking which is feasible shall be provided on-site.
 - c. The exception shall only be granted in situations where the city engineer has determined that the exception will not result in potentially unsafe conditions for vehicles or pedestrians.
 2. Each minor use permit that grants an exception to off-street parking requirements shall be reviewed on an annual basis and, if it is found that the use of on-street parking spaces by the facility is creating a nuisance, the city may initiate proceedings to revoke the minor use permit in compliance with Section 17.69.080 (Revocation of Permits).
- L. Nonconforming Parking. A use or structure with nonconforming off-street parking may be physically changed or undergo a change in use in compliance with the following provisions.
1. Residential Uses. No additional parking spaces shall be required; provided, the change does not increase the number of dwelling units, nor eliminate the only portion of the site that can be used for the required or existing parking or access.
 2. Nonresidential Uses.
 - a. The number of existing parking spaces shall be maintained on the site and additional parking shall be provided in compliance with this chapter for any

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- additional floor area.
- b. If the use of the structure is changed to one that requires more parking than the previous use, only the difference between the number of parking spaces required for the previous use and those required for the new use shall be added.
 - c. The change shall not eliminate the only portion of the site that can be used for the required or existing parking or access.
3. Waiver of Requirements. The parking requirements of this chapter may be waived by the commission through use permit approval when a nonconforming structure is proposed for rehabilitation if the commission first finds that the existing structure location, parcel size, or topography renders the requirement unreasonable.

Table 3-7 Parking Requirements By Land Use

Land Use Type: Manufacturing Processing and Warehousing	Vehicle Spaces Required
All manufacturing, industrial, and processing uses, except the following	1 space for each 200 sf of office area;
	1 space for each 500 sf of floor and/or ground area devoted to other than office use;
	1 space for each 5,000 sf of open storage.
Media production	1 space for each 300 sf.
Recycling facilities	
Heavy or light processing facilities	Determined by use permit.
Large collection facilities	Determined by use permit.
Scrap/dismantling yards	1 space for each 300 sf, plus 1 space for each 10,000 sf of gross yard area.
Small collection facilities	Determined by minor use permit.
Wholesaling and distribution	1 space for each 500 sf.

Land Use Type: Recreation, Education, and Public Assembly	Vehicle Spaces Required
Clubs, community centers, lodges, and meeting halls	1 space for each 4 fixed seats or 1 space for each 100 sf where there are no fixed seats.
Commercial recreation facilities - Indoor, except for the following:	1 space for each 400 sf.
Arcades	1 space for each 200 sf.
Bowling alleys	4 spaces for each alley.
Pool and billiard rooms	2 spaces for each table.
Commercial recreation facilities - Outdoor	Determined by use permit.
Conference/convention and sports/entertainment facilities	1 space for each 200 sf.
Equestrian facilities	1 space for each 5 horses boarded.
Golf	
Golf courses and country clubs	4 spaces per hole, plus as required by this table for accessory uses (e.g., banquet room, bar, pro shop, restaurant, etc.)
Golf driving range	1 space for each tee.
Health/fitness facilities	1 space for each 200 sf.
Library, gallery, and museum	1 space for each 300 sf.
Schools (private or public)	
Kindergarten and nursery schools	1 space per employee plus 1 space for each 10 children.

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Item #: 5.C. Attachment_E.pdf

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(Middle) Elementary/junior highs	1 space per employee plus 1 space for each 10 students.
(Secondary) High schools	1 space per employee plus 1 space for each 10 students.
Colleges and universities (including trade, business, and art/music/dancing schools)	1 space per employee plus 1 space for each 5 students.
Studios (art, dance, martial arts, music, etc.)	1 space for each 200 sf.
Theaters, auditoriums, and places of assembly	1 space for each 4 seats or 1 space for each 100 sf, whichever would yield more spaces.

Land Use Type: Residential Uses	Vehicle Spaces Required
Condominiums and condominium conversions	2 covered spaces for each unit, plus 1 space for each unit for guest parking.
Duplex, triplex, or fourplex unit	1 covered space for each unit, plus 1 space for each 2 units for guest parking.
Live/work unit	2 spaces for each unit.
Mobilehome	
Outside of mobilehome park	1 covered space for each unit.
Within a mobilehome park	2 covered spaces for each mobilehome (tandem parking allowed in an attached carport), plus 1 guest parking spaces for each 4 units. Recreational vehicle parking shall be provided at the rate of 1 space for every 5 units.
Multi-family housing	
0 - 1,800 sf	1 covered space for each unit, plus 1 space for each 2 units for guest parking.
1,801+ sf	2 covered spaces for each unit, plus 1 space for each 2 units for guest parking.
Residential care facility	1 space for each 2 residential units, plus 1 space for each 4 units for guests and employees.
Residential second unit	1 additional parking space (Parking in the front or street side setback shall not count toward this parking requirement.
Senior housing	1 space for each unit with half the spaces covered, plus 1 guest parking space for each 10 units.
Single dwelling with additions	
0 - 1,200 sf	No additional parking requirement.
1,201 - 1,800 sf	2 spaces, at least one covered.
1,801+ sf	2 covered spaces.
Single dwelling, attached	2 spaces within a garage for each unit, plus 1 space for each unit for guest parking.
Single dwelling, detached	2 spaces within a garage.

Land Use Type: Retail and Service Commercial	Vehicle Spaces Required
<p>Parking Requirements. In an effort to simplify the calculation of parking demand and to anticipate future tenants, the list of nonresidential (e.g., retail and service commercial) off-street parking requirements shall be broken down into the following four distinct categories based on the anticipated level of parking demands. See also the parking requirements for other specific retail and service uses on the following page.</p>	
<p>Group One: Uses with "low parking demand." Examples include appliance, carpet, fabric, furniture, and tile stores; book, card, and stationary stores; camera, dry cleaning and laundry, flower, gift, glass, hardware,</p>	<p>1 space for each 500 sf or less, with a minimum requirement of 4 spaces.</p>

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heating and electrical, jewelry, paint, pet, plumbing, wallpaper stores; home improvement stores; photography studios, print shops; supermarkets; and other retail and light industrial uses determined to be similar by the zoning administrator.	
Group Two: Uses with "medium parking demand." Examples include bakeries, banks, barber shops, beauty shops, business and professional offices, convenience stores, department stores, donut and ice cream shops, liquor stores, secondhand stores, and other retail uses determined to be similar by the zoning administrator.	1 space for each 300 sf or less, with a minimum requirement of 5 spaces.
Group Three: Uses with "high parking demand." Examples include bars, coffee houses, dental and medical offices and clinics, health clubs, laundromats, restaurants and other intense uses determined to be similar by the zoning administrator.	1 space for each 200 sf.
Group Four: Uses with "unique parking demands." Examples include auto repair, auto sales, contractor's yards, funeral homes, gas stations, hotels and motels, large day care facilities (e.g., child care and seniors), large group homes, mini-warehouse, self-service car wash, theaters, and other uses determined to be similar by the zoning administrator.	
Auto and vehicle repair/service	4 spaces for each service or wash bay, plus spaces for any office as required by this section for offices.
Auto and vehicle sales and rental	1 space for each 400 sf of floor area for the showroom and offices, plus 1 space for each 2,000 sf of outdoor display area, plus spaces as required by this section for parts sales and vehicle repair/service.
Contractor's storage yards	1 space for each 3,000 sf of lot area, plus spaces for any office as required by this section for offices.
Gas stations without repair services	.25 space for each gas pump, plus 2 spaces for each gasoline pump island, plus spaces as required by this section for convenience goods sales.
Large day care facilities	1 space for each staff person, plus 1 space for each 3 occupants
Lodging - hotels and motels	1 space for each unit, plus 2 spaces for the manager or owner, plus required spaces for all accessory uses (e.g., conference center, restaurant, spa, or other recreational facilities).
Mortuary, funeral homes	1 space for each 300 sf of floor area within the facility or 1 space for each 4 seats in the sanctuary, whichever would yield more spaces.
Personal storage (mini-warehouses)	4 spaces for the manager's office.
Restaurant	1 space for each 3 seats.
Self-service car washes	1 space for each wash bay.
Theaters (e.g., movie)	1 space for each 4 seats or 1 space for each 100 sf, whichever would yield more spaces.

(Ord. 955 § 1(part), 2006).

Item #: 8.B. Attach 5.pdf

Item #: 5.C. Attachment_E.pdf

**ATTACHMENT E
ITE Parking Generation Senior Housing
Parking Survey Summary**

Land Use: 252 Senior Adult Housing—Attached

Land Use Description

Senior adult housing consists of attached independent living developments, including retirement communities, age-restricted housing and active adult communities. These developments may include limited social or recreational services. However, they generally lack centralized dining and on-site medical facilities. Residents in these communities live independently, are typically active (requiring little to no medical supervision) and may or may not be retired. Congregate care facility (Land Use 253) and continuing care retirement community (Land Use 255) are related uses.

Database Description

The database consisted of two study sites.

- The study sites had 46 and 91 dwelling units.
- Parking supply ratio: 1.2 and 1.4 spaces per dwelling unit, respectively.
- Weekday peak parking demand ratio: 0.50 and 0.33 parked vehicles per dwelling unit at the 46- and 91-unit sites, respectively.
- Saturday peak parking demand ratio: 0.50 and 0.34 parked vehicles per dwelling unit at the 46- and 91-unit sites, respectively.

Parking demand counts were submitted for the hours beginning at 9:00 a.m., 10:00 a.m., 2:00 p.m. and 5:00 p.m. From these limited data, no definitive peak hour or peak period was established.

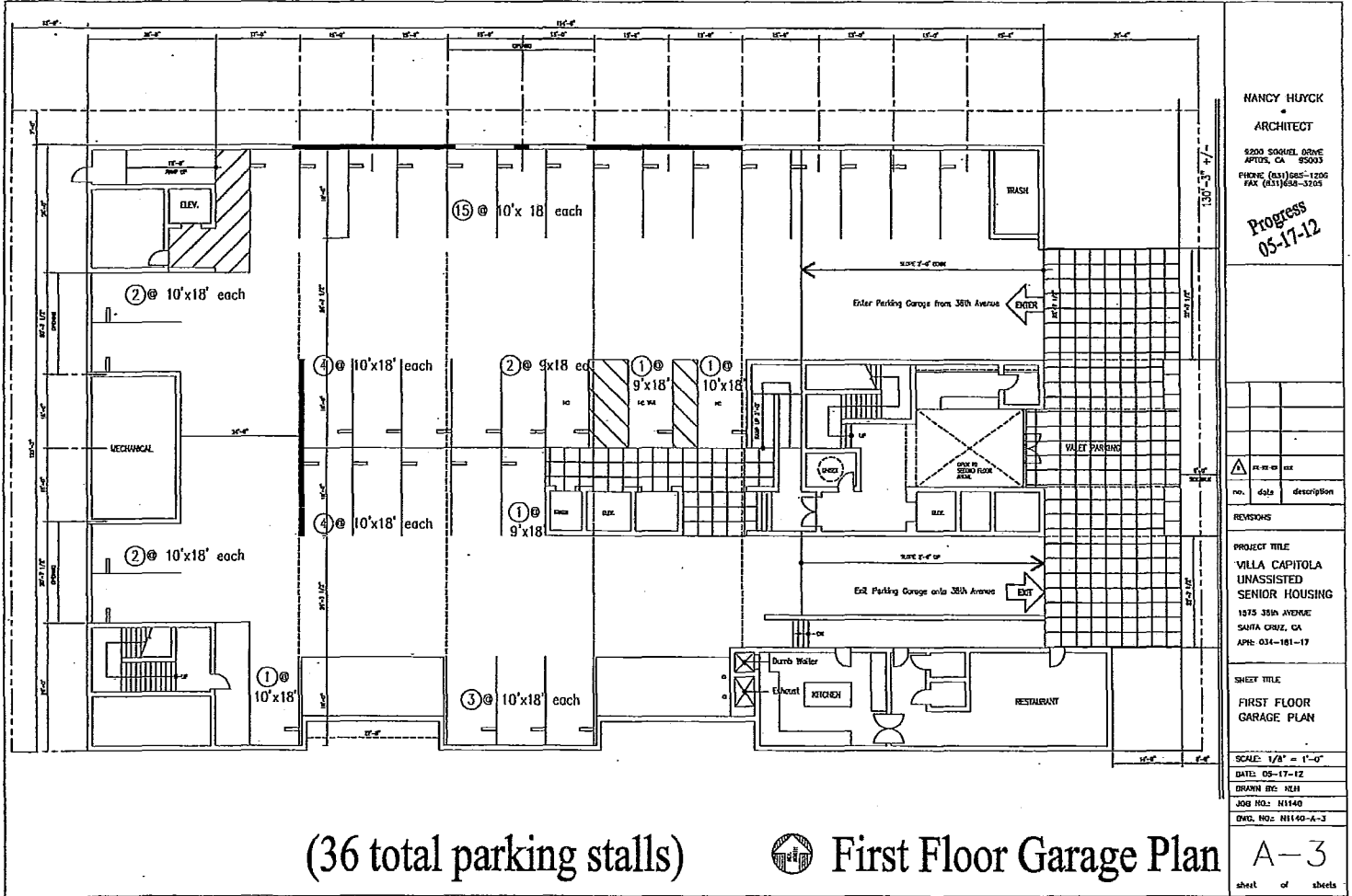
Study Sites/Years

Huntington Beach, CA (1989)

Item #: 8.B. Attach 5.pdf

Item #: 5.C. Attachment_E.pdf (

**ATTACHMENT F
Proposed Project site Plan**



NANCY HUYCK
 ARCHITECT

2200 SOQUEL DRIVE
 APTOS, CA 95023
 PHONE (415)658-1205
 FAX (415)658-3205

Progress
 05-17-12

no.	date	description

REVISIONS

PROJECT TITLE
 VILLA CAPITOLA
 UNASSISTED
 SENIOR HOUSING
 1975 38th AVENUE
 SANTA CRUZ, CA
 APN: 034-101-17

SHEET TITLE
 FIRST FLOOR
 GARAGE PLAN

SCALE: 1/8" = 1'-0"
 DATE: 05-17-12
 DRAWN BY: NHJ
 JOB NO.: N1140
 DWG. NO.: N1140-4-3

A-3
 sheet of sheets

(36 total parking stalls)



First Floor Garage Plan

Item #: 8.B. Attach 5.pdf

Item #: 5.C. Attachment_E.pdf (

VILLACAPITOLA
1575 38th Avenue
Capitola, CA 95010

May 22, 2013

Planning Commission
Planning Staff
City of Capitola
420 Capitola Avenue
Capitola, CA 95010

Dear Planning Commission,

Villa Capitola offers retirement living at its best in a small town environment with big city benefits. It draws its inspiration from the Mediterranean style of Italy. This independent senior living complex consists of 23 units of high quality architecture with a variety of floor plans including studios, one-bedroom and two bedroom residences. Villa Capitola is a new kind of retirement village for a new kind of retiree. In this ideal location residents can stay within the complex and enjoy many activities such as swimming, bocci ball, hobbies, exercise, yoga, massage, book club, classes, educational speakers, wifi, and dining. In addition, residents can walk to nearby book stores, theaters, restaurants, and numerous retail outlets and services. Our shuttle service will provide supplemental transportation for residents to a variety of popular destinations along our beautiful coast. The on-site restaurant will serve meals in a dining room, coffee bar, or poolside cabana. Residents will be surrounded with an invigorating sense of community in the heart of Capitola.

Significant changes in this senior living complex have been made since our original submittal. These revisions were made in response to feedback from the City Council, the Planning Commission and our neighbors on 38th Avenue and Bulb Avenue. With assistance from Capitola Planning Department and Public Works the following changes have been made:

- A significant reduction in scope of project.
- Increased setbacks on side, front, and rear.
- Height reduction from 4 stories with 67 units to 3 stories with 23 units.
- Completed traffic study indicating little measurable impact.
- Completed parking study finding 35 spaces more than sufficient.
- A Negative Environmental Declaration indicates that there is no mitigation necessary for this building to fit in the neighborhood.
- Increased landscaping for a total of 23% of site.
- Single ingress/egress to parking garage
- Two towers and balconies removed from back of building to accommodate neighbor concerns regarding privacy.

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Item #: 5.C. Attachment_F.pdf

The building has been totally redesigned to be consistent with the existing neighborhood while taking into consideration future development in the area. We have discussed with the Capitola Public Works Department how a combined effort can make our portion of 38th Avenue roadway a snapshot of what future redevelopment could be.

Villa Capitola has been designed, engineered, and will be constructed by Santa Cruz County's most reputable professionals. In keeping with world class standards in green building, repurposed materials will be used when appropriate. Our energy source will be supplemented by a comprehensive solar system. Recirculation of rain water from an on-site reservoir will decrease use of public water sources.

We look forward to working with the City of Capitola to make this senior living complex an asset to the community.

Regards,

~~Stephen Mathew Thomas~~

Maureen Romac-Thomas

MAUREEN A. ROMAC

ATTACHMENTS

Drawings: 7 sets

Materials Board: submitted previously

Preliminary Storm Water Management Report (Bowman& Williams) 2 booklets submitted previously

PROJECT DATA

Villa Capitola: Unassisted Senior Rental Units for ages 55 and older

Location: 1575 38th Avenue Capitola, CA (mailing address is Santa Cruz CA 95062)

APN: 034-181-17

Parcel Site: Approximately 31,300 sf (130' x 240' approximately)

Zoning: PD

Number of Stories: 3

Number of Residential Units: 23

Number of Parking Stalls: 35

PROPOSED PROJECT TEAM

Developer: Steve Thomas and Maureen Romac

Land Surveyor: Bowman and Williams

3D Rendering: Alan Hymes Animatehouse

Architect: Huyck Architects

Civil Engineer: Bowman& Williams

Structural Engineer: McLucas Engineers

Mechanical Engineer: Axiom Engineers

Electrical Engineer: Prime Design

Landscape Design: Huyck Architects

Construction Consultant: Tewolde Berhane

General Contractor: Slatter Construction

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Dear Planning Commissioners,

The attached documents are petitions with signatures of persons in support of the proposed senior living development on 38th Avenue. The majority of these signatures are from Capitola and specifically the streets surrounding the property (41st Ave., 38th Ave. and Bulb Ave.). There are almost 200 signatures representing a cross section of ethnicity, gender, age and economic status. Many expressed interest in living in this residential development themselves or for their own family members.

Thank you for your time and consideration,

MAUREEN A. ROMAC

Maureen A. Romac

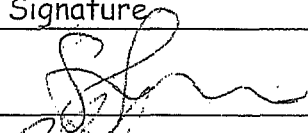

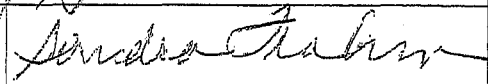


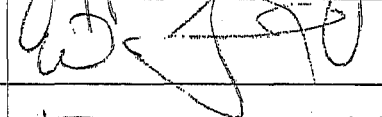
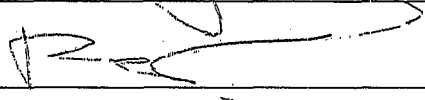
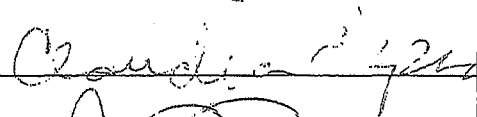
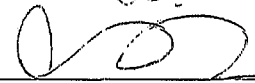
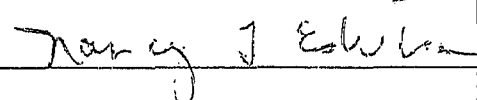
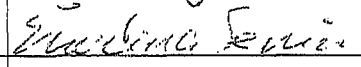
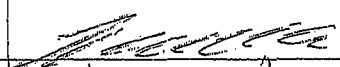
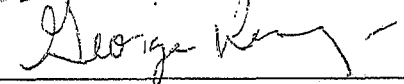
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CITY OF CAPITOLA 189-

VILLA CAPITOLA

Please sign below to show your support for the construction of senior housing at 1575 38th Avenue. This senior housing will consist of 23 units, a parking garage, swimming pool, dining room and other amenities in a 3 story Mediterranean style building. This location offers seniors the ability to walk to restaurants, grocery store, theater and other retail outlets. This petition will be presented to the Capitola Planning Commission and Capitola City Council. Thank for your support.

Print Name	Street Address City	Email or phone#	Signature
Sarah Jones	1417 38 th Ave.		
Nicole Timewell	1415 unit A 38 th		
Sandra Frahm	1395A 38 th St.		
Tony Efran	1367 35 th Ave		
Jeff Valdez Jr	1373 38 th Ave.		
Bill Thayer	164 EVERSON DR.		
RONNELL CORFUE	3833 BROWNING ST		
Claudia Lipina	1335 38 th Ave		
Christy Davis	1335 38 th Ave		
Nancy Estlin	1305 38 th A		
Emelina Servin	3740 Broadway St		
Rance Miller	2269 Capitola Rd #B		
George Perez	40 Miles Ln		

VILLA IPITOLA

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Print Name	Street Address City	Email or phone#	Signature
TOM PARKER	GRADALUPE ST CAPITOLA	(831) 625-9094	
RANU GUPTA	LAKEVIEW AVE FELTON, CA	408-599-9106	
Rak	41st Court Dr	831 239 1310	
Shawn Hyland	855 Monterey Ave Capitola	831-247-1250	
ARON DUKIN	1657 7th Ave SANTA VIZ	931-515-5004	
Sara Picone	26 Cole Corralitos	831-475-1221	
Andrew Parker	509 Redwood Ave.	beauty.motion@gmail.com	
Harold Ruhl	616 Delatway Watsonville		
JAREK TRUSCZYNSKI	1245 WILDERFIELD RD.	JAREKTRU@G-mail.com	
Shuley Saluka	163 Parkland Way	jsaluka@sbcglobal.net	
Diana Adamic	110 Cordiff Ct Santa Cruz 95060	adamic@me.com	
JUPE MARIAS	121 Red Hawk Ln Apt 205	95003	
STEPHEN SMITH	235 DUNBAR SANTA CRUZ	95060	

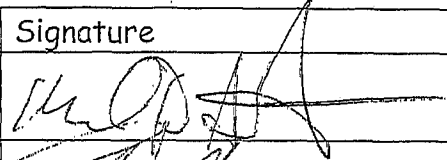
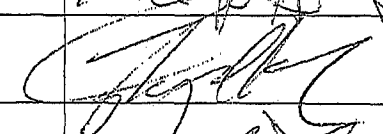
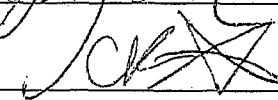
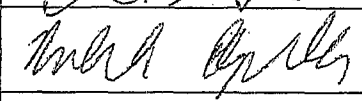
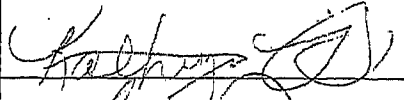
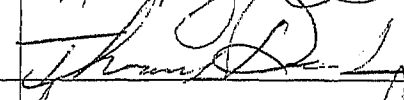
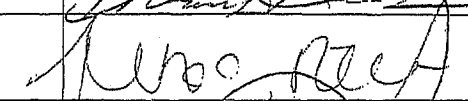
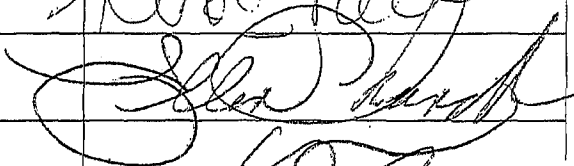

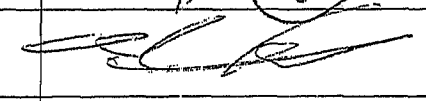
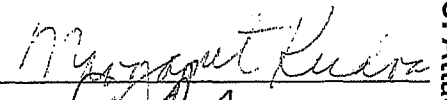
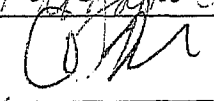
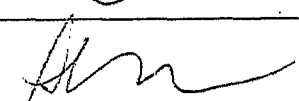
VILLA CAPITOLA

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Print Name	Street Address City	Email or phone#	Signature
FRANK Katsuda	236 Rosemarie CT Aptos	831-464-3046	<i>Frank Katsuda</i>
AS Crawford	1515 Capitola Rd Ste B Santa Cruz	831-479-9453	<i>AS Crawford</i>
Bill Rose	236 36 th Ave.	239-5884	<i>Bill Rose</i>
Patricia Wolf	4680 Portola SC	422-4415	<i>Patricia Wolf</i>
Hazel Smith	200 32nd Ave SC	464 8918	<i>Hazel Smith</i>
Leslie Egginton	1775 Dominican Way Watsonville,	(831) 283-6007	<i>Leslie Egginton</i>
Maryland	171 Vega Rd Watsonville CA 95070	(831) 600-5912	<i>Maryland</i>
Jeanne	252 Rosemarie Ct Aptos	831-454-8201	<i>Jeanne</i>
SEANWE YOTT	750 Bay AVE	239-6323	<i>Jeanne Yott</i>
Denise Doak	750 Bay Ave #4309	denisecdoak@yahoo.com	<i>Denise Doak</i>
W. Aiello	750 Bay Ave 3209	—	<i>W. Aiello</i>
Jill Bourque	1126 Sutherland Capitola		<i>Jill Bourque</i>
Jim Bourque	1126 Sutherland Capitola		<i>Jim Bourque</i>

VILLA CAPITOLA

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Print Name	Street Address City	Email or phone#	Signature
Michael Sobota	2443 Orick Ln Santa Cruz		
Cecilia Craig Clark	479 McDonald Rd Aptos		
Bonni Brennan	781 Cathedral Dr Aptos		
Nick Agnello	681 Corralitos Edge Road		
Katy Link	174 Monte Verano Ct San Jose, CA 95116		
THOMAS DEROCHEA	890 38th SANTA CRUZ 95062		
MARIA S REES	925 38 ave SP35 SC 95062		
ELLEN CHANDLER	925 38 SP36 SC 95062		
MIKE WIRSTIUK	831-345-5546		
JAKEB ANDERSON	925 38th AVE SFC #12 SANTA CRUZ 95062		
MARGIE KUORAV	925 38th Ave #18 SC 95062		
Andrea Richards	925 38th Ave #14 SC 95062		
ALYCA GALVAN	911 38th Ave #3		

VILLA CAPITOLA

Please sign below to show your support for the construction of senior housing at 1575 38th Avenue. This senior housing will consist of 23 units, a parking garage, swimming pool, dining room and other amenities in a 3 story Mediterranean style building. This location offers seniors the ability to walk to restaurants, grocery store, theater and other retail outlets. This petition will be presented to the Capitola Planning Commission and Capitola City Council. Thank for your support.

Print Name	Street Address City	Email or phone#	Signature
Graydon Carreras	Venetian Court #7, Capitola	graydon_carreras@yahoo.com	
Timothy Lemos	723 Loma Prieta Apt 23	colchilemos@gmail.com	
Janice Zator	31221 Wilson Elmhurst IL	ztrjndn@aol.com	
Tom Pendery	78 Sweetbriar Ft. Thomas Ky.	tpendery@pendersigns.com	
Bb Williams	18000 Hantsman Way Chagranville Ohio	BWilliams@yahoo.com	
Amy Pendery	78 Sweetbriar Ave Ft. Thomas Ky	tpendery@pendersigns.com	

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Print Name	Street Address City	Email or phone#	Signature
Laura Deery	1465 38 th Ave #3		
Michael Kwiat	1395 38 th Avenue		
Torror Clow or TL	1399A 38 th Ave		
Kristen Tritt	1385 38 th Ave Apt B-1		
Mark Billingsby	1365 38 th Ave		
Erik Hutchcraft	1371 38 th Ave		
Nicole Berridge	1480 Hillside Dr		
Ann Mendes	3809 Brommer St		
DON SCHULEZ	3829 BROMMER		
Laura Deery	3824 Brommer		
Juan	3837 Brommer		
Maria Mendez	1345 38 Ave		
Lori Deets	1355 38 th Ave	ld.aloha@gmail	

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Print Name	Street Address City	Email or phone#	Signature
Juliana Ortega	3760 Brommer St Santa Cruz CA 95062	Julio13@yahoo.com	
Jocana Ortega	3760 Brommer St. CA 95062	L.R. Ortega	Jocana Ortega
Debra Armstrong	701 Hill Ave. Watsonville (851)	334-3487	Debra Armstrong
Shirley Gomez	925 38 th Ave #42		Shirley Gomez
Philip Brey	925 38 th Ave #19		Philip Brey
Ray Wilkerson	925 38 th Ave #37		Ray Wilkerson
Steve Chaudhry	560 30 th Ave. #214		Steve Chaudhry
R Harris	925 38 th Ave #18		R Harris
Patricia Brown	925 38 th Ave #1		Patricia Brown
Paul Schaafsma	925 38 th St 15	Paulschaafsma@gmail.com	Paul Schaafsma
Victor Lantista	925 38 th Ave #		Victor Lantista
Yvonne S. Mendonca	925 38 th Rt. 20th Ave		Yvonne S. Mendonca

VILLA PITOLA

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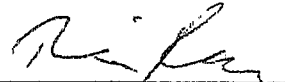

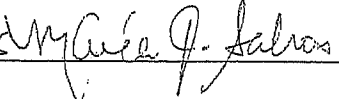
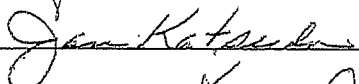
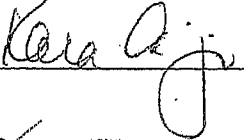
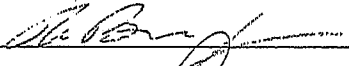
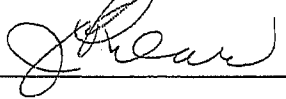

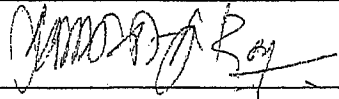
Print Name	Street Address City	Email or phone#	Signature
Matthew Harvey	428 Grant Street Santa Cruz 95060	570 Nipper Street Santa Cruz	
Eddie Bohman	13115 Redwood Ave Boulder Creek CA 95024	eddie.bohman @yahoo.com	
Lee Steinman	Off Elm Jct	lee.steinman@ full.com	
Josmita Gander	345 Laurent St 95000		
JAN DEJONG	205 EL SALTO DRIVE CAPITOLA CA 95010	j.dejong36@yahoo.com	
JULIE GRADY	402 Clark St Santa Cruz	471/131	
D Lafferty	6035 Castello Dr. San Jose Ca	dlafferty@att.com	
TERRY LAUCHER	812 HANOVER ST SANTA CRUZ CA	lauchero@ comcast.net	
Robert Bantue	P.O. Box 8720 Santa Cruz	828/8875	
NANCY HENRY	7386 Hwy 9	831-428-655	
Laurie Jaffer	4300 Sognel Dr	831-345-7454	
Claude Gatto	4070 Del Norte Capitola	109 754 4415	
Thomas Underwood	2114 Derby Av, Capitola	831-235-4367	

Item #: 8.B. Attach 5.pdf
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VILLA CAPITOLA

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Item #: 8.B. Attach 5.pdf
Item #: 5.C. Attachment_G.pdf

Print Name	Street Address City	Email or phone#	Signature
Tim Rose	101 LLANO AVE. Spreckels	5pfrrose@aol.com	
ROSEANNA DUBOIS	1255 SWANER DR., Gilroy	rdubois@yahoo.com	
María Salinas	8745 Parish Way #11 Gilroy	maria.salinas@quest.k12ca.us	
Jan Katsuda	236 Rosemarie Ct Aptos	Jan.Katsuda@yahoo.com	
Kara Armijo	2261 Preston Ct. Hollister	Kara.Armijo@qsd.k12ca.us	
Robert Beardstey	5458 Mesa Rd. Gilroy, 95020	cm52Beard@yahoo.com	
Jacque Palmer	4 Arriba Dr Aromas 95004	jacquepalmer@yahoo.com	
Diana Hovey	15310 calle enrique morgan hill, CA 95037	diovangc2003@yahoo.com	
SAM @ XXXXX Rey	1901 HALFERD AVENUE #28 SANTA CLARA	stojmba@gmail.com	

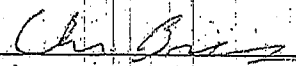


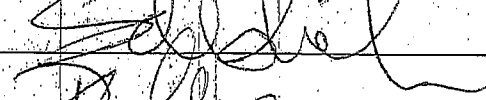
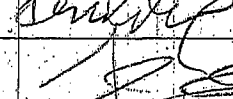
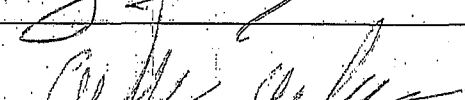
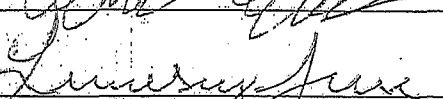

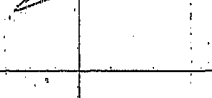
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Print Name	Street Address City	Email or phone#	Signature
Louis Towley	306 Coronado Dr.ptos	602 0300	L. U. Towley
Angelica Strava	2265 Harper St. S.C.	761-4137	[Signature]
MARISA J. STROUD	272 LUCCAS AVE. WMS.	761-2738	[Signature]
Wanda S. [unclear]	1190 7 th Ave #22 [unclear]	831-466-6059	[Signature]
Pete [unclear]	201 MALIBU [unclear]	784 1212	[Signature]
Scott Mac Gillivray	890 38 Ave, Santa Cruz, Ca	-	[Signature]
Lauren K. Ralsch	540 37 th Avenue ^{Santa Cruz} Ca	-	[Signature]
ED DUSSE	3450 WINT DR Apt 102	688 8362	[Signature]
Ray West	1524 BULL AVE		Ray West
ROBERT RUSSELL	1484 BULL AVE		[Signature]
MILLIE SCHWAB	1452 BULL AVE	#5	[Signature]
KARA MARUSA	1476 BULL AVE		[Signature]
EMIL DIEGO	1476 BULL AVE		[Signature]

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Print Name	Street Address City	Email or phone#	Signature
Chris Brentlinger	103 Rey Ct Santa Cruz		
Jenny Costello	103 Rey Ct Santa Cruz		
Dennis Claussen	105 Rey Ct Santa Cruz		
Steven Aldrich	107 Rey Ct S. Cruz		
Doug Maddox	108 Rey Ct S.C		
TONI ASKEULTON	20 ROACHE RD. Freedom, CA		
Angie Aclano	1504 San Andreas rd Watsonville, CA 95076		
Lindsey Deake	1010 Amesti Rd Unit A Corralitos, CA 95076		
Janet Ann Grasse	692 39 th ave Santa Cruz CA 95062		

VILLA IPITOLA

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Print Name	Street Address City	Email or phone#	Signature
Louis [unclear]	6049 SCOTTS VALLEY, CA	BODIEBSTD@GMAIL.COM	[Signature]
Doug Bennett	611 Beverly, Capitola	831-464-3628	[Signature]
Bill SILVA	2130 17 th AVE S.C.	805-605-8404	[Signature]
Ronald MELUSO	22885 E. CLIFF DR SE.	831-206-3750	[Signature]
LYNDA Paulsen	402 Bluegum Ave.	LYNDA.Paulsen@yahoo.com	[Signature]
Allen Bushnell	3201 SALISBURY S.C.	allenbushnell@juno.com	[Signature]
MARIA CASPER	11450 NAAMERS TR SU	831-229-8688	[Signature]
Joseph PEDOTI	7476 Freedom Blvd Apt	(831) 688-8220	[Signature]
Bruce Abreo	10 CROW AVE	831 7680772	[Signature]
LAWRENCE A. ZIMMERMAN	3100 GOLF COURSE RD, FELTON CA	831 335-9559	[Signature]
[unclear]	212 TERRACE	415-828-4790	[Signature]
MICHAEL BATES	396A CAVERN ST.	831-252-9321	M.B.
Doug Diebolt	336 Harrison Ave	454-9648	Doug Diebolt

Item #: 8.B. Attach 5.pdf
Item #: 5.C. Attachment_5.pdf

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Print Name	Street Address City	Email or phone#	Signature
LAYNE McINTOSH	16103 Redwood Ln Rd Los Gatos, CA 95033 (SANTA CATALINA CO)	layne4m@gmail.com	[Signature]
Ron Brunner	312 W. MAIN ST	(408) 221 6595	[Signature]
NANCY Dilley	124 Vera Ave Redwood City CA	650 296-2701	[Signature]
Jim Scott	12461 Vera Ave Redwood City CA	415 2712358	[Signature]
Linda Scott	13186 Janice Way Redwood City CA	scottolinda@gmail.com	[Signature]
Frank Scott	131st FERNIE Way Redwood City CA	" "	[Signature]
JEANINE Contact	235 TORRENA Ave San Jose	650-864-1024	[Signature]
Jill Smith	P.O. Box 1218	650-759-3721	[Signature]
LYNNE McMINN	726 BOUNTY Foster City CA 94404	—	[Signature]
Chris Kyle	744 Craig Ct. Brentwood	916 307-3075	[Signature]
Craig Hedges	1212 Mills Ave Burlingame CA 94010	650-347-9130	[Signature]
Robert Warfield	1180 Old G Rd Belmont CA 94022	(650) 400-0698	[Signature]
MARILYN Elms	1608 Sunny Slope Ave Redwood City	650-528-8531	[Signature]

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Print Name	Street Address City	Email or phone#	Signature
CHARLES HUDDLESTON	P.O. Box 496 Aptos, CA 95001	831 429-8054	<i>Charles Huddleston</i>
Scott Mac Gillivray	890 38 th Ave SPC19 Santa Cruz Cal.	831-345-4472	<i>Scott Mac Gillivray</i>
Douglas A Johnson	9540 Love Creek Rd. ^{Benjamin} CA 95015	3369962	<i>Douglas A Johnson</i>
Renee Gabriel	800 Bromma Street #59 ^{SC} 95062	831-227-9002	<i>Renee Gabriel</i>
Jim Furlan	3320 Julie Ln ⁹⁵⁰⁶²	831-212-9648	<i>Jim Furlan</i>
DIANA DEACON	801 Riverview Dr ⁹⁵⁰¹⁰	831-462-3748	<i>Diana Deacon</i>
Coralope Feaga	721 BA 45 th St SE.	531 600-5489	<i>Coralope Feaga</i>
Jeanne R. Healy	875 Helman Sunnyvale	⁴¹⁵⁻ 245-9280	<i>Jeanne Healy</i>
Thomas Herzog	2630 Capitola Ave	Tomrule007@gmail.com	<i>Thomas Herzog</i>
Don OBERT	920 GRAHAM HILL S/C	831-422-5487	<i>Don Obert</i>
Adam Furlan	1719 Summerfeld St	831 4794594	<i>Adam Furlan</i>
Paula Yarbrough-Mander	345 Lucerne Ave. Watsonville	Paulamand1@gmail.com 831-295-2537	<i>Paula Mander</i>
Erica Gemba	4470 Soquel Dr.	234-3649	<i>Erica Gemba</i>

Item #: 8.B. Attach 5.pdf
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Print Name	Street Address City	Email or phone#	Signature
LORRAYNE Galvan	911 38 th AVE #3 Santa Cruz CA		
Tracy Jones	1770 42 ND AVENUE, Capitola Santa Cruz, CA		
Marla Blum	1610 Bulb Avenue 95062		Marla G. Blum
Tim Wox	1575 Bulb Ave		
MARY MENDOZA	1425 BULB AVE		Mary Mendoza
Erudica Reyes	1425 BULB AVE		Erudica Reyes
Francis J. Jarama	1366 Bulb Ave	Du Fang 1255 @ Yahoo	
TOM GINSBULE	182 REY CT SC 95062		
Shelom Dreespeare Compost	106 Rey Ct SC 95062		

RECEIVED
JAN 15 2013
CITY OF CAPITOLA

George Ow, Jr.
King's Plaza Shopping Center
1601 41st Avenue, Suite 202
Capitola, CA, 95010
831-475-9042 Capitola Office. 831-423-0128 Home Office. 831-426-5772 Fax.
GeorgeOwJr@aol.com

January 14, 2013

Sent via Email and Regular Mail.

Capitola City Council
420 Capitola Ave,
Capitola, CA 95010

RE: 1575 38th Avenue – Proposed Planned Development Rezoning, Conditional use Permit, and Design Permit

Dear City of Capitola Council Members:

I am resubmitting this letter to you in order to ensure that it is part of the public record for the Capitola City Council Meeting on January 24, 2013 at 7:00pm. My name is George Ow, Jr. and my family and I own King's Plaza Shopping Center, which is located directly across the street from 1575 38th Avenue, the site of the proposed planned development rezoning to construct a three story, 23-unit senior housing project in the existing neighborhood commercial zoning district. My parents built and operated King's Market grocery store (now OSH) on our property in 1963 and my family and I developed the second phase of King's Plaza shopping center in 1972. King's Plaza Shopping Center has been an extremely successful retail shopping center for 48 years. In order to successfully operate their businesses, the tenants of King's Plaza need the ability to load and unload products into their stores, have easily accessible trash enclosures, and maintain operating hours that can go late into the evening. I am concerned that if 1575 38th Avenue is rezoned to allow a 4-story senior housing complex to be developed, it will lead to problems that are inevitable when residential uses are placed within close proximity to commercial uses.

I will use what has transpired with the Best Western Hotel next to King's Plaza Shopping Center as an example of some of the problems that arise when people live and sleep within close proximity to commercial uses. The Best Western Hotel was built in 2000, over 28 years after the neighboring commercial building (that houses O'Reilly Autoparts, Save Mart, and Rite Aid) was constructed. After choosing to locate directly next to the garbage enclosures and loading docks of these businesses that have been operating for decades, the Best Western manager complained incessantly and tried to impose

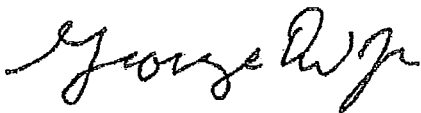
limitations on the times when the businesses could load and unload their shipments of merchandise. This has not been good for the hotel owners or King's Plaza and its tenants. These problems could have been avoided if the Best Western would have chosen to locate elsewhere or changed the layout of its hotel or had well planned screening plants or further sound proofed their building. I want to protect against future problems like these arising with future residents of the proposed senior house project at 1575 38th Street.

It is important to keep zoning districts consistent because deviating from existing zoning districts can lead incompatible uses being located next to each other. If a four story senior housing project is built at 1575 38th Avenue, there is a high likelihood that the residents would object to looking at the back of the King's Plaza Shopping Center (the buildings that house Tony & Alba's, Palace Art Supply, OSH's garden department, and CineLux Theatres), the delivery hours of the tenants, the location of the garbage enclosures, and the noise that is associated with businesses at King's Plaza Shopping Center. Why create future problems?

If the Capitola City Council deems the rezoning of 1575 38th Ave appropriate, then it should make the applicant aware that it will be locating a housing complex next to an active commercial site that will often create noise in the early mornings and late at night. Moreover, I ask that you impose as a condition of approval, that a sound wall, sound proof rooms and very high shielding landscaping like tall bamboo be installed to provide a physical barrier between 1575 38th Avenue and King's Plaza Shopping Center. Lastly I would like the City Council to ensure that the construction of a senior housing complex at 1575 38th Ave will not cause any additional costs or have future limitations to be put on my family's land or our tenants' operations (such as limited loading hours, limited trash pickup hours, changing the location or style of the trash enclosures, etc).

Thank you very much for your consideration of my requests. As long as the City Council ensures that no limitations are ever put on any tenants of King's Plaza Shopping Center due to being located next to a senior housing complex and the applicant constructs its project in a manner so as to prevent its residents from being awakened or be any way bothered by operations at King's Plaza Shopping Center, my family and I are open to the idea.

Best Regards,



George Ow, Jr.
Ow Family Trusts

Dear Mayor Harlan and Counsel members;

1/15/13

We hope that you will take notice and action, if it is possible, on an agenda item that is on the City Counsel's agenda Jan. 24th of this month. It is regarding the proposed building plan at 1575 38th Ave. It will be the 2nd time this proposal has come before the City Counsel. My husband and I have significant and multi-faceted concerns about this proposal and have attended all Planning Commission and the previous City Counsel meeting. Our home and property share a back fence along the west side of this property.

1. The proposed building is too tall in comparison to the existing homes surrounding it and will significantly/negatively impact our privacy, and access to morning sunshine. IF it is built to the proposed specification, the building will loom over our 1 story single family home like a giant spaceship or something. In addition there are water table issues, concerns with quiet/peacefulness, to a small degree air quality & property values. There are no other buildings on 38th Ave over 2-story high. We urge you to only issue approval for a two story building at this site. A two-story building is a good fit with surrounding structures, and can ameliorate the negative impact of this multi-unit residential building proposal on existing neighbors.
2. We would also like the set-back to be 20 feet, in keeping with reasonable set backs already in place.
3. Building schedule/times: If approved, please do not allow construction to start earlier than 9 am Mon-Fri and should end by 6 pm as the noise pollution may be going on for many months or the better part of a year. Also, not construction during the week ends please. We realize that a certain amount of air pollution will take place during construction and are not looking forward to this.
4. We have heard from John Leopold's office that the balconies from the back (Western facing wall) and that the South-Western Tower has been removed. We very much appreciate this! This is an awesome step towards maintaining some semblance of privacy for the homeowners to the west of this site as these are 1 story garden homes. We have not heard from Steve Thomas or Maureen Romac. But we hope that plans are developed to prevent others from being able to look directly into our home's windows from the 2nd or higher floors.
5. Careful planning must prevent any water run off issues to be created or cause any problems for neighbors due to the construction of this site. This must be addressed because the area used to be marsh land and the water table is very high as other neighbors will testify.
6. The redwood trees on the southern side will likely have root damage and crowded roots and die as a result of this building proposal as it currently is stated.

In closing, we cannot understand any enthusiasm one would have towards this project as only the rich will be able to afford a unit, per stated monthly/annual resident costs.

Sincere regards, Kim Frey 1530 Bulb Ave 831 462-2366

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**EXCERPT JUNE 6, 2013 PLANNING COMMISSION
DRAFT MINUTES**

5. PUBLIC HEARINGS

C. 1575 38th AVENUE #13-061 APN: 034-181-17

Planned Development Rezoning, Conditional Use Permit, and Design Permit to demolish a commercial salvage yard (Capitola Freight and Salvage) and construct a three-story, 23-unit residential senior housing project in the CN (Neighborhood Commercial) Zoning District.
Environmental Determination: Mitigated Negative Declaration
Property Owner: Maureen A. Romac, filed: 5/11/13
Representative: Steve Thomas

Interim Planner Uharriet reviewed background on the project and previous applications. The project now consists of a three-story, 23-unit senior housing building. Changes to this application based on prior input include reduced height, stepped back stories, a single driveway, additional landscaping, and eliminated back decks. The on-site restaurant will not serve the public, and six to eight of the on-site employees will be housed in four of the apartments. Additional conditions recommended by staff are the installation of a mid-block pedestrian crossing, the retention of an arborist who will be on-site to ensure protection of the redwoods on the property boundary, and the minimization of construction vehicles on site.

The conditions also call for an acoustic report to be completed prior to building that will recommend levels for soundproofing. Planner Uharriet said she was unable to find an industry standard for the decibel level for residential uses adjacent to commercial uses. The acoustic report will determine the appropriate mitigations.

Commissioner Ortiz confirmed that a lighting plan had not yet been submitted, and said that were the project to be approved, she would like to see that element come back to the commission for approval, rather than at staff level. She also confirmed that employee residents would need to be served by the parking.

Property owner Maureen Romac gave an overview of the vision for Villa Capitola's independent senior living. Residents of the studio and one-bedroom units can choose from a variety of meal plans through the on-site restaurant, and rents include housekeeping, maintenance, landscaping, a shuttle service, pool and spa, fitness equipment, a community rooftop garden and 24-hour emergency service. It does not include assisted living, but tenants may bring in that additional help. The building will be fully ADA accessible and use green construction techniques.

Commissioner Graves said that parking is a major concern, and confirmed that none of the spaces are compact size. He worries about ample accommodation for residents, staff, and guests. He also asked if the palm tree shown in elevations is in the landscaping plan. He was told it is not.

Chairman Routh asked what the planned age requirement will be since he feels it should be listed as a condition. Ms. Romac and Steve Thomas replied that they initially considered age 55, but since the project has been scaled back 65 is more likely.

Chairman Routh and Commissioner Ortiz expressed concerns that if the project is not successful as a senior residence, they fear it could come back to the City with a request for an all-age use, and then the parking will not be sufficient. Mr. Thomas noted that his team used the consultants chosen by the

Item #: 8.B. Attach 6.pdf

June 6, 2013 Planning Commission
DRAFT Minutes
Page 2

City to prepare the parking study, which is based on various senior facilities, and the parking provided in the project was derived from that study.

Ms. Romac and Mr. Thomas also confirmed that the units will be leased, not sold, and have no up-front entrance fee. They estimated a studio with a partial meal plan would cost about \$3,300 a month, while a one-bedroom with full meals may go for about \$5,000 a month. They agreed to bring both final lighting and landscaping plans back for commission review.

In response to concerns about a fountain, Mr. Thomas noted that the site is collecting rainwater and reusing water on site.

Commissioner Smith suggested the project may add an additional fee for parking as a way to discourage extra vehicles.

Chairperson Routh opened the public hearing.

A member of the public spoke in support of the project, saying it is ideal for seniors who lose the ability drive before they need other services.

Neighbor Kim Frey likes the idea of the project, but feels it is too large for the parcel. She does not feel it will work well with the adjacent single-family home neighborhood. She gave the commission a petition signed by 15 owners and residents of Bulb Avenue opposing the scale and style of the development. She also expressed concern about water runoff management given the area's tendency to be marshy.

Tatyanna Teenwisse, who operates a business on property she co-owns adjacent to the site, said that while she is in favor of the concept of the project, she feels its scale does not suit the community. She also expressed concerns about access to solar rights and privacy issues for her clients. Bart Teenwisse noted they installed a sump pump to address drainage problems. He questioned whether the apartment cost was appropriate for the location and worried about a domino effect of larger projects.

Nancy Huyck shared the shading study to address concerns about solar impacts, and Josh Schneider of Slatter Construction explained it shows no impact by shading most months of the year.

Don Mosegaard of Bulb Avenue said he believes the project is too dense and too high for the location. He worried how the construction would impact the redwood trees.

Chairman Routh closed the public hearing.

Commissioner Ortiz confirmed the shuttle will park on site.

Commissioner Smith asked about noise levels for the acoustic study. Mr. Schneider confirmed that noise levels from outdoors are generally not a concern with modern construction materials and an appropriate decibel level can usually be achieved with double pane windows.

Commissioner Graves noted the redwood trees are not on the project property and can be protected. He said his main concern is parking. He visited a number of the homes on Bulb Avenue and thinks the shade fears would prove unfounded. He said he sees much improvement in the plan and noted that

dense development and narrower setbacks could be permitted under current zoning. He recommended establishing set decibel levels for rooftop equipment.

Commissioner Smith agreed the plan is much improved. She feels it would benefit the city and is appropriate for the location. She wants to see a complete landscaping plan and would support both the conditions calling for an arborist for the redwoods and setting the age limit at 65 and above.

Commissioner Ortiz said she believes the parking is not adequate. She wanted assurance that wall heights were acceptable to neighbors. She recommended adding a lighted crosswalk to the conditions and supports the arborist requirement.

Commissioner Welch commended the applicants for their determination and willingness to accommodate concerns. He said the project supports the housing element and goals of allowing a population to age in place. He accepts the parking study. In response to Commissioner Ortiz's comment that many in the community felt the housing element density was forced on the city by the state, he said this location is one where it seems appropriate to allow a greater density, and this project would enhance the corridor.

Chairperson Routh addressed a letter from King's Plaza owner George Ow Jr. concerning the possibility of future complaints about noise from long-existing commercial uses. Chairperson Routh would like to require that lease agreements include an acknowledgement that there may be noise from the adjoining commercial district. He supports a condition restricting residents to age 65 and up, and he confirmed that a drainage plan would be required. He said his primary concern is the protection zoning provides neighbors, and he is having trouble finding that this project rises to a level that would allow an exception. The parcel is significantly smaller than the recommended four acres for a planned development, and he feels the project falls short of finding (a) "securing the purposes of the zoning ordinance" and (d) "the requested exemptions to development standards are warranted by the design and amenities."

A motion to approve application #13-061 as described in the staff report with the additional condition of having an arborist on site was made by Commissioner Welch. The motion failed to receive a second.

Commissioners Graves and Ortiz concurred with Chairman Routh regarding the size and findings for a Planned Development.

Commissioner Smith disagreed that the lot size should be a major factor, noting that there are numerous Planned Development areas within the city under the four-acre total. She said the need to revitalize the 41st Avenue corridor is compelling and this project serves that goal.

Commissioner Graves expressed concern about allowing a very dense use adjacent to single-family residences. He did note, however, that a commercial development would allow 10-foot setbacks in the rear, less than this project proposes. He also took exception to portions of Mr. Ow's letter regarding screening, calling the back of Orchard Supply an eyesore because items are not enclosed as they should be. Commissioner Graves also noted the store violates city ordinance by placing garden products in the front parking; therefore, he would not support language preventing all future restrictions.

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Commissioner Ortiz said that she would support restricting spillover parking into King's Plaza and other nearby businesses. Commissioner Graves agreed, and said he does not believe the parking study allowed for the possibility of additional assisted living personnel.

A motion to deny application #13-061 with note of the following requested conditions and concerns in case of appeal was made by Chairman Routh and seconded by Commissioner Graves:

Require language in the lease alerting tenants to potential noise from commercial uses

Age restriction of 65 and older

Final lighting plan must be approved by the Planning Commission

Submission of a drainage plan

Landscaping plan must be approved by the Planning Commission

Establish a specific decibel level for rooftop equipment at a set number of feet from the building

Require the hiring of an arborist to confirm that current setbacks do not endanger existing redwood trees bordering the property and to be present during construction to assure that steps are taken to protect the trees

Construct a lighted crosswalk to King's Plaza

Confirm that the needs of seven staff, the shuttle van, no specific visitor parking and possible assisted living workers have been considered in parking needs

Prohibit parking in nearby business lots

Ask the city attorney to review how to enforce parking restrictions or conditions

Require the applicant to work with adjoining property owners on the wall height

Commissioner Welch noted that a number of these are addressed in the staff report and recommendation, and asked that Council be made aware that this list does not reflect all members of the Commission.

The motion carried by the following roll call vote: Aye: Commissioners Graves, Ortiz, and Chairperson Routh No: Commissioners Smith, and Welch. Abstain: None.

From: Goldstein, Jamie
Sent: Monday, June 10, 2013 1:56 PM
To: Grunow, Rich; Uharriet, Danielle
Subject: FW: 38th Ave Senior Housing Application

-----Original Message-----

From: Mick Routh [<mailto:gwakwak@gmail.com>]
Sent: Saturday, June 08, 2013 11:16 AM
To: City Council
Cc: Mick Routh
Subject: 38th Ave Senior Housing Application

6/8/2013

Mayor and Council members,

At the Thursday June 6, 2013 meeting of the Capitola Planning Commission the Commission voted 3-2 to deny the staff recommendation for approval of the 38th Ave senior housing application.

The following concerns were raised. The Commission requested that these concerns be addressed by the Council if and when the Planning Commission decision is appealed to your body.

1. The mass and scale of the project is too large for the site.
2. Parking is inadequate. When 6-8 employees plus a shuttle bus are utilizing on-site parking, there is not enough parking for the tenants. In addition, and related, there is no condition restricting the age of tenants. The Commission supported setting a minimum age limit of 65 years. The Commission believed setting an age limit at less than age 65 will result in additional parking impacts as most couples less than age 65 are both working and own two vehicles. Even with the condition of age 65, Commissioners felt the number of parking spaces would still not be adequate. The Commission also supported a condition requiring tenants to park on-site. No overflow parking to be allowed in the Kings Plaza center.
3. The Commission was concerned that without a condition requiring tenants to be a minimum age, if the project did not meet occupancy projections of seniors, it may revert to renting to any age tenants, compounding the potential parking problems. Capitola Villas was cited as an example.
4. The project does not rise to the threshold of exceptionality to allow the required findings to be made to establish a PD District of less than 4 acres. It was stated that the zoning ordinance is a covenant with the public guaranteeing that their property will be safe guarded from incompatible uses or building design not reflecting the zoning requirements. Allowing the formation of a PD District and proposed development that does not adhere to the CN zoning standards amounts to spot zoning and denies the public those safe guards inherent in the zoning ordinance.
5. The Commission wants the redwood trees on the storage facility property protected by having an arborist on-site when the construction takes place on the south side of the property adjacent to the redwood trees. There was particular concern about the area where the proposed project has a zero lot line set back, which may result in root system destruction and excessive trimming. It was also discussed that an arborist report should be required for that area prior to construction.
6. The landscape plans and renderings do not agree. A large palm tree shown in the renderings is not included in the landscape plans.

Item #: 8.B. Attach 7.pdf

7. The Commission requested that if the application is approved, the applicant return to the Commission with a lighting and drainage plan.

8. Require language in the tenant lease/rental agreement that the tenant acknowledges that adjacent commercial uses may generate noise during deliveries and garbage pick up.

There were several other minor concerns that may or may not be reflected in the minutes but are available thru viewing of the recording of the meeting.

Mick Routh
Capitola Planning Commission Chair

Sent from my iPad

RECEIVED
JUN 20 2013
CITY OF CAPITOLA

George Ow, Jr.
King's Plaza Shopping Center
1601 41st Avenue, Suite 202
Capitola, CA, 95010

831-475-9042 Capitola Office. 831-423-0128 Home Office. 831-426-5772 Fax.
GeorgeOwJr@aol.com

June 19, 2013

Sent via Email and Regular Mail.

Capitola City Council
420 Capitola Ave,
Capitola, CA 95010

RE: 1575 38th Avenue – Proposed Planned Development Rezoning, Conditional use Permit, and Design Permit

Dear City of Capitola City Council Members:

I am resubmitting this letter to you in order to ensure that it is part of the public record for the Capitola City Council Meeting on June 27, 2013 at 7:00pm. My name is George Ow, Jr. and my family and I own King's Plaza Shopping Center, which is located directly across the street from 1575 38th Avenue, the site of the proposed planned development rezoning to construct a three story, 23-unit senior housing project in the existing neighborhood commercial zoning district. My parents built and operated King's Market grocery store (now OSH) on our property in 1963 and my family and I developed the second phase of King's Plaza shopping center in 1972. King's Plaza Shopping Center has been an extremely successful retail shopping center for 49 years. In order to successfully operate their businesses, the tenants of King's Plaza need the ability to load and unload products into their stores, have easily accessible trash enclosures, and maintain operating hours that can go late into the evening. I am concerned that if 1575 38th Avenue is rezoned to allow a 3-story senior housing complex to be developed, it will lead to problems that are inevitable when residential uses are placed within close proximity to commercial uses.

I will use what has transpired with the Best Western Hotel next to King's Plaza Shopping Center as an example of some of the problems that arise when people live and sleep within close proximity to commercial uses. The Best Western Hotel was built in 2000, over 28 years after the neighboring commercial building (that houses O'Reilly Autoparts, Save Mart, and Rite Aid) was constructed. After choosing to locate directly next to the garbage enclosures and loading docks of these businesses that have been operating for decades, the Best Western manager complained incessantly and tried to impose

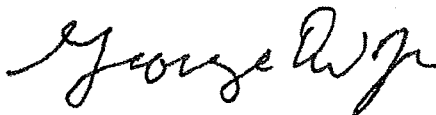
limitations on the times when the businesses could load and unload their shipments of merchandise. This has not been good for the hotel owners or King's Plaza and its tenants. These problems could have been avoided if the Best Western would have chosen to locate elsewhere or changed the layout of its hotel or had well planned screening plants or further sound proofed their building. I want to protect against future problems like these arising with future residents of the proposed senior house project at 1575 38th Street.

It is important to keep zoning districts consistent because deviating from existing zoning districts can lead incompatible uses being located next to each other. If a four story senior housing project is built at 1575 38th Avenue, there is a high likelihood that the residents would object to looking at the back of the King's Plaza Shopping Center (the buildings that house Tony & Alba's, Palace Art Supply, OSH's garden department, and CineLux Theatres), the delivery hours of the tenants, the location of the garbage enclosures, and the noise that is associated with businesses at King's Plaza Shopping Center. Why create future problems?

If the Capitola City Council deems the rezoning of 1575 38th Ave appropriate, then it should make the applicant aware that it will be locating a housing complex next to an active commercial site that will often create noise in the early mornings and late at night. Moreover, I ask that you impose as a condition of approval, that a sound wall, sound proof rooms and very high shielding landscaping like tall bamboo be installed to provide a physical barrier between 1575 38th Avenue and King's Plaza Shopping Center. Lastly I would like the City Council to ensure that the construction of a senior housing complex at 1575 38th Ave will not cause any additional costs or have future limitations to be put on my family's land or our tenants' operations (such as limited loading hours, limited trash pickup hours, changing the location or style of the trash enclosures, etc).

Thank you very much for your consideration of my requests. As long as the City Council ensures that no limitations are ever put on any tenants of King's Plaza Shopping Center due to being located next to a senior housing complex and the applicant constructs its project in a manner so as to prevent its residents from being awakened or be any way bothered by operations at King's Plaza Shopping Center, my family and I are open to the idea.

Best Regards,



George Ow, Jr.
Ow Family Trusts

From: Linda Smith [capitolalinda2@gmail.com]
Sent: Thursday, June 20, 2013 4:49 PM
To: City Council
Cc: Grunow, Rich; Goldstein, Jamie; Uharriet, Danielle
Subject: 38th Avenue Project

I have been made aware of the email dated June 8 to you from Chairperson Routh regarding the referenced project as discussed at our June 6 meeting. While we appreciate the dedication of the Chair in providing Council with this early summary of our deliberations, all of the concerns listed in his email do not represent a consensus voiced by the majority of the commissioners.

I was assured by Chairperson Routh that differing opinions would be presented, and I do not believe his email does that. I am confident that the staff report you will receive for your meeting next week will offer a more balanced summary.

Respectfully,
Linda Smith

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

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From: Sneddon, Su
Sent: Friday, June 21, 2013 10:31 AM
To: Grunow, Rich
Cc: Uharriet, Danielle
Subject: FW: Villas Capitola

From: Charles Hackett [<mailto:charles@charlesandcharles.com>]
Sent: Friday, June 21, 2013 10:12 AM
To: City Council
Subject: Villas Capitola

Mayor and council members; 20 June 13

I fully endorse Villas Capitola for approval.
There is a hole in the City and a handsome, well appointed, and located retirement facility will certainly go a long way to fill the need.
As I approach my mid 70's, I am beginning to seriously consider my options.
I find this developments design most appealing.
I am looking forward to visiting the finished residences.

**Respectfully Submitted
Charles Hackett**

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CITY COUNCIL AGENDA REPORT

MEETING OF JUNE 27, 2013

FROM: POLICE AND PUBLIC WORKS DEPARTMENT

SUBJECT: ONE DAY VILLAGE CLOSURE TO VEHICLE TRAFFIC

RECOMMENDED ACTION: Accept report and provide direction to staff.

BACKGROUND: During its May 9, 2013, City Council meeting, direction was provided to staff to evaluate the possibilities of having a day where pedestrian traffic flowed freely along the Esplanade absent the presence of vehicles.

DISCUSSION: The Police Department traditionally handles temporary road closures throughout the City on a routine basis. The closures are most prominent in the summer season and generally occur in the Village along the Esplanade. Prior to the actual road closures, proper signage and notifications are completed to minimize impacts to local businesses and residents. Considerations are outlined to address emergency access points for emergency personnel.

Staff has evaluated the City Council direction and recommends the City set a date in early Fall for a car-free day on the Esplanade, lower Monterey Avenue and San Jose Avenue. Under this scenario, Capitola Avenue and Stockton Avenue would remain open.

Given existing special event schedules staff suggests Sunday, September 29th or Sunday, October 13th would be most appropriate. Setting the date now will give residents and businesses adequate time to prepare. The closure would be contingent upon completion of the Lower Pacific Cove Parking Lot.

In general, closing the Esplanade to vehicle traffic involves proper advance postings and notifications of the impending road closers. Prior to towing of vehicles from the posted areas, the Police Department will make attempts to locate the registered owner when they are local. Staff suggests implementing the standard vehicle traffic protocol for this event. In addition, to help minimize day-of traffic impacts, staff proposes a Community Service Officer would be available for traffic control at Stockton Avenue/Esplanade during peak traffic time periods.

Lastly, the Public Works Department proposes the City would issue encroachment permits to any Capitola business to use a 20' x 20' section of the street. The permits would be issued on the following criteria:

1. Businesses on a closed street could only use street area fronting their business;
2. Businesses not on a closed street and community groups who receive sponsorship from the City could only use street area along the Esplanade between San Jose Avenue and Monterey Avenue;

Item #: 8.C. Staff Report.pdf

6-27-13 AGENDA ITEM

SUBJECT: VILLAGE CLOSURE TO VEHICLE TRAFFIC

3. Encroachment Permits would be issued for \$32 (50% of a regular encroachment permit fee), permit holder will need to meet insurance requirements for General and Auto Liability (\$500,000 minimum each for Personal injury and Property Damage) with the City of Capitola named as an additional insured;
4. Encroachment permits would be made available on a first come first served basis based on the attached map.

FISCAL IMPACT: Unknown at this time, but there will be staff costs and permit fees depending on the type and size of activities permitted. It is anticipated that the proposed event could be accommodated within the existing Department budgets. An expanded event that included other activities (music, activities, and sports competitions) would either require a third party organizer or a budget amendment to fund increased staff time to plan the event.

ATTACHMENTS:

1. Map of Possible Vendor Locations on Closed Street Days

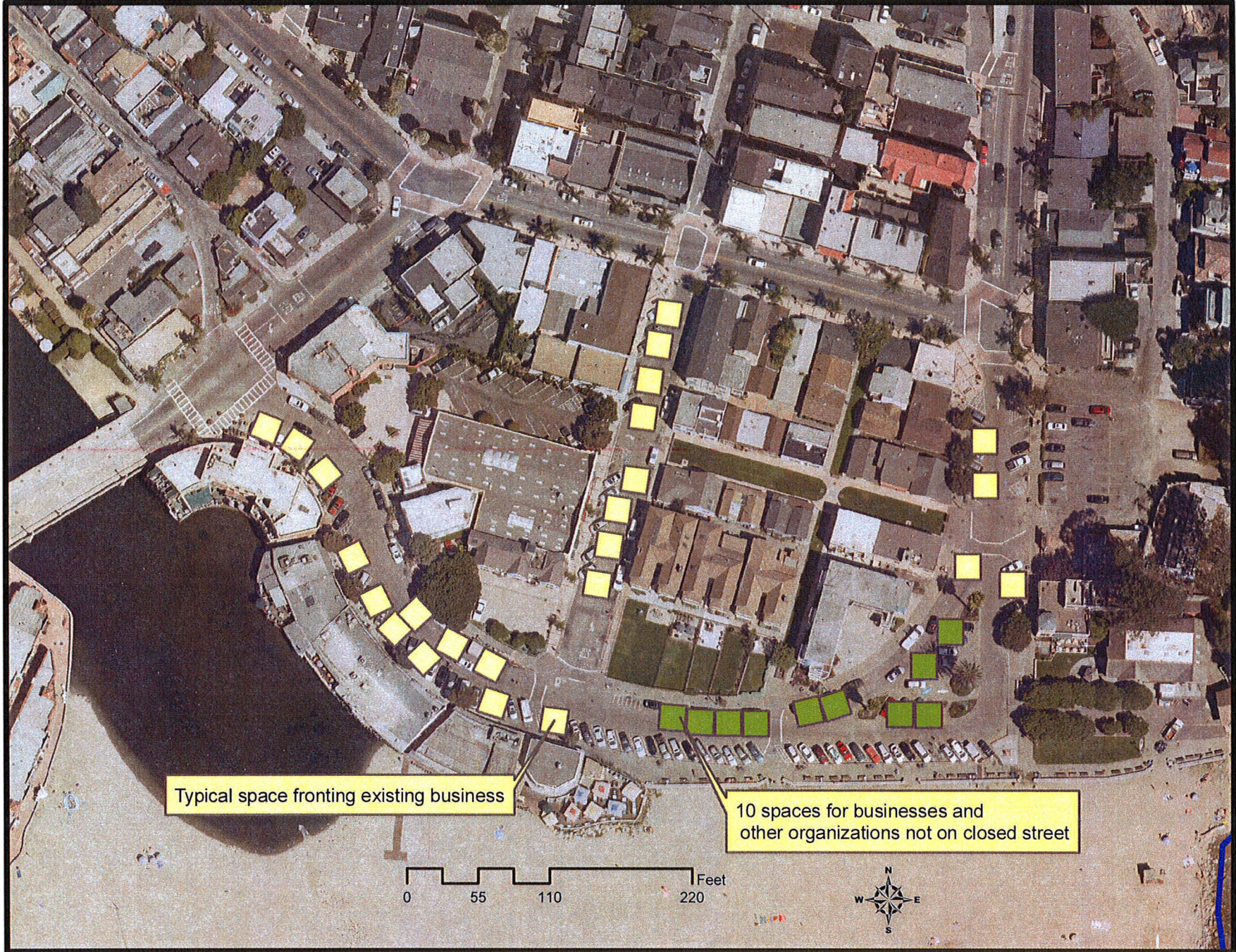
Report Prepared By:

Rudy Escalante
Chief of Police

Reviewed and Forwarded
By City Manager



Possible Vendor Locations for Closed Street Days



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CITY COUNCIL AGENDA REPORT

MEETING OF JUNE 27, 2013

FROM: CITY MANAGER'S DEPARTMENT
SUBJECT: UPDATE ON THE NEW CITY OF CAPITOLA WEBSITE

RECOMMENDED ACTION: Receive Presentation.

BACKGROUND: At the January 24, 2013, City Council Meeting, the Council authorized the City Manager to enter into an Agreement with aHa! Consulting, to create a new website for the City of Capitola. The new website went live on June 10, 2013.

DISCUSSION: The previous website for the City of Capitola (www.ci.capitola.ca.us) was designed in 2002 and needed a complete redesign. aHA! Consulting proposed the package entitled "Aha Web for Small Cities" which includes the web framework developed from their work with larger government agencies. This made the transition to a modern web platform much less expensive than it would have been with a fully customized solution. Any request to the old domain name will redirect the user seamlessly to the new website at www.ci.capitola.ca.us.

FISCAL IMPACT: As of this time, the City of Capitola has spent \$3,340 of the approved \$4,000 for the website, which includes the first year of hosting and support. The City was able to eliminate the \$150/month expense for the previous website.

ATTACHMENTS: None

Report Prepared By: Larry Laurent
Information Systems Specialist

Reviewed and Forwarded
by City Manager: 

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Sneddon, Su

From: Kathy [mk.barnes@yahoo.com]
Sent: Wednesday, June 26, 2013 12:29 PM
To: Bottorff, Ed
Cc: City Council
Subject: El Salto Resort

JUN 26 2013

CITY OF CAPITOLA
CITY CLERK

Dear Mr. Bottorff,

I am writing to express my concerns regarding the plans for an expansion of the El Salto Resort on Depot Hill. Having grown up on Depot Hill in the 1950s and 60s, I have seen many changes in Capitola...some good....some not so good. I believe the expansion from 11 transient cottages to a 41 unit hotel/ resort would be one of the not so good changes.

As you know, Depot Hill has always been a unique and special neighborhood. It has retained it's character over the years with a mix of summer houses and permanent residences. Some homes have remained in families for many years to be enjoyed by multiple generations. Depot Hill is a residential community. If this expansion is allowed, I fear that the essential character will change.

Since all traffic on Depot Hill must enter by either Central or Escalona Avenues, I fear a significant increase in traffic will occur with the expansion of El Salto. On many days, cars are parked on both sides of Central Avenue which significantly restricts traffic flow. Since there are no sidewalks on Depot Hill, families, couples and kids walk, stroll, ride bikes and play on all the streets.

In sum, Depot Hill is a residential neighborhood with lots of pedestrians, no sidewalks, no parking and lots of vehicular traffic already. I think the addition of a 41 unit resort is a very bad idea that will change this special neighborhood forever. I strongly urge you to oppose this project.

Sincerely,
Kathy Barnes
208 Central Avenue
Capitola, CA

mk.barnes@yahoo.com

Sent from my iPad

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Sneddon, Su

From: Bruce R. Holloway [b3r1h@comcast.net]
Sent: Thursday, June 27, 2013 12:25 PM
To: City Council
Subject: Consent agenda item 7.E (Library amendment)

JUN 27 2013
CITY OF CAPITOLA
CITY CLERK

Hi Councilmembers,

The Background given is somewhat garbled. Yes, the City is a party to two joint powers agreements pertaining to libraries. No, neither of those JPAs provides for alternate board members. The "bylaws" of the Library Joint Powers Board is a separate document adopted by that board which does provide for alternates. The Library Financing Authority also has bylaws which can be amended by its board without requiring action by the five parties.

Here are links on the Library website to the LJPB JPA (<http://www.santacruzpl.org/aboutscpl/govern/8/>) and the LFA JPA (<http://www.santacruzpl.org/aboutscpl/govern/12/>) so anyone can see that the word "alternate" does not appear in either one.

You and your City Attorney know this measure is totally unnecessary because you already appointed an alternate (Councilmember Storey) to the LFA board on December 13. Three out of four city councils which are parties to the agreement did so right after the last election.

The words "at the pleasure of" come from British law and before that from Roman law. No one could have life, liberty, or property except "at the pleasure of" the Roman emperor, so those words connote absolute authority. Those words in each JPA confer absolute authority on each of the parties to provide for representation by their members at every meeting in any way they choose.

The City Attorney was present at the LJPB meeting last December 3 when Supervisor Leopold voted on behalf of the county as an alternate even though that JPA doesn't expressly provide for alternates. The County Counsel was present on January 29 when Supervisor Leopold was reappointed as an alternate to the LJPB even though that JPA doesn't expressly provide for alternates; it only says "at the pleasure of" each of the parties including the Board of Supervisors.

You shouldn't approve this amendment to the LFA JPA without considering whether the same amendment is necessary to the LJPB JPA and why or why not. Alternates appointed to the LJPB have sat on the dais and voted for many years.

Respectfully, Bruce Holloway

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**CITY OF CAPITOLA
MEMO**

ADDITIONAL MATERIAL

Date: June 27, 2013

To: City Council

Re: Additional Material - Item 8.B.
Revised the draft Resolution and Mitigated Negative Declaration

Please find the attached revised the draft Resolution and Mitigated Negative Declaration regarding a Planned Development Rezoning, Conditional Use Permit, and Design Permit for a three-story, 23-unit residential senior housing project located at 1575 38th Avenue.

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING A REZONING
TO PLANNED DEVELOPMENT DISTRICT, A CONDITIONAL USE PERMIT AND A DESIGN
PERMIT FOR A RESIDENTIAL SENIOR HOUSING PROJECT ON A .72 ACRE SITE AT 1575
38TH AVENUE (LOCATED ON THE WEST SIDE OF 38TH AVENUE BETWEEN CAPITOLA
ROAD AND BROMMER STREET), BEING REZONED FROM CN (NEIGHBORHOOD
COMMERCIAL) TO PD (PLANNED DEVELOPMENT) DISTRICT
AS PART OF THE PROPOSED PROJECT**

Project: Application #13-061: 1575 38TH Avenue, Conditional Use Permit, Design Permit,
and Rezoning to Planned Development District
APN: 034-181-17

WHEREAS, an application for a Conditional Use Permit, Design Permit and Planned Development zoning designation on a .72 acre site located on the west side of 38th Avenue between Capitola Road and Brommer Street in the City of Capitola, was submitted by property owners Maureen Romac and Steve Thomas; and

WHEREAS, the above noted Conditional Use Permit and Design Permit proposes to create twenty three (23) residential senior units, utilizing the Planned Development District provisions of Chapter 17.39 of the Municipal Code for exceptions to various development standards as noted in the staff report to the City Council; and

WHEREAS, an Initial Study as prepared and circulated per CEQA requirements, and a Mitigated Negative Declaration has been prepared based on the determination that the project will not have a significant effect on the environment; and

WHEREAS, the City Council has considered, at a duly noticed public hearing, the proposed Conditional Use Permit, Design Permit, and Planned Development District Rezoning for the project; and

WHEREAS, the Planning Commission at its June 6, 2013 meeting recommended denial of the project on a 3-2 vote; and

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

WHEREAS, the City Council has considered the documentary record for the project, including the Planning Commission staff report and draft minutes of the Planning Commission meeting, oral and written communications received at the June 27, 2013 public hearing of the City Council prior to taking action.

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

1. **FINDING:** The parcel is suitable for, and of sufficient size to be planned and developed in a manner consistent with the purposes and objectives of Municipal Code Section 17.39 PD Planned Development District. Being that the subject parcel is less than four acres of contiguous land, the City Council finds that the parcel is suitable as a PD district by virtue of its

unique land use, and because the project would provide a desirable living environment for seniors.

The proposed land use would be unique in the City of Capitola because there is a vital need for additional senior citizen housing and the project location and amenities would provide a distinct housing alternative exclusively for seniors. The only housing in the City currently designated for senior citizen occupancy are the Bay Avenue Apartments, the Loma Vista Mobile Home Park, and the Shorelife Community Church Neighborhood Manner. The proposed project would be the only housing development in the City which offers senior citizens a central location within easy walking distance to a regional shopping center and public transportation. The facility would also be the only housing development in Capitola to offer an assortment of on-site amenities and recreational opportunities specifically catered to an active senior lifestyle.

The California Legislature has expressly found (Civil Code section 51.3) that there are senior citizens who need special living environments and services and there is an inadequate supply of this type of housing in the state. The California Department of Housing and Community Development has also published data which indicates that the population of senior citizens is expected to rise dramatically with the impending retirement of baby boomers, further increasing the need for a variety of senior housing products. The proposed project would provide a unique housing type for seniors that is not currently available in Capitola and which will help fulfill senior housing deficiencies identified by the State.

The site is bounded by properties zoned CC (Community Commercial) and CN (Neighborhood Commercial). As a result, to provide a suitable transition between these various land uses while accommodating the existing density allowed by the General Plan and Zoning Ordinance, it is concluded that the use of the Planned Development mechanism is appropriate for the site.

2. **FINDING:** The proposed project design and improvements, as conditioned by the attached Conditions of Approval, are substantially in conformance with the City of Capitola's General Plan and Zoning Ordinance and other Municipal Code requirements, and standards as modified through the Planned Development provisions of the Zoning Ordinance for exceptions from certain zoning development standards.

- (a) The proposed housing project, including the design and improvements, is consistent with the City's General Plan goals to create a variety of housing types and styles throughout the City, in that it results in the creation of senior housing in a central location adjacent to a mix of commercial uses that is convenient for seniors, including a movie theatre, several restaurants, drug stores, and grocery stores, as well as the Capitola Mall. The project is also consistent with the City's Housing Element which identifies the property as an opportunity site for increased density.
- (b) Deviation from the CN district standards which govern the current zoning of the site has been minimized as required by Section 17.39.020(C) of the Planned Development District Standards and Requirements. Such deviations to setbacks and height will not have undesirable effects which outweigh the benefits of twenty three (23) senior housing units in a central location convenient for seniors to access community commercial uses and services.

Deviations to setback, height, and parking standards are warranted because measures have been incorporated into the project to minimize any undesirable effects, including building articulation to reduce the appearance of height, bulk and scale and an enhanced landscaping plan to soften visual impacts from public rights-

of-way and neighboring properties. Furthermore, the proposed height and setback deviations would enable the site to be developed in a manner consistent with surrounding development, including the immediately adjacent self-storage facility and large retail outlets across the street in King's Shopping Plaza.

Parking deviations would not create an undesirable effect because the parking demand for senior citizen housing is less than standard, non-age restricted multi-family housing. According to the Institute of Transportation Engineers (ITE), a nationally recognized authority and developer of transportation and parking standards, senior citizen housing requires 1.4 parking spaces per residential unit. The ITE parking standard accounts for the demand created by senior housing complexes, including residents, employees, and guests. The proposed project exceeds this standard by providing 1.5 spaces per unit.

As previously stated, the project would also provide needed housing for senior citizens. The City of Capitola currently has limited housing opportunities which are designated for retirement aged people and the project would provide a unique product which allows seniors to walk to a regional shopping center and public transportation. The project would also provide on-site amenities and recreational opportunities which are currently not available to active seniors in Capitola.

Deviations to development standards of the underlying zone are necessary to allow the proposed project. The project requires sufficient building area to provide reasonably sized accommodations, on-site parking, landscaping, recreational amenities, and ADA accessible features which could not be developed with strict conformance to the development standards of the underlying zone.

(c) The project site is not within a specific plan area nor within the Coastal Zone.

3. FINDING: That the site is physically suitable for the type and density of development proposed.

(a) The developable area of the site is flat, is located outside the floodplain, in close proximity to existing residential and commercial development where infrastructure already exists to serve the twenty three additional residential units, and capacity is available in public water and sanitary sewer facilities to serve the site.

(b) The proposed development of the site with attached senior housing will be consistent with the General Plan goals, including the City's Housing Element which identifies the property as an opportunity site for increased density.

(c) The .72 acre site is large enough to ensure adequate open space and parking for each of the units proposed. Parking provided by the project would exceed the parking requirements established for senior housing as established by the Institute of Transportation Engineers.

4. FINDING: The establishment, maintenance and operation of the residential senior housing, as conditioned, will not be detrimental to health, safety, peace, morals, comfort and general welfare of the persons residing or working in the neighborhood of the proposed development, or to its future residents, or to the general welfare of the City. The project application, subject to the conditions imposed, will secure the purposes of the Zoning Ordinance and General Plan, and will maintain the character and integrity of the neighborhood.

- (a) Community Development Department staff, the Architectural and Site Review Committee, and the City Council have reviewed the project and determined that the project, subject to the attached conditions and with the Planned Development Zoning designation in place, is generally consistent with the development standards of the CN (Neighborhood Commercial) zoning district and a Rezoning to a Planned Development would encourage development of a desirable living environment. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance and the General Plan.
- (b) This project has been or will be, reviewed by all responsible City, County, and Regional agencies, and conditions of approval have been applied as deemed necessary by the Planning, Public Works, and Building Department staff to ensure the continuing public health, safety and orderly development of the surrounding area.
- (c) Proposed connections to existing infrastructure have been reviewed and a determination has been made that the site can and will be served by nearby municipal services and utilities.

BE IT FURTHER RESOLVED that the City Council approves the proposed Conditional Use Permit and Design Permit subject to, and contingent upon, the rezoning of the site to "Planned Development" as per the ordinance rezoning the property and further subject to the conditions of approval attached as Exhibit "A".

I HEREBY CERTIFY that the above and foregoing resolution was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the 27th day of June, 2013, by the following vote:

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

Stephanie Harlan, Mayor

ATTEST:

_____, CMC
Susan Sneddon, City Clerk

Exhibit "A"

CONDITIONS OF APPROVAL

1575 38th Avenue

Application #13-061

1. The project approval is for a Planned Development Rezoning, Conditional Use Permit, and Design Permit to demolish a commercial salvage yard (Capitola Freight and Salvage) and construct a three-story, 23-unit residential senior housing project in the CN (Neighborhood Commercial) Zoning District.
2. Any significant modifications to the size or exterior appearance of the approved design 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. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director.
4. 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.
5. Air-conditioning equipment and other roof top equipment shall be screened from view and fall within the allowable city permitted decibel levels.
6. 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.
7. The applicant shall submit a drainage plan, with the building permit plans, subject to the current Post Construction Requirements for stormwater mitigation practices as specified by the Regional Board and the County of Santa Cruz Design Criteria. The drainage plan shall be reviewed and approved to the satisfaction of the Public Works Director and the Santa Cruz County's Zone 5 Drainage District.
8. 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. Irrigation and landscaping shall be installed prior to final building occupancy.
9. An erosion control plan shall be approved and in place prior to grading and construction on site.
10. Prior to Certificates of Occupancy being issued, the project Developer shall be responsible for installing all required frontage improvements including curb, gutter, and sidewalk, along 38th Avenue for the length of the property frontage. All sidewalks are to meet the standards for ADA accessibility.
11. All lighting shall be shielded and directed on to subject property, away from adjacent residential properties. Lighting intensity shall be reviewed and approved by staff prior to final occupancy and shall be reviewed by the Planning Commission upon receipt of a complaint.

12. No roof equipment is to be visible to the general public. Any necessary roof screening is to match the 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.
13. A 6'-8" high concrete block wall (measured from project finished grade) shall be constructed along the western property line adjacent to residential properties.
14. The applicant shall obtain an encroachment permit, from the Director of Public Works, prior to any work in the public right of way.
15. 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. Underground utility vaults shall be located in a paved surface area outside of the landscaped area.
16. The applicant shall comply with all requirements of the Santa Cruz City Water Department regarding landscape irrigation and/or water fixture requirements, as well as any infrastructure improvements. Final building plans shall be reviewed and approved by the Department prior to issuance of building permits.
17. The applicant shall implement "Best Management" construction practices to control dust and PM₁₀ emissions during grading and site development. The MBUAPCD identifies the following construction practices to control dust:
 - Water all active construction areas at least twice daily;
 - Prohibit all grading activities during periods of high winds (over 15 mph);
 - Cover all trucks hauling dirt, sand or loose materials.
 - Cover or water stockpiles of debris, soil and other materials which can become windblown;
 - Install wheel washers at the entrance to construction sites for all existing trucks;
 - Sweep streets if visible soil material is carried out from the construction site;
 - Apply chemical soil stabilizers on inactive construction sites;
 - Plant vegetative ground cover in disturbed areas as soon as possible.
18. The applicant shall submit a construction plan for approval prior to building permit issuance. The plan shall include, but not be limited to, identifying construction hours, access to the site, contractor parking locations, office trailer locations, material storage, etc.
19. If archaeological resources or human remains are accidentally discovered during construction, work shall be halted within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented. Disturbance shall not resume until the significance of the archaeological resources is determined and appropriate mitigations to preserve the resource on the site are established. If human remains are encountered during construction or any other phase of development, work in the area of discovery must be halted, the Santa Cruz County coroner notified, and the provisions of Public Resources Code 5097.98-99, Health and Safety Code 7050.5 carried out. If the remains are determined to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours as required by Public Resources Code 5097.

Item #: 9.C. Revision.pdf

20. The applicant shall meet or exceed the California Green Building Code and Capitola Green Building Program.
21. Mitigation Measure 1: The applicant shall prepare an acoustical study with the building permit submittal. The building plans shall incorporate any recommended building or window design measures, if needed to achieve required indoor noise levels.
22. The applicant shall submit the manufacturer specifications which demonstrate that the HVAC will comply with the 60 dba Ldn standard.
23. The applicant shall construct a mid-block pedestrian crossing on 38th Avenue from the project to King's Shopping Center. The crossing shall be designed based on recommendations of the traffic engineer and approved by the Public Works Director.
24. The applicant shall submit a detailed arborist report prior to any grading, with recommendations for protection of the redwood trees and the root systems. The recommendations shall be incorporated into the construction documents. An arborist shall be on-site during excavation of the site to ensure the redwood trees are not damaged.
25. The applicant shall minimize the number of construction vehicles on-site at any one time.
26. The applicant shall include, in the resident lease agreement, a disclosure regarding the potential for noise from the adjacent commercial district.

CITY OF CAPITOLA

420 CAPITOLA AVENUE

CAPITOLA, CA 95010

PHONE: (831) 475-7300 FAX: (831) 479-8879

INITIAL STUDY

I. BACKGROUND INFORMATION

Project Title: Villa Capitola Unassisted Senior Housing

Application No.: #12-028

Project Location: 1575 38th Avenue

Name of Property Owner: Steve Thomas and Maureen Romac

Name of Applicant: Nancy Huyck

Assessor's Parcel Number(s): 034-181-17

Acreage of Property: 31,365 square feet (0.72± acres)

General Plan Designation: C-LC (Shopping - Local)

Zoning District: CN (Neighborhood Commercial)

Lead Agency: City of Capitola

Prepared By: Stephanie Strelow, Strelow Consulting

Date Prepared: July 30, 2012

Contact Person: Ryan Bane, Senior Planner

Phone Number: (831) 475-7300

II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING

A. Environmental Setting and Surrounding Land Uses

This project site is located within the western portion of the City of Capitola, south of Capitola Road on the west side of 38th Avenue. The site is located at 1575 38th Avenue, just south of the Capitola Mall (see Figure 1). The site is bordered by 38th Avenue and the Kings Plaza Shopping Center on the east, commercial uses on the north and south, and residential uses on the west. The properties to the west are located within the unincorporated area of Santa Cruz County.

The project site is flat and currently is developed with a commercial salvage yard (Capitola Freight and Salvage) that consists of areas of stockpiled building elements (windows, doors, cabinets) and appliances, several older structures and an unpaved parking area. Approximately seven trees are located on the property, primarily at the edges.

The surrounding neighborhood is primarily characterized as commercial, except for residential uses that are located to the west of the site. A storage facility with parking is located immediately south of the project site; a row of redwood trees on this adjacent property borders the property line. Two older single-family homes are located adjacent to the project site on the north, which appear to be used for commercial purposes and are located within a commercial zone. A parking lot serving commercial uses along Capitola Road also borders the project site on the north. Older single-family homes are located to the west of the project site. An aerial photo with the existing site conditions is presented on Figure 2.

B. Project Description

Background. A preliminary proposal for the project site consisted of a four-story, 67-unit senior housing planned developed that was reviewed by Capitola's Architectural and Site Review Committee, Planning Commission and City Council in the fall of 2011. Based on comments and direction given at that time, the applicant redesigned the project and submitted a formal Planned Development application. The current proposal has been reduced in size to a three-story, 23-unit project as further described below.

Project Description. The project consists of demolition of the existing salvage yard and its accessory buildings and construction of a 23-unit rental (market rate), "unassisted" senior housing development. The project applications to be considered by the City include: Planned Development Rezoning, Conditional Use Permit, and Design Permit for the demolition and construction.

The proposed project will be contained within an approximate 70,000 square foot, three-story building. The proposed housing units will be located on the second and third floors. The planned units include 11 studio units, nine one-bedroom units, two one-bedroom with study units, and one two-bedroom with study unit.

The ground level includes an enclosed 36-35-space enclosed parking garage. An approximate 520 square foot "private restaurant" also is located on the ground floor adjacent to the parking area, which would serve meals in a dining room, coffee bar or poolside cabana. The restaurant area (with an approximate 520 square foot kitchen) is intended for residents only, where meals

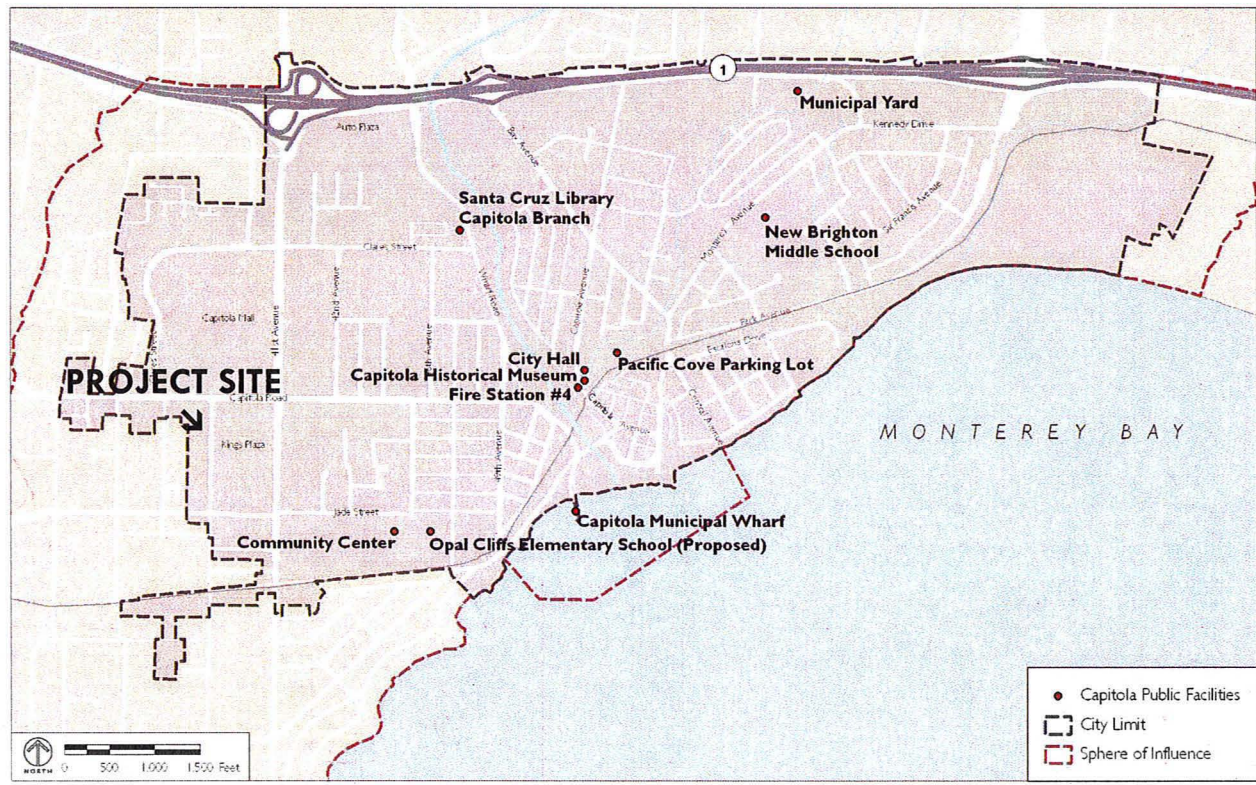
will be served three times a day. A lobby area is located on the second, and a 480-square foot pool with spa and cabana is proposed on the third floor. The site plan with the first two floors is shown on Figure 3.

Access will provided via 38th Avenue with a separate entrance and exit. Information provided by the applicant indicates that shuttle service will be provided for supplemental transportation for residents.

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

None are known other than the City of Capitola.

FIGURE 1: Vicinity Location



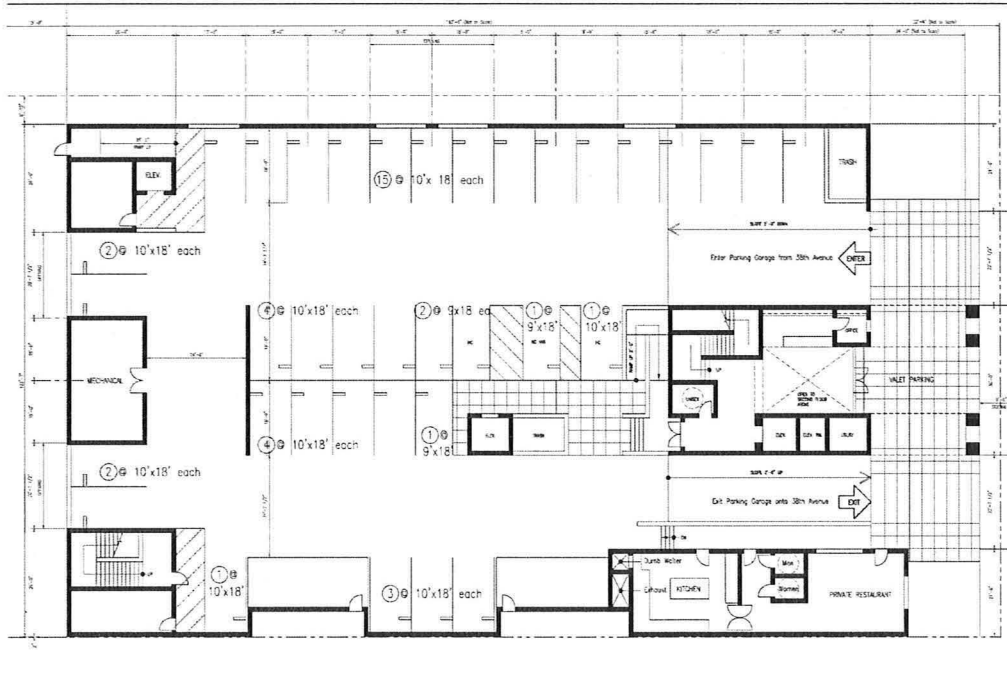
SOURCE: Imagine Capitola – City of Capitola General Plan Update

FIGURE 2: Existing Site Conditions

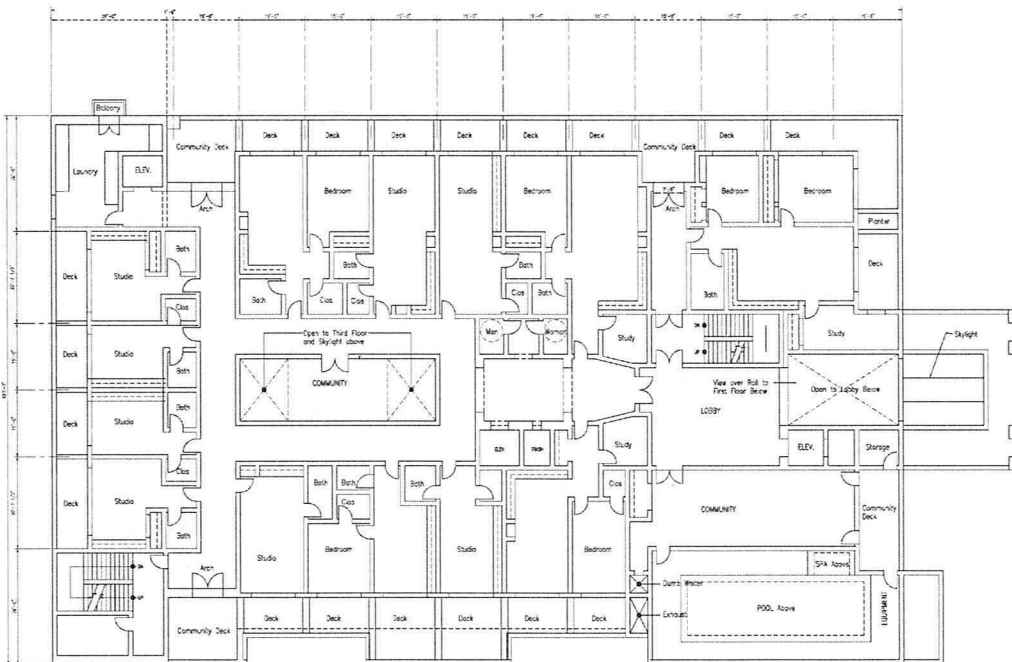


Existing Site Conditions

FIGURE 3: Site Plan - First & Second Floor Plans



(36 total parking stalls)  First Floor Garage Plan



 Second Floor Plan

III. ENVIRONMENTAL CHECKLIST

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

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

A. Instructions to Environmental Checklist

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

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

B. Use of Earlier Analyses

The project site is located within the service area of the City of Santa Cruz Water Department. In December 2011, the Santa Cruz City Council adopted the *2010 Urban Water Management Plan* (UWMP), which evaluates water supply and demand within the City's service area over the next 20 years. Additionally, the City of Santa Cruz updated its General Plan, which was adopted by the City Council in June 2012 and certified an EIR for the *General Plan 2030* at the same time. The EIR provides a comprehensive analysis of impacts of water demand within the City's service area. Both the UWMP and General Plan EIR assess future water demand within the City's water service area that is located outside Santa Cruz city limits.

The preparation of this Initial Study has drawn from data and analyses contained in both the City of Santa Cruz adopted 2010 UWMP and certified General Plan 2030 EIR. These documents are hereby "incorporated by reference" pursuant to the State CEQA Guidelines section 15150. Where an EIR or Negative Declaration uses incorporation by reference, the incorporated part of the referenced document shall be briefly summarized where possible or briefly described if the data or information cannot be summarized. The EIR analyses and conclusions and relevant findings of the 2010 UWMP are summarized in subsections 17(b,d) and 18(b) of this Initial Study. The documents are on file and may be reviewed at the City of Capitola during business hours (Monday through Friday, 8 AM to 12 PM and 1-5 PM), located at 420 Capitola Avenue, Capitola, CA. The documents are also available on the City of Santa Cruz website.¹

¹ City of Santa Cruz Planning Department: <http://www.cityofsantacruz.com/index.aspx?page=348> and City of Santa Cruz Water Department: <http://www.cityofsantacruz.com/Modules/ShowDocument.aspx?documentid=24687>.

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
1. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?				✓
b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?				✓
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			✓	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			✓	
2. AGRICULTURE RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (V.4)				✓
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				✓
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				✓
d) Result in the loss of forest land or conversion of forest land to non-forest use?				✓
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?				✓

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

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

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

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

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

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

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

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				✓
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				✓
g) Comply with federal, state, and local statutes and regulations related to solid waste?				✓
18. MANDATORY FINDINGS OF SIGNIFICANCE. Does the project:				
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				✓
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects.)			✓	
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				✓

IV. DETERMINATION:

On the basis of this initial evaluation:

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

Ryan Bane, Senior Planner

Date

V. SOURCE LIST

1. City of Capitola.
 - a) Adopted September 28, 1989. *General Plan City of Capitola*. Prepared by Freitas + Freitas.
 - b) Adopted February 11, 2010. "City of Capitola Housing Element of the General Plan 2007-2014."
2. "Imagine Capitola" – City of Capitola General Plan Update.
 - a) "General Plan Update Existing Conditions White Paper #1. March 2011. Prepared by Design, Community & Environment for the City of Capitola.
 - b) "White Paper #3 – Transportation & Parking". April 2011. Prepared by RBF Consulting and Kimley-Horn and Associates.
 - c) "White Paper #4 – Environmental Resources & Hazards". April 2011. Prepared by RBF Consulting.
 - d) "White Paper #5 – Environmental Resources & Hazards". April 2011. Prepared by RBF Consulting.
3. City of Santa Cruz.
 - a) June 26, 2012. Adopted. *General Plan 2030*.
 - b) April 2012. "City of Santa Cruz General Plan 2030 Final EIR."
 - c) September 2011. "City of Santa Cruz General Plan 2030 Draft EIR."
 - d) December 2011. Adopted. "City of Santa Cruz Urban Water Management Plan 2010."
4. California Department of Conservation. 2007. "Farmland Mapping and Monitoring Program."
5. Monterey Bay Unified Air Pollution Control District.
 - a) August 2008. *2008 Air Quality Management Plan for the Monterey Bay Region*.
 - b) February 2008. "CEQA Air Quality Guidelines."
 - c) May 18, 2011. Staff Report regarding "Presentation on Thresholds of Significance for Greenhouse Gases and Provide Suggestions to Staff for the Recommendation to be Presented at the June 2011 Board Meeting."
 - d) July 12, 2011. Staff Agenda Item for Board Meeting on June 15, 2011 regarding "Consider Adoption of a Resolution Approving Proposed Revisions to the District Consistency Procedure."
6. Donald Ballanti, Certified Consulting Meteorologist. June 22, 2012. "Greenhouse Gas Analysis for the Villa Capitola Project, Capitola, California."
7. Bowman & Williams. June 6, 2012. "Preliminary Storm Water Management Report for Senior Housing, APN: 034-181-17, 1575 38th Avenue, Santa Cruz, California."

8. RBF Consulting. June 8, 2012. "Forecast Trip Generation, On-site Parking Analysis and Pedestrian Warrant Analysis for the Proposed Villa Capitola Senior Housing Project."
9. Global Climate Change References:
 - a) California Air Resources Board. September 22, 2010 (Last Updated). "Greenhouse Gas Inventory Data – 2000 to 2008." Online at: <http://www.arb.ca.gov/cc/inventory/data/data.htm>
 - MAY 12, 2010. "California Greenhouse Gas Inventory for 2000-2008 – By — by Category as Defined in the Scoping Plan"
 - May 28, 2010. "Trends in California Greenhouse Gas Emissions for 2000 to 2008 – by Category as Defined in the Scoping Plan."
 - b) California Air Resources Board. December 2008. *Climate Change Proposed Scoping Plan – A Framework for Change.* December 2008. Online at: http://www.arb.ca.gov/cc/scopingplan/document/adopted_scoping_plan.pdf
 - c) California Climate Action Team. December 2010. "Climate Action Team Report to governor Schwarzenegger and the California Legislature." California Environmental Protection Agency.
 - d) California Governor's Office of Planning and Research. June 19, 2008. "CEQA and Climate Change: Addressing Climate Change Through California Environmental Quality Act (CEQA) Review."
 - e) California Natural Resources Agency. "2009 California Climate Adaptation Strategy." A Report to the Governor of the State of California in Response to Executive Order S-13-2008.
 - f) Bay Area Air Quality Management District. June 2010. "California Environmental Quality Act Guidelines." Online at: <http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES/Updated-CEQA-Guidelines.aspx>

VI. EXPLANATION OF ENVIRONMENTAL CHECKLIST RESPONSES

1. Aesthetics.

(a) Scenic Views. The proposed project is located within a developed commercial area within the City of Capitola. The City's General Plan does not identify any "vista points" in the project vicinity. The project site is not visible from a designated vista point nor is it within an identified or observed scenic view. There are no scenic views across or from the project site. The project would not obstruct or remove scenic coastal views as none exist in the area.

(b) Scenic Resources. The site contains seven trees, including two large pine trees, one redwood and four smaller ornamental trees. The two large pines are taller than other onsite trees and are visible in the immediate vicinity of the project site. Generally, trees are planted along 38th Avenue.

Impact Analysis. All onsite trees will be removed for project development. None of the trees are visually prominent or distinctive, and they do not represent a significant visual element of the surrounding area, which is characterized by existing commercial development with landscaping. The pine tree in the southeast corner of the site is the most visible and is prominent in the immediate vicinity of the project site, but it does not possess unique or unusual aesthetic features for this type of tree. Trees are planted along 38th Avenue, including redwood trees further south of the site, and as a result, the street appears lined with trees that partially screen some existing buildings. While any tree may be considered to possess aesthetic attributes, the trees on the project site do not possess qualities under which they would be considered scenic, such as being visually prominent from a wide area, visually distinctive and/or being an exceptional specimen of a particular species. Thus, the onsite trees are not considered a scenic resource, and the project would not have an adverse effect on scenic resources. Tree removal in relation to City tree removal regulations is reviewed below under subsection 4(e).

(c) Visual Effects upon Surrounding Area. The visual quality of the project vicinity is characterized primarily by a mix of developed commercial uses. Commercial uses are prominent along the segment of 38th Avenue in which the project site is located, including the Kings Plaza Shopping Center to the east and the Capitola Mall to the north. Commercial development dominates the visual character in the area, although some older homes of mixed styles and age are located further south of the project site along 38th Avenue. Trees are planted along 38th Avenue.

Impact Analysis. The proposed project would result in construction of a new three-story building within a predominantly commercial area. The building will occupy nearly the entire site. It will of similar scale and mass as the storage facility to the south and other larger commercial buildings in the area, including those at the Kings Plaza Shopping Center to the east and at the Capitola Mall to the north. The proposed building would be one taller than existing buildings, and would be more massive than residential properties to the west.

Building elevations provided as part of the site plan are shown on Figure 4. The overall building mass is broken up by architectural recesses and windows along each side. Additionally, the upper floors are slightly set back from the ground floor on the front and partially on the rear, which also reduces the overall building mass.

The building height of 42 38 feet exceeds the height limit of 27 feet for the CN zone in which the site is located. However, the proposal includes a rezoning to Planned Development in which building heights can vary. The project site is located at the edge of the Community Commercial district in which heights of 40 feet are permitted. Given this proximity, the proposed building height would not be substantially different than permitted heights in the adjacent district or some structures in the area and along 41st Avenue. The building height likely would be

most noticeable from residential properties to the west, although landscaping would be provided along this boundary.

Overall, the project building mass and scale is similar to other commercial buildings in the vicinity, and the project would not substantially degrade the visual character of the surrounding area. The building height would be greater than other nearby buildings, but is not likely to appear out of scale with vicinity commercial buildings. With the planned architectural and building design features, materials, and colors, the proposed building would not substantially degrade the existing visual character of the surrounding area. Removal of the onsite trees (as discussed above in subsection 1b) would not be highly noticeable given the commercial character of the area and other tree cover that is present along 38th Avenue. Therefore, the project would have a less-than-significant impact on the visual character of the surrounding area. Further review of design details will be made by the City Planning Commission as part of the Architectural and Site approval that is required for permitted or conditional uses in a CN district as provided in Chapter 17.63 of the City's Municipal Code.

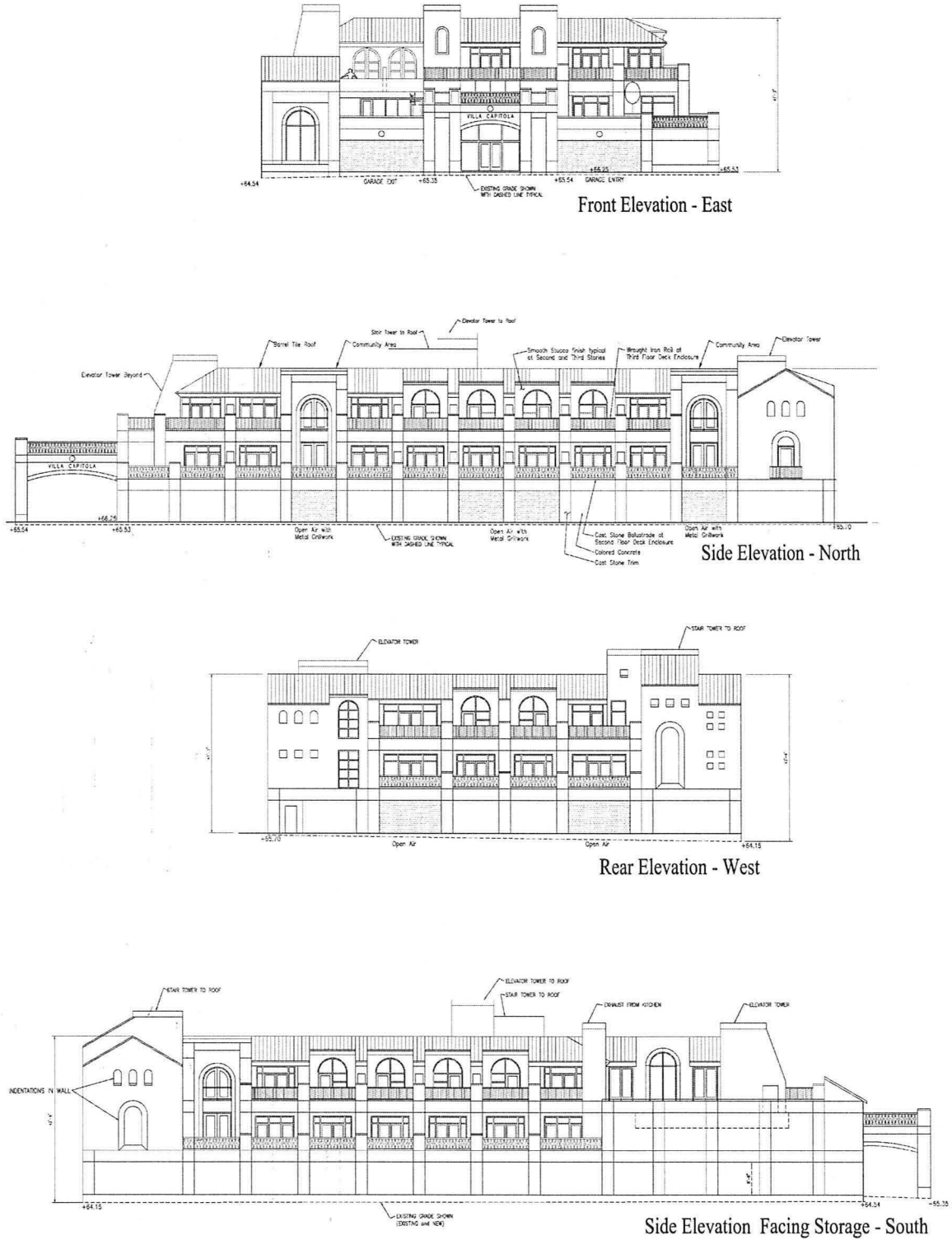
(d) Light and Glare. The project will not result in introduction of a major new source of light and glare, although there will be exterior building lighting typically associated with residential and planned development buildings. This is not expected to create significant visual impacts on the surrounding neighborhood. Further review of design details will be made as part of the Architectural and Site review process. Additionally, standard conditions of approval require that all lighting shall be shielded and directed on to the property, away from adjacent residential properties. Lighting intensity shall be reviewed and approved by staff prior to final occupancy and shall be reviewed by the Planning Commission upon receipt of a complaint.

2. **Agricultural and Forest Resources.** The project site is located in a developed urban area. The project site is not in agricultural production or located adjacent to or near agricultural uses. The project site, as all of Capitola, is designated "Urban and Built-Up" by the California Department of Conservation Farmland Mapping and Monitoring Program (SOURCE V.4). Similarly, the project site is located within a developed commercial area and is not designated for timber resource production. The proposed project would have no effects on agricultural or forest resources.

3. Air Quality.

(a) Consistency with Air Quality Management Plan. The proposed project will result in construction of 23 senior residential units. On June 15, 2011 the Monterey Bay Unified Air Pollution Control District (MBUAPCD) Board approved a new procedure for determining consistency with the *Air Quality Management Plan* (AQMP), effective September 1, 2011. In the past, the Association of Monterey Bay Area Governments (AMBAG) determined whether population increases would remain within AMBAG's population forecasts used in the AQMP. The new procedure uses AMBAG's adopted housing unit forecast instead of population (SOURCE V.5d).

FIGURE 4: Building Elevations



The Air District's adopted procedure was used to determine project consistency with the AQMP. The city of Capitola had 5,537 existing dwelling units as of January 1, 2012.² According to Capitola City staff, there are four residential units that are under construction or have been approved. With these four units and the project (23 units), there would be a total of 5,564 residential units within the City which is below the AMBAG forecast of 5,601 units projected in 2015. Therefore, the proposed project is consistent with the AQMP, and would not conflict with or obstruct implementation of the AQMP.

(b) Project Emissions. To protect public health, both the U.S. Environmental Protection Agency (EPA) and the California Air Resources Board (CARB) have established ambient air quality standards (AAQS) that are the maximum levels of ambient (background) air pollutants considered safe, with an adequate margin of safety to protect public health and welfare. The national standards address six criteria pollutants, including ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, fine particulate matter (both PM₁₀ and PM_{2.5}, which refer to particles less than 10 microns and 2.5 microns, respectively), and lead. The state standards, which are generally more stringent than the federal standards, apply to the same pollutants as the federal standards do, but also include sulfate, hydrogen sulfide, and vinyl chloride.

The North Central Coast Air Basin (NCCAB), in which the project site is located, is under the jurisdiction of the Monterey Bay Air Pollution Control District (MBUAPCD) and includes Santa Cruz, Monterey and San Benito Counties. The NCCAB is currently in attainment for the federal PM₁₀ (particulate less than 10 microns in diameter), ozone, nitrogen dioxide, sulfur dioxide, and carbon monoxide standards and is unclassified or attainment for the federal PM₂₅ and lead standards. The basin is designated non-attainment for the state ozone and PM₁₀ standards, and is in attainment for all other state standards, except for carbon monoxide for which it is unclassified (SOURCE V.5a).

Impact Analysis. The proposed project consists of construction of 23 senior housing units. There would be vehicular traffic increases associated with the proposed project, but emissions would not exceed MBUAPCD's criteria for significance. According to the MBUAPCD's CEQA Guidelines (February 2008), the proposed number of new residential units is below the District's screening level for potential significant ozone impacts for apartments and condominiums (SOURCE V.5b). Furthermore, the project does not include operations that would result in stationary emissions. Thus, the project would not violate current air quality standards, and would result in a less-than-significant impact related to air emissions.

Demolition, excavation and construction could result in generation of dust and PM₁₀ emissions. According to MBUAPCD's "CEQA Air Quality Guidelines" (as

² Per California Department of Finance, "E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011 and 2012" (May 2012. Online at: <http://www.dof.ca.gov/research/demographic/reports/estimates/e-5/2011-20/view.php>).

updated in June 2008), 8.1 acres could be graded per day with minimal earthmoving or 2.2 acres per day with grading and excavation without exceeding the MBUAPCD's PM₁₀ threshold of 82 lbs/day. The project site area is approximately 0.72 acres, which would be below the 2.2 acre grading threshold. Thus, potential construction-related PM₁₀ emissions would be less-than-significant.

(c) Cumulative Pollutant Increases. According to the MBUAPCD CEQA Guidelines, projects that are consistent with the "Air Quality Management Plan" (AQMP) would not result in cumulative impacts as regional emissions have been factored into the Plan. The MBUAPCD prepares air quality plans, which address attainment of the state and federal emission standards, and which, incorporate growth forecasts developed by AMBAG. As indicated in subsection 3(a) above, the proposed project is consistent with the AQMP, which takes into account cumulative development within the City, and thus, cumulative emissions have been accounted for in the Plan.

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

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

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

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

Impact Analysis. Demolition, excavation, grading and project construction could involve the use of diesel trucks and equipment that will emit diesel exhaust,

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

There are existing residential units adjacent to the site on the west. Construction-related diesel emissions would be of limited duration (i.e., primarily during grading) and would be temporary. CARB has identified diesel exhaust particulate matter as a toxic air contaminant, and assessment of toxic air contaminant cancer risks is typically based upon a 70-year exposure period. Project excavation and construction activities that would utilize diesel-powered equipment would expose receptors to possible diesel exhaust for a very limited number of days out of a 70-year (365 day per year, 24-hour per day) period. Because exposure to diesel exhaust will be well below the 70-year exposure period, and given the limited and short-term duration of activities that would use diesel equipment, construction-related diesel emissions are not considered significant. Furthermore, the State is implementing emission standards for different classes of on- and off-road diesel vehicles and equipment that applies to off-road diesel fleets and includes measures such as retrofits. Additionally, Title 13 of the California Code of Regulations (section 2485(c)(1)) prohibits idling of a diesel engine for more than five minutes in any location. Thus, the project would not expose sensitive receptors to substantial pollutant concentrations, and potential exposure of sensitive receptors to diesel emissions and associated risks is considered a less-than-significant impact.

(e) Odors. The planned residential use will not create objectionable odors.

4. **Biological Resources.**

The project site is located along 38th Avenue, west of 41st Avenue, which is a major transportation and commercial arterial. The site is developed with a commercial salvage materials business, and is located within a developed commercial area. There are no known biological resources on the project site or in the vicinity. The site is not mapped in the City's General Plan as being located in a riparian corridor or monarch butterfly grove (SOURCE V.1a).

(e) Tree Removal. There are seven existing trees on the project property, including two large pine trees, one redwood and four smaller ornamental trees. The majority of the trees are located on the perimeter of the site. The trees on the project site are not considered "heritage" trees under City of Capitola regulations (Chapter 12.12 – Community Tree and Forest Management). However, removal of non-heritage trees requires a permit pursuant to section 12.12.160 of the City's Municipal Code with the following findings:

1. The tree removal is in the public interest based on one of the following:
 - a. Because of the health or condition of the tree, with respect to disease infestation, or danger of falling;
 - b. Safety considerations; or
 - c. In situations where a tree has caused, or has the potential to cause, unreasonable property damage and/or interference with existing utility services.
2. All possible and feasible alternatives to tree removal have been evaluated, including, but not limited to undergrounding of utilities, selective root cutting, trimming and relocation.
3. The type, size and schedule for planting replacement trees are specified and shall be concurrent with the tree removal or prior to it.
4. The removal of the tree would not be contrary to the purposes of Chapter 12.12 – “Community Tree and Forest Management” and Chapter 17.95 – Environmental Sensitive Habitats.
5. Replacement trees in a ratio of two to one as needed to ensure that with replacement trees, a canopy coverage of at least fifteen percent will result, and location(s) for tree replanting are selected, and/or as a last resort, in-lieu fees have been paid as a condition of the permit in accordance with Section 12.12.190. Replacement trees and/or in-lieu fees are not required if post-removal tree canopy coverage on the site or parcel will be thirty percent or more.

Impact Analysis. The proposed project will result in removal of seven trees, but none are considered heritage trees under City regulations. Removal would not conflict with City regulations with approval of a permit and replanting replacement trees. Thus, the impact is considered less-than-significant.

None of the existing onsite trees will be retained. An arborist report has not been prepared, and thus, the condition of the trees is unknown. The trees are on the edge of the property, except for four smaller trees within the site. The trees located at the edges of the property may ultimately damage sidewalks or utilities. The proposed landscaping plan shows planting of 15 olive trees along the eastern and northern property boundaries. This represents one tree over the a 2-to-1 replacement ratio required under City regulations, and thus, exceeds the City’s replanting ratio requirement. Thus, it appears that planned tree removal would not conflict with City regulations, but City staff will provide further review as part of the tree removal permit process.

Existing redwood trees located on adjacent property to the south would be retained. These could be inadvertently damaged during grading and construction. Grading and soil compaction and inadvertent damage due to construction equipment could damage the root zones unless the trees and root zones are adequately protected during construction. Although no mitigation measures are required, the following Condition of Approval is recommended to ensure protection of adjacent trees.

RECOMMENDED CONDITION OF APPROVAL: Implement measures to protect existing redwood trees along the property boundary in order to minimize damage to the trees and their root zones during construction as recommended by a certified arborist review.

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

5. Cultural Resources. There are no historical resources on the project site.

(b) Archaeological Resources. According to the City maps, the project site is not located within an archaeologically sensitive area. The project site has been previously graded and disturbed. Thus, there would be no impacts to cultural resources. However, the following Condition of Approval is recommended in the event that unknown resources are discovered during project grading and excavation.

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

(c) Paleontological/Unique Geological Resources. No unique geologic features have been identified. The proposed demolition and construction of the proposed senior housing project will have no effect on any unanticipated paleontological resources.

6. Geology and Soils.

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

The most probable seismic hazards to Capitola are from the San Andreas Fault (in the Santa Cruz Mountains) and, further south, the Palo Colorado-San Gregorio fault. Seismic historical records of the area show that earthquakes of 6.5 – 7.0 magnitude occur periodically on the San Andreas Fault. The main trace of the San Andreas Fault is approximately nine miles northeast of Capitola. One of the largest earthquakes in the Santa Cruz area occurred on October 17, 1989 due to movement

on this fault and measured 7.1 on the Richter scale. The epicenter of the Loma Prieta earthquake was approximately five (5) miles southeast of Capitola (SOURCE V.2c).

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

The primary seismic hazard that could affect the project is seismic shaking. The site is located in an area subject to high seismic shaking hazards according to maps in the City's General Plan (SOURCE V.1a). Liquefaction, differential compaction of near surface soils, and lateral spreading can present seismic hazards during earthquakes. The potential for these hazards to occur are dependent on soil conditions and geologic patterns (SOURCE V.2c). Soil liquefaction occurs when loose, saturated sandy soil deposits lose internal strength and transform from a solid to a liquefied state due to reduced stresses within the soils mass. The site is in a low liquefaction potential zone (Ibid.).

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

Impact Analysis. The project site is located in an area of high seismic activity and will be subject to strong seismic shaking during an earthquake. Preparation of a geotechnical report will be required prior to issuance of a building permit per California Building Code requirements, and the building will be required to be designed in accordance with the latest edition of the California Building Code, which sets forth structural design parameters for buildings to withstand seismic shaking without substantial structural damage. Structures built in accordance with the latest edition of the California Building Code and recommendations in the required geotechnical report have an increased potential for experiencing relatively minor damage which should be repairable. Thus, this is considered a less-than-significant impact.

(e.g) Soils and Erosion. According to the Soil Conservation Service *Soil Survey of Santa Cruz* (August 1980), onsite soils are classified as Pinto loam and Elkhorn sandy loam. These soils are classified as having a low to moderate shrink-swell potential depending on soil depth, and erosion hazard is slight to moderate.

Impact Analysis. Soils with potential shrink-swell conditions could result in structural damage if not properly designed. The required geotechnical report will set forth site preparation and foundation requirements that will be address onsite soil constraints determined through soil borings and testing. Thus, impacts related to soils constraints are considered less-than-significant.

The onsite project soils are classified as having a slight to moderate erosion hazard. Project development will include excavation and grading, although the project site is relatively flat and located within a developed urban area. Approximately 1,485 cubic yards of material will be excavated, which will require submittal of a grading plan with erosion control measures in accordance with City regulations. The project site is not located adjacent to existing water bodies. With implementation of required erosion control measures as part of the required grading plan, the potential for offsite erosion and inadvertent transport of soils into the municipal storm drain system is considered less-than-significant. Although mitigation measures are not required, the following Condition of Approval is recommended.

RECOMMENDED CONDITION OF APPROVAL: Implement erosion control measures, including, but not limited to: conduct grading prior to the rainy season if possible; protect disturbed areas during the rainy season; implement other Best Management Practices (BMPs) during construction to protect water quality; and immediately revegetate disturbed areas.

(h) Soil Suitability for Septic Systems. The site is currently served by sewer as is the balance of the City, therefore there are no impacts associated with new septic systems.

7. Greenhouse Gas Emissions.

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

Climate change models predict changes in temperature, precipitation patterns, water availability, and rising sea levels, and these altered conditions can have impacts on natural and human systems in California (SOURCE V.9c). Changes in temperature,

precipitation, and sea levels can affect California's public health, habitats, ocean and coastal resources, water supplies, agriculture, forestry, and energy use (Ibid.), as well as result in increased droughts and flooding. Potential global warming impacts in California may include, but are not limited to, loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years. Secondary effects are likely to include a global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity (SOURCE V.6).

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

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

The California Air Resources Board (CARB) is the lead agency for implementing AB32. In accordance with provisions of AB 32, CARB has completed a statewide Greenhouse Gas (GHG) Inventory that provides estimates of the amount of GHGs emitted to, and removed from, the atmosphere by human activities within California. Based on review of this inventory, in December 2007 CARB approved a 2020 emissions limit of 427 CO₂ equivalent million metric tons (MMT CO₂e)³, which is equivalent to the 1990 emissions level. In accordance with requirements of AB32, a Scoping Plan was released in October 2008 and adopted by CARB in December 2008. Key elements for reducing the state's greenhouse emissions to 1990 levels by 2020 include:

- Expanding and strengthening existing energy efficiency programs as well as building and appliance standards;
- Achieving a statewide renewables energy mix of 33 percent;
- Developing a California cap-and-trade program that links with other Western Climate Initiative partner programs to create a regional market system;

³ The CO₂ equivalent emissions are commonly expressed as "million metric tons of carbon dioxide equivalent (MMTCO₂E)". The carbon dioxide equivalent for a gas is derived by multiplying the tons of the gas by the associated Global Warming Potential (GWP).

- Establishing targets for transportation-related greenhouse gas emissions for regions throughout California, and pursuing policies and incentives to achieve those targets;
- Adopting and implementing measures pursuant to existing State laws and policies, including California's clean car standards, goods movement measures, and the Low Carbon fuel Standard; and
- Creating targeted fees, including a public goods charge on water use, fees on high global warming potential gases, and a fee to fund the administrative costs of the State's long-term commitment to AB 32 implementation (SOURCE V.9b).

The Scoping Plan identifies 18 emissions reduction measures that address cap-and-trade programs, vehicle gas standards, energy efficiency, low carbon fuel standards, renewable energy, regional transportation-related greenhouse gas targets, vehicle efficiency measures, goods movement, solar roofs program, industrial emissions, high speed rail, green building strategy, recycling, sustainable forests, water and air (SOURCE V.9b).

Senate Bill 375, signed in 2008, aims to reduce greenhouse gas emissions by discouraging urban sprawl and reducing vehicle miles traveled. Among other things, SB 375 requires regional transportation plans to include a "sustainable community strategy" (SCS) to meet greenhouse gas reduction targets set by the California Air Resources Board. AMBAG is currently developing such a plan in cooperation with local jurisdictions. To encourage smart growth development, SB 375 also provides streamlined review under CEQA for certain projects consistent with the SCS: transit priority projects (projects comprising at least 50 percent residential use, a residential density of at least 20 units per net acre and located within one half mile of a regional transit corridor) and residential or mixed use projects with a residential component requiring at least 75 percent of the total square footage.

Senate Bill 375 established a basis for identifying regional reduction targets related to transportation and land use. It is one of the CARB's Scoping Plan strategies to reduce greenhouse gas emissions from the transportation sector, and the Scoping Plan estimates a reduction of statewide GHG emissions by 5 million metric tons (SOURCE V.9b), approximately 3% of the total statewide GHG emissions reduction identified in the strategies outlined in the *Scoping Plan*. In order to achieve these reductions, SB 375 requires metropolitan transportation plans to include a "Sustainable Communities Strategy" (SCS) to meet GHG reduction targets for vehicle travel. In September of 2010, the CARB adopted regional per capita greenhouse gas targets for each of California's eighteen metropolitan planning regions as required under SB 375. The Monterey Bay area's specific mandate is to reduce per capita greenhouse gas emissions from cars and light trucks to 2005 levels by 2020 and to reduce per capita levels to 5% below 2005 levels by 2035. This results in a regional per capita GHG emissions target of 14.1 pounds per day per capita for 2020 and 13.4 pounds per day per capita for 2035.

The City of Capitola is in the process of updating its General Plan, which will include preparation of a Climate Action Plan. The Association of Monterey Bay Area Governments (AMBAG) completed GHG emissions inventories for all member jurisdictions, including the City of Capitola. The City of Capitola inventory identifies citywide GHG emissions as well as emissions produced solely from City government operations occurring in the year 2005. In 2005, approximately 76,020 metric tons of CO₂ were emitted within the community of Capitola (SOURCE V.2c).

Impact Analysis. The proposed project will result in the construction of 23 senior housing units. The project site currently is developed with a materials salvage yard that will be demolished. The project will result in an increase in GHG emissions, primarily due to project-related traffic, energy use, and construction-related traffic and energy use.

The project is estimated to result in a net increase of GHG emissions of approximately 296 metric tons CO₂e annually due to project operation (i.e., traffic, energy use, etc.), and approximately 772 metric tons due to construction (SOURCE V.6). To date, no state agency has adopted significance criteria for GHG emissions. In June 2010, the Bay Area Air Quality Management District (BAAQMD) in the San Francisco Bay area revised and adopted its CEQA Guidelines, which include thresholds of significance for greenhouse gas emissions. The BAAQMD was the first regional air district to adopt numeric thresholds for greenhouse gas emissions from residential and commercial projects. The guidelines identified 1,100 MT CO₂e/yr or 4.6 MT/year per service population (residents/employees) as a numeric emissions level below which a project's contribution to global climate change would be less than "cumulatively considerable" (SOURCE V.9f).

The project site is located within the jurisdiction of the Monterey Bay Unified Air Pollution Control District (MBUAPCD), which to date, has not adopted significance criteria or thresholds. However, in June 2011, the MBUAPCD initiated a process to develop GHG emission thresholds for project and plan level impact analyses. At that time, District staff recommended a threshold of 4.6 MT/year per service population (residents/employees) for land use projects, which is similar to the threshold adopted by the BAAQMD. This approach is based on the total emissions estimated for the land use sector for the state of California divided by the state's projected service population. This reflects the total number of jobs and residents provided by a project, such that the project would ensure consistency with the goals of AB 32 (i.e., 1990 GHG emissions levels by 2020) (Ibid.). GHG thresholds are under review by the MBUAPCD, but have not yet been adopted

Although, neither the city of Capitola nor the MBUAPCD has adopted GHG emission significance thresholds, the project's estimated GHG emissions (about 296 MT/year CO₂e) are below significance thresholds proposed in the San Francisco Bay area (1,100 MT/yr). While this threshold is adopted for the San Francisco Bay area, the area is adjacent to the MBUAPCD region, and it does support the conclusion that the project-level emissions are less

than significant and less than cumulatively considerable. The estimated increase in residential population resulting from the project would represent 8.5 MT/year. This is below the AMBAG target of 14.1 MT/year. (See discussion below under section 13 regarding estimated project population.)

The project's estimated GHG emissions are below targets adopted by AMBAG and significance thresholds adopted by the BAAQMD. The GHG emissions calculated by the project would be partially offset by emissions related to the existing onsite use. It is also expected that GHG emissions resulting from the proposed project would be partially offset by the incorporation of energy and water conserving features and "green" building designs that would be required under State building regulations. The applicant has indicated that the project will be a "LEED" certified development. Furthermore, the project site is within walking distance to commercial and shopping facilities, and it is located within an area served by transit, bicycle and pedestrian facilities. Bus stops are located near the site on Capitola Road and 38th Avenue within walking distance to the project site. The project represents infill development with a density of approximately 22 units per acre. The proposed residential use and proximity to a transit corridor are consistent with SB375 priority projects. Therefore, greenhouse gas emissions resulting from development of the project is considered a less-than-significant impact, and the project's incremental effect is less-than-cumulatively considerable.

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

8. Hazards.

(a,c-d) Hazardous Materials/Wastes. The proposed project does not involve the transport, use, or disposal of hazardous materials or wastes and would not result in creation of a public health hazard. The project consists of a 23-unit senior housing project. As such, the proposed use will not result in creation of risks associated with hazardous material use, exposure to health hazards, or creation of a health hazard.

(b) Hazardous Materials Release. The project site is currently used as a commercial salvage yard that sells used windows, doors, cabinets, appliances, and tiles and other building components. Several older structures are present on the site. The existing onsite buildings will be demolished. It is not known whether existing buildings may contain asbestos or lead-based paint. Any demolition of buildings containing asbestos would be required to comply with the Monterey Bay Unified Air Pollution Control District's Rule 306 that requires reporting and investigation of certain buildings with asbestos as established under federal law. The National Emissions Standards for Hazardous Air Pollutants (NESHAPS) as set forth in the

Code of Federal Regulations—40CFR61—is designed to prevent “visible emissions” of asbestos when buildings are renovated or demolished. Under federal law, a building must be inspected for asbestos prior to demolition or renovation, and federal and state agencies must be notified prior to demolition. According to the State Air Resources Control board, removal and disposal of asbestos procedures and controls must be specified in the notification form.

Impact Analysis. Construction workers may be exposed to asbestos during demolition of existing buildings if found. However, demolition would need to comply with local and federal standards and permit requirements if asbestos is found. Therefore, this is considered a less-than-significant impact. Although mitigation measures are not required, the following Conditions of Approval are recommended.

RECOMMENDED CONDITION OF APPROVAL: All demolition activities to be undertaken according to MBUAPCD Rule 306 requirements and OSHA standards to protect workers from asbestos and lead based paint, if found within buildings to be demolished. Specific measures include air monitoring during demolition/construction activities, which include existing buildings.

RECOMMENDED CONDITION OF APPROVAL: Any building materials classified as hazardous materials will be disposed of in conformance with Federal, State, and local laws.

(e-f) Airport Safety. The project site is not located near a public airport or private airstrip.

(g) Emergency Response. The site location and scale have no impact on emergency response or emergency evacuation.

9. Hydrology.

(a-b) Water Quality Standards and Groundwater. The project is located on a developed site within a developed urban area and will not affect groundwater recharge.

(c-e) Drainage. The City of Capitola maintains its street drainage systems and relies on the County to provide major storm drain services through the Santa Cruz County Flood Control & Water Conservation District Zone 5. The infrastructure associated with flood protection and stormwater drainage includes underground systems; above ground drainage ditches and water courses; pump stations, catch basins and outfalls. Storm drainage from most of the 41st Avenue area flows to a Santa Cruz County flood control drainage basin near 38th Avenue/Brommer Street, and then flows into Moran Lake, north and west of Capitola (SOURCE v.2d). Capitola prepared a Draft Stormwater Management Plan in 2008 that contains policies and measures to

implement best management practices related to its drainage infrastructure, including outfall inspection and cleaning, annual storm drain cleaning in the fall, and zero discharge sidewalk cleaning (Ibid.).

Impact Analysis. The proposed project will result in an increase of impervious surfacing, although the site currently contains impervious surfacing due to the presence of buildings and sheds. The proposed project would result in approximately 26,600 square feet of impervious surfacing, including replacement of approximately 50% of the existing impervious surfacing on the site (SOURCE v.7). Runoff flows from the site will increase from 0.37 cubic feet per second (cfs) to 1.18 cfs for a 10-year storm event and from 0.48 cfs to 1.56 cfs for a 25-year storm event (Ibid.). The project will not alter existing drainage patterns. All site runoff from roof and hardscape areas will be routed to an underground detention system, consisting of a chamber that will provide detention storage (Ibid.). Detained runoff will be released at pre-development rates to an offsite storm drain system that ultimately discharges to the County-maintained detention basin located at the southeast corner of the Brommer and 39th Avenue intersection. Thus, project runoff and drainage is considered a less-than-significant impact. Drainage improvements will be required to be designed in accordance with City standards and Public Works requirements.

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

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

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

the state's requirement for storm water retention on new construction sites (SOURCE V.2d).

Impact Analysis. Project runoff would not result in significant water quality degradation as the proposed parking area will be an enclosed parking garage as part of the first floor, which would limit urban pollutants from vehicles from entering storm drainage facilities. Additionally, the project stormwater management plan calls for use of Best Management Practices (BMPs) to treat runoff prior to discharge into the underground detention basin, which may consist of treating runoff through vegetated areas or by utilizing a mechanical treatment unit (SOURCE V.7). Thus, no impacts to water quality are anticipated as a result of project stormwater runoff.

Project excavation and grading could result in potential off-site transport of sediments into the municipal storm drain system. An erosion control plan has not yet been prepared. However, as discussed in subsection 6(e,g) above, project grading is regulated by the City, which requires submittal of a grading plan with erosion control measures. Implementation of erosion control measures would prevent sediments from inadvertently entering storm drains.

10. Land Use and Planning. The project is located within a developed area of the city of Capitola, and is located on a site that is currently developed. The proposed demolition of the existing salvage yard and development of the proposed senior housing project would not divide an established community. There are no known Habitat Conservation or Natural Community Conservation Plans that would be applicable to the site.

(b-c) Consistency with Local Policies/ Plans. The project site is designated for commercial uses in the City's General Plan and Zoning Ordinance. The CN (Neighborhood Commercial) zone district allows multiple residential with the issuance of a Conditional Use Permit. However, the project includes a proposed rezoning to a PD (Planned Development) district. As indicated in the City's current Housing Element (SOURCE V.1b), development standards in the PD zone are flexible, tailored to the constraints of the site and needs of the development. The Housing Element identifies the PD zone as a way to allow site-specific density increases. Additionally, the project site is identified as a housing opportunity site in the Housing Element. The project does not conflict with any policies or regulations adopted for the purpose of avoiding or mitigating an environmental impact.

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

12. Noise.

(a-b) Noise Exposure. The project site is not located near an airport or private airstrip. However, the site is located within a commercial area that is affected by traffic noise, primarily along Capitola Road and 41st Avenue. According to information developed as part of the City's General Plan update, the project site is located with an area that could experience very high noise intensity levels, although specific ambient noise levels are not identified (SOURCE V.2c).

The City General Plan identifies land use compatibility standards for noise levels. For multi-family residential uses, normally acceptable exterior noise levels 60-65 decibels and conditionally acceptable levels are identified as 60-70 decibels. These standards indicated that new development in a conditionally acceptable noise range should be undertaken only after a detailed analysis of noise reduction requirements is made. Interior noise levels are limited to 45 decibels pursuant to state regulations.

Impact Analysis. The proposal consists of construction of 23 senior housing units. Project interior and outdoor areas may be exposed to noise levels that exceed City standards due to traffic noise along 38th Avenue and nearby Capitola Road. This is considered a potentially significant impact.

The City of Capitola General Plan sets forth noise and land use compatibility standards. Noise levels of 60 to 70 CNEL are considered conditionally acceptable for multi-family residential uses, and may need additional noise insulation or attenuation in building designs. City and State standards require interior noise levels of 45 decibels (dB) or less. Closed windows, building materials and design features, such as insulation and noise-attenuating windows, can reduce interior noise levels. Preparation of an acoustical study as recommended in the City's General Plan (Policy 8) with Implementation of recommendations in the study will reduce the impact to a less-than-significant level.

MITIGATION MEASURE 1: Require preparation of an acoustical study with building permit submittal and require building plans to incorporate any recommended building or window design measures, if needed to achieve required indoor noise levels.

Monitoring: *Include measure as Condition of Project Approval. Require applicant to submit acoustical study to Planning Department staff prior to construction for approval. City Planning and Building staff are responsible for reviewing building plans to ensure recommended measures are incorporated into the building design.*

(c) Permanent Noise Increases. The immediate project vicinity is characterized by commercial uses, except for residential uses to the west. The proposed residential uses would not result in significant increases in ambient noise levels, especially with regards to existing commercial business activity and traffic. A swimming pool is

proposed on the third floor along the 38th Avenue frontage, and would be located away from existing residences. There is no planned exterior mechanical equipment that would generate increased sound levels or noise.

(d) Temporary Noise. There will be a temporary increase in existing noise levels during demolition, grading and construction. Adjacent residential uses to the west are considered sensitive receptors. Anticipated equipment includes, but is not limited to equipment that would be used for excavation, grading, and building construction, as well as trucks.

Impact Analysis. Construction activities could cause temporary annoyance and activity interference at adjacent residences. Construction-related noise levels would vary throughout the day, depending on the type of equipment in use at any one time. Conventional construction activities are expected to generate noise levels in the range of 75 to 85 decibels at a distance of 50 feet. Noise levels would decrease with distance from the site. Noise levels associated with construction will vary throughout the construction period and throughout any given day, depending on the type of equipment in use. Noise levels associated with use of heavy equipment would be intermittent throughout a given day. Because construction-related impacts are temporary and noise levels are variable, construction-related noise impacts are considered less-than-significant. Although mitigation measures are not required, Best Management Practices are recommended as a Condition of Approval to be included in the project construction specifications.

RECOMMENDED CONDITION OF APPROVAL: Require implementation of the following measures during construction:

- Prohibit construction on weekends and limit construction to weekdays between 8 AM and 5 PM.
- Require proper maintenance of construction equipment.
- Require all stockpiling and vehicle staging areas and stationary noise-generating construction equipment to be located as far as possible from nearby residences as practicable.
- As part of construction specifications, require all equipment to be kept in good repair and fitted with superior quality mufflers. All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.
- Require the contractor to assure that mobile noise-generating equipment and machinery are shut off when not in use.

13. Population and Housing.

(a) Population Growth. The city of Capitola had 5,537 existing dwelling units as of January 1, 2012 with a total population of 9,981 residents.⁴ The proposed project will result in construction of 23 senior housing units. The resulting population increases is estimated at approximately 35 new residents assuming one person per studio unit and up to two persons per one- and two-bedroom units. The City's overall average household size is 2.124 residents per dwelling unit. The City's population would total 10,016 residents with the proposed project, which would not AMBAG's population forecast of 10,222 residents by the year 2015. Thus, the population expected with the proposed project is within population growth projections for the City, and the project would not result in a substantial increase in population growth.

(b-c) Removal of Housing/Displacement of People. The project site currently is in commercial use, and the project will not result in removal of existing housing or displacement of people.

14. Public Services.

(a-b) Fire and Police Protection Services. The proposed project will be served by existing services and utilities. The project will have no measurable effect on existing public services in that the incremental increase in demand will not require expansion of any services to serve the project. Construction of new fire or police facilities to serve the project would not be warranted. New development will be required to install automatic fire sprinklers and alarms in accordance with City requirements and comply with other Fire Department recommendations regarding access. Thus, the proposed project would not result in significant impacts to fire and police protection services.

(c) Schools. The proposed project would result in construction of 23 senior housing rental units. As a senior housing project, there would be no increase in study enrollments or impacts to existing school facilities.

(d) Parks. See discussion below under subsection 15 – Recreation.

15. Recreation.

The proposed project's net increase of 23 senior residential units and the associated population of 35 estimated residents will result in an incremental increased demand for recreational facilities, but is not expected to result in a significant increased use to existing parks and facilities to the extent that a substantial physical deterioration would occur. The project does provide onsite swimming pool and spa.

⁴ Per California Department of Finance, "E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011 and 2012" (May 2012). Online at: <http://www.dof.ca.gov/research/demographic/reports/estimates/e-5/2011-20/view.php>.

16. Transportation/Traffic.

(a-b,f) Traffic and Circulation. The project site is located on 38th Avenue, just south of Capitola Road and west of 41st Avenue. 38th Avenue is identified as a collector street in the City's existing General Plan, but is identified as a "minor" arterial in the background reports prepared for the General Plan Update that is in progress (SOURCE V.2b). The Capitola Road/38th Avenue intersection is signalized. There are no congestion management programs in effect in Capitola or county of Santa Cruz. The proposed project would not conflict with adopted policies or plans supporting alternative transportation.

Impact Analysis. The proposed project is estimated to result in an increase in daily traffic, but would result in reduced trips during peak hours. Thus, increased traffic as a result of the project is considered a less-than-significant impact. The project would also provide adequate parking for the proposed use type.

The proposed project is estimated to result in a net increase of 39 daily weekday trips based on trip generation rates for senior housing and warehouse uses published by the Institute of Transportation Engineers (SOURCE V.8). Traffic from the existing salvage yard was deducted from the total trips generated by the proposed senior housing project. The proposed project is estimated to result in a slight decrease in AM and PM peak trips compared to the existing use. The addition of approximately 40 project trips to study intersections throughout the day would not have a noticeable effect. Thus, the project's traffic would result in a less-than-significant impact, and no mitigation measures are required.

The project would provide a total of 35 on-site parking spaces to accommodate 23 residential units, employees, and guests. According to the Institute of Transportation Engineers (ITE), a nationally recognized authority and developer of transportation and parking standards, senior citizen housing requires 1.4 parking spaces per residential unit. The ITE parking standard accounts for the demand created by senior housing complexes, including residents, employees, and guests. The proposed project exceeds this standard by providing 1.5 spaces per unit. Accordingly, the project would not result in a significant direct impact to parking. Because the project would provide adequate on-site parking, no indirect environmental impacts would occur as a result of a parking shortage.

(d-e) Access. Site access for the proposed project is planned via one inbound driveway and one outbound driveway located along 38th Avenue. Due to the site location, the proposed driveways are planned to be offset from the two existing driveways serving the existing retail center located across the project site on 38th Avenue. The project design would not result in increased hazards or inadequate emergency access.

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

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

Wastewater treatment is provided by the City's wastewater treatment plant that has an average dry weather flow capacity of 17 million gallons per day (mgd) and currently operates at approximately 62 percent of its capacity with a remaining capacity of approximately 10.5 mgd. As part of the total capacity, the Santa Cruz County Sanitation District has treatment capacity rights of 8 million gallons per day. The Sanitation District contributes 5.5 mgd with a remaining capacity of 2.5 mgd (SOURCE V.3b). The treatment plant has adequate capacity to serve the project, which is estimated to generate approximately 0.001 mgd of wastewater based on a conservative estimate that 90 percent of the estimated project water use would result in wastewater generation.

(b,d) Water Supply. The project site is located within the service area of the City of Santa Cruz Water Department. The City of Santa Cruz Water Department serves approximately 22,000 connections in an approximate 20 square mile area that includes lands within existing City limits, a portion of UCSC, a portion of Live Oak in the unincorporated area of Santa Cruz County, a small part of the City of Capitola and coastal agricultural lands outside City limits.

In December 2011, the Santa Cruz City Council adopted the *2010 Urban Water Management Plan (UWMP)* in accordance with State law, which evaluates water supply and demand within the City's service area over the next 20 years. Additionally, the City of Santa Cruz updated its General Plan, which was adopted by the City Council in June 2012. The City of Santa Cruz *General Plan 2030 EIR* was certified at the same time. The EIR provides a comprehensive analysis of impacts of water demand within the City's service area. Both the UWMP and General Plan EIR assess future water demand within the City's water service area that is located outside Santa Cruz city limits based on population growth projections developed by the Association of Monterey Bay Area Governments (AMBAG). The following section summarizes background information contained in these documents, which are incorporated by reference as indicated in section III.B of this Initial Study. A summary of existing conditions is presented; the full water supply review and analysis is provided on pages 4.5-1 to 4.5-44 of the Draft EIR volume and pages 3-2 to 3-19 of the Final EIR volume.)

Water Supplies. The City's water system is comprised of four main sources of supply: North Coast sources; San Lorenzo River diversions; Loch Lomond Reservoir; and Live Oak wells. On average, about 84 percent of the City's annual water supply needs are met by surface diversions from the coastal streams and San Lorenzo River, while approximately 12 percent is supplied by Loch Lomond Reservoir and four percent of the supply is derived from the Live Oak Well system (SOURCE V.3d). Major facilities include two water treatment plants, several pump stations and 16 distribution reservoirs storing almost 15 million gallons of treated water. There are also about 300 miles of water pipelines throughout the service area (Ibid.).

Water production has fluctuated over the past ten years; annual production has ranged from a high of nearly 4,500 MGY in 2000 to a low of approximately 3,200 MGY in 2009 (SOURCE V.3d). Average water production between 1985 and 2010 was approximately 3,900 MGY, while average water production between 2006 and 2010 averaged approximately 3,500 MGY (Ibid.).

The 2010 UWMP estimates future water supplies in the year 2030 as 4,160 MGY, depending on the outcome of negotiations between the City and regulatory agencies regarding releases for fish habitat. Continued access to the same amount of North Coast supply sources will depend on the outcome of a Section 10 "incidental take" permit application and accompanying Habitat Conservation Plan (HCP) that are being prepared by the City pursuant to the federal Endangered Species Act for City activities designed to prevent take of a listed federal species. The permit and plan must be approved by the U.S. Fish and Wildlife Service and NOAA National Marine Fisheries Service (NMFS). The City entered into the HCP process in 2001, and over the past 6 years, the City has coordinated and met with U.S. Fish and Wildlife Service and NMFS on HCP-related issues and has conducted a number of studies. A draft HCP has not yet been completed, but the City has prepared and submitted a Draft Conservation Strategy that identifies minimum in-stream flows at City diversions to minimize the effect of diversions on habitat conditions for steelhead and coho salmon.

The water supply estimates in the 2010 UWMP were developed using the City's water supply operations model and incorporates the best available information about future operations beginning in 2015 under a yet to be approved Habitat Conservation Plan (HCP). The final outcome is not known as the City of Santa Cruz is currently negotiations with the federal agencies on flow requirements.

Water Demand. The adopted 2010 UWMP estimates a water demand of between 4,046 and 4,537 MGY in the year 2030 within the entire water service area. This is based on two scenarios; the higher demand reflects water use trends experienced between 1999 and 2004, while the lower demand reflects more recent water use trends experienced in 2007-08. The 2010 UWMP indicates that the lower demand scenario is more reasonable given recent trends and state mandates for water conservation (SOURCE V.3d).

In 2009, the state of California enacted SB7, which sets a goal of reducing urban per capita water use by 20% by December 31, 2020. Under the law, each urban retail water supplier must include a base daily water use, a 2020 urban water use target and an interim (2015) water use target in its UWMP. The baseline water use value for California as a whole is 192 gallons per capita per day (gpcd); the value for the Central Coast Region, which encompasses the area from Santa Cruz to Santa Barbara, is 154 gpcd (SOURCE v.3d). Over the last 10-year period, per capita water use within the City of Santa Cruz water service area has declined from about 126 gpcd in 2001 to 93 gpcd in 2010 (SOURCE v.3d). The City's 10-year baseline (ending 2010), determined in accordance with the state's technical methodologies, is 113 gpcd. In accordance with state methodologies, the UWMP includes a 2020 target of 110 gpcd, and the City would be in compliance with state law if it maintains its per capita demand at or below this level.

Water Supply Reliability. The primary water reliability issue currently facing the City of Santa Cruz is the lack of adequate water supply during droughts due to the wide range in the yield of surface water sources from year to year and limited storage capacity. Updated modeling conducted for the 2010 UWMP found that the worst-year peak season shortage could range between 23 and 37% and between 42 and 51% with additional flow releases for fish habitat. Historically, one dry or critically dry year has not created a water shortage due to sufficient storage in Loch Lomond Reservoir. Based on past experience, however, a shortage is likely to occur when the central coast region experiences two or more dry or critically dry years in a row (SOURCE v.3d). The total water supply estimated to be available to the City in single dry years (i.e., 1994) is 3,900 MG (Ibid.). However, during an extreme two-year drought similar to the 1976-77 event, the estimated water supply available to the City in the second year of that event is 2,800 MG with a resulting deficit of approximately 1,200 MG (Ibid.). The peak season is between April and October since this is the period that would be most affected by a supply shortage due to peak water demand.

The City faces a series of ongoing challenges that potentially could lead to some loss of existing supply in the future, although it is uncertain at this time to what extent and which supplies might be affected. These considerations include: potential flow releases associated with the HCP as described above, the outcome of water rights petitions, groundwater availability and climate change issues. These considerations are described in section 4.5 of the City of Santa Cruz General Plan 2030 Draft EIR as updated by the Final EIR document.

The City of Santa Cruz has been actively considering possible new water supplies for nearly 20 years. In 2005, the City adopted an Integrated Water Plan (IWP), which identifies a water management strategy. The purpose of the IWP is to help the City reduce drought year water shortages and provide a reliable supply that meets long-term needs while ensuring protection of public health and safety. The adopted IWP water management strategy consists of the following three major components:

- Water conservation programs.
- Customer use curtailment (water use cutback) in times of shortage.

- Supplemental water supply for drought protection provided by a 2.5 million-gallon-per-day (mgd) desalination plant with potential for expansion up to 4.5 mgd in increments of one mgd.

The City is actively implementing water conservation programs. Additionally, the City and Soquel Creek Water District are pursuing regulatory approvals for a permanent, 2.5 mgd (with potential for expansion to 4.5 mgd) desalination plant. The facility would provide a backup water supply to the City in times of drought and would provide water to the District at other times to reduce its reliance on well water and avert the threat of seawater intrusion in local groundwater aquifers.

A one year of testing at a pilot desalination plant has been completed, and environmental review is underway for a permanent facility, which is expected to be constructed and in operation by the year 2016, pending completion of project-level environmental review and regulatory permit approvals, e.g., approval of a coastal development permit from the California Coastal Commission.⁵ The design and environmental review phases are currently underway. There is some uncertainty related to the approval and timing of the permanent desalination plant construction and operation. The likelihood of construction of a permanent plant is currently uncertain as design plans have not been completed, and it cannot be predicted at this time whether the Coastal Commission and other agencies would issue the necessary approvals.

Impact Analysis. The proposed project is estimated to result in a net increase in water demand of approximately 0.53 MGY based on water use rates developed by the City Water Department for the residential uses, landscaping and swimming pools as summarized on Table 1. This estimate deducts estimated existing water demand at the site based on City of Santa Cruz rates. Additionally, the proposed project includes a restaurant-dining facility for residents only. Thus, project water use may be a slightly higher, i.e. 0.6 MGY. Discussions with staff of the City Water Department indicate that the estimate project water demand is consistent with water use at a nearby 25-unit senior housing project.

⁵ Other potential permits, approvals and/or consultations for a permanent desalination plant and supporting infrastructure (i.e., intake facility and distribution pipeline) may be required from various agencies, including, but not limited to U.S. Fish and Wildlife Service, State Lands Commission, and California Department of Health Services.

Table 1: Estimated Project Water Demand

Type of Use	Size	Water Demand Rate	Water Use (Million Gallons Per Year)
Multi-Family Residential Units	23 units	70 gpd / room	0.60
Landscaping	2,000 sq. ft.	0.02 x sq. ft. = billing units (100 cf) x 100 x 7.48 gallons	0.03
Swimming Pool	480 sq. ft.	Area x 4 x 7.48 gallons	0.02
Total Project Water Use:			0.65
Existing Consumption Salvage Materials Yard	10,000 sq. ft.	12 gallons/sf/yr	0.12
Net Water Use			0.53

The estimated project water demand is within the 20-year estimated water demand for areas outside Santa Cruz city limits. The 2010 UWMP predicts that water supplies will be adequate in normal years to serve estimated growth within the City of Santa Cruz water service area. Therefore, increased water demand under normal conditions is a less-than-significant project impact.

During periods of drought, water customers would be subject to water curtailment as enacted by the City. The minimal increased water demand associated with the proposed project would not cause any noticeable effects on the level of curtailment that would be required of all water customers in a single dry year scenario. The proposed project's increased demand is considered minimal and would not have significant effects on the levels of curtailment that would be required throughout the service area. As indicated above, the City of Santa Cruz in partnership with the Soquel Creek Water District is pursuing development of a desalination facility that would serve the City during periods of drought.

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

(f) Solid Waste Disposal. Since 2007, the City of Capitola has a franchise agreement with Green Waste Recovery (GWR) for the collection of refuse, recycling, and yard waste. Solid waste collected in Capitola is transferred to the Monterey Peninsula Class III Landfill located in the City of Marina, which is operated by the Monterey

Regional Waste Management District. It is a regional disposal facility that serves an 853 square mile area with a population of approximately 170,000. This landfill covers 475 acres and is comprised of both unlined and lined disposal areas. Waste types accepted and permitted at this facility include: agricultural, construction/demolition, sludge (biosolids), and mixed municipal. The landfill has a remaining waste capacity of approximately 40 million tons (74 million cubic yards) and has an anticipated life capacity of 100 years (SOURCE V2.d). Thus, there is adequate existing capacity to serve the proposed project.

18. **Mandatory Findings of Significance.**

(a) Quality of the Environment. The proposed project would have no effect on biological or cultural resources and would not result in elimination of important examples of major period of California history or prehistory. The project would not degrade the quality of the environmental or otherwise affect fish and wildlife habitat. No significant impacts were identified related to cultural historical resources.

(b) Cumulative Impacts. There are no cumulative projects pending in the city of Capitola, except for the opening of a Target store at the Capitola Mall to replace a former department store that closed within the last few years. The proposed project would contribute to cumulative water supply and global climate change impacts as discussed below. There are no other known significant cumulative impacts to which the project would contribute.

Water Supply. The proposed project will contribute to cumulative water demand under normal and under drought conditions in which there are existing water shortages. Cumulative development and growth within the City's water service area could result in a cumulative increase in water demand of approximately 520 MGY by the year 2030 (SOURCE V.3b), which includes projected population growth outside city limits but within the City's water service area. This cumulative water demand estimate is based on population projections for areas outside city of Santa Cruz city limits, but does not include any additional growth that may be anticipated in the City of Capitola General Plan, which is being updated.

The City of Santa Cruz adopted 2010 UWMP indicates that there would be adequate supplies during a normal year to serve cumulative development within the service area based on expected water demand trends and usage. However, as indicated above in subsection 17(b-d), existing supplies may be reduced in the future with implementation of a Habitat Conservation Plan and resolution of petitions before the State Water Resources Control Board, although whether or not this may occur is uncertain at this time, and if so, to what extent and which supplies might be affected also are not known. If water demand in the City's water service area is higher than what was experienced in the last five years (instead of more recent lower water demand levels), cumulative development could result in a significant cumulative impact on water supply during normal years (SOURCE V3.c).

Additionally, cumulative water demand would also increase during drought periods in which City supplies cannot meet water demand under existing conditions. The 2010 UWMP estimates an annual shortfall of approximately 1,200 MGY in 2030 during a multiple-year drought. Thus, cumulative development and growth would result in a significant cumulative water impact as it results in additional demand in a system that does not currently have adequate water supplies during a drought condition.

As previously indicated in section 17 above, the City has been actively considering possible new water supplies for nearly 20 years, and its adopted *Integrated Water Plan* (IWP) identifies potential approaches to drought-year water supply options. The adopted IWP water management strategy includes three components: water conservation, water use curtailment during droughts, and a supplemental desalination water supply. The City is actively implementing water conservation programs. The City currently imposes a "System Development Charge" on all new connections based on meter size that is used to fund conservation programs and partially offset the desalination plant's costs.

The certified IWP EIR evaluates impacts of the construction of a desalination facility and associated pipelines on a programmatic level, which are summarized in the City of Santa Cruz General Plan 2030 EIR. Construction could have physical environmental effects, and the IWP EIR identified potentially significant impacts that could be mitigated to a less-than-significant level, except for temporary construction noise. The EIR also includes further review of population projections and City/County land use planning documents prior to any expansion of a plant in ensure that development of an additional water supply is consistent with planned growth projections (SOURCE V.3c).

The City has completed a one-year operation of the pilot desalination plant, and design and environmental review for a permanent facility are currently underway. A permanent desalination plant is expected to be constructed and in operation by the year 2016, pending completion of project-level environmental review and acquisition of necessary regulatory approvals (e.g., from the California Coastal Commission). The desalination facility would provide a supplemental water supply during periods of drought and could be expanded at a future time to provide additional supply after additional environmental review and permitting. The City acknowledges some uncertainty related to the approval of and timing for construction of the permanent desalination facility as the project is subject to completion of environmental review and permit approvals, including a coastal permit from the California Coastal Commission.

The City's adopted IWP and 2010 UWMP identified seawater desalination as the only feasible alternative for a backup supply of drinking water during a drought. Recycled wastewater was determined to be potentially feasible for landscape irrigation, but is not the City's preferred water supply strategy, although the City's General Plan 2030 policy remains open to pursuing this option (SOURCE V.3d).

Cumulative Impact Analysis. Cumulative development and growth would result in a significant cumulative water impact as it results in additional future demand in a system that does not have adequate existing or long-

term water supplies during drought conditions and may not have adequate future supplies in normal years. The project's incremental contribution to this situation would be less than one hundredth of one percent of the total cumulative demand.

The project will be required to include water conserving fixtures and landscaping in accordance with building code and City requirements. In addition, the project will pay the required "System Development Charge," which is used in part to implement conservation and desalination plant costs planned under the IWP. Under drought conditions, the project, like other City customers, would be required to curtail water use by varying amounts, depending on the severity of the drought. The minor increase in project water demand would not substantially exacerbate water supply reliability during a drought or in the future due to cumulative growth because, as explained above (in section 17[b,d]), and would not be expected to result in any noticeable increase in the curtailment in customer use that would be implemented during drought conditions. Thus, the incremental effects of the proposed project would not be cumulatively considerable.

Additionally, the City's adopted Integrated Water Plan includes a supplemental future supply of 2.5 MG/year from the proposed, but not yet approved or constructed desalination plant. The facility would provide a supplemental water supply during periods of drought and could be expanded in the future to provide additional water to accommodate growth planned within the City's water service area. As indicated above (in section 17[b,d]), the City is in the process of completing design plans and preparing an EIR for the project. The City also regularly monitors water demand and water supply options via preparation of annual water demand reports to the City Council and five-year updates of the UWMP, which includes a 20-year planning horizon for water supply management.

Global Climate Change. See discussion above under subsection 7 above regarding global climate change.

(c) Substantial Adverse Effects on Human Beings. No environmental effects have been identified that would have direct or indirect adverse effects on human beings, except for potential exposure to noise, which can be mitigated to a less-than-significant level.

Sneddon, Su

From: Danna [danna2001@yahoo.com]
Sent: Friday, June 21, 2013 5:45 PM
To: City Council
Subject: RE: Villas Capitola

JUN 21 2013

CITY OF CAPITOLA
CITY CLERK

Dear Council,

I would like to express my approval of the beautiful retirement community Mr Thomas is presenting to you. I think a retirement building of this caliber in the area would be beneficial to the area as well as Capitola proper. Having known Mr Thomas for 30+ years I am familiar with the quality and care he puts into his projects and look forward to establishing myself in this retirement community.

Thank you , Danna Olson

Sneddon, Su

From: Kathy Ordonez [ordonez.kathy132@gmail.com]
Sent: Friday, June 21, 2013 7:16 PM
To: City Council
Subject: Villa capitola

I urge you to approve this long overdue project.

Sincerely,
Kathy Ordonez

Sent from my iPad

JUN 21 2013
CITY OF CAPITOLA
CITY CLERK

Sneddon, Su

From: james scotto [circlejs1@sbcglobal.net]
Sent: Sunday, June 23, 2013 6:59 PM
To: City Council; planningcommission@ci.capitola.ca.u
Subject: [?? Probable Spam] Letter to the Council

JUN 23 2013

CITY OF CAPITOLA
CITY CLERK

To Whom it may concern;

My name is James Scotto and I am 70 years old, live in Redwood City CA and writing this email because a friend had told me about 'a potential retirement structure being built in Capitola' which I checked out with the couple that is developing the project. I think their idea sounds great and definitely a good fit for someone like me.

Being in Capitola it's a great location, it's small not a big project so fits with the community. It will allow myself (a senior) to be more independent with easy walking access to stores, entertainment, doctors etc.. Great opportunity for that part of the neighborhood.

My understanding is there is a struggle for Mr. and Mrs. Thomas to get the project off the ground so thought it would be good idea to let the planning commission know what potential tenants might think.

Thank you,

James Scotto

1809 Anamore St

Redwood City, CA 94062

Sneddon, Su

From: Kathy Ordonez [kathy@ccmmortgage.com]
Sent: Sunday, June 23, 2013 3:29 PM
To: City Council; PLANNING COMMISSION
Subject: Villa Capitola

JUN 23 2013

**CITY OF CAPITOLA
CITY CLERK**

Council Members/Commissioners:

I am writing in support of the above project.

There is a huge need for senior housing in Capitola and Villa Capitola would be a welcome addition to the city. Located ideally near a shopping center and on 38th Avenue, an area in need of revitalization, this beautifully styled building would be great for seniors and also a benefit to the local businesses in the area.

I hope that the seniors in Capitola and surrounding areas can be assured of your support for this vital project.

Sincerely,
Kathy Nino

From: nancy dilley [ndilley@gmail.com]
Sent: Sunday, June 23, 2013 7:23 PM
To: City Council; PLANNING COMMISSION
Subject: Note to the City Planning Committee

JUN 23 2013

**CITY OF CAPITOLA
CITY CLERK**

Dear City Council,

RE: Maureen and Steve Thomas potential Retirement development in Capitola

My name is Nancy Dilley and When Maureen and Steve told me about their plans for developing their property into a retirement community I thought that's PERFECT for me as I'll be looking for a location once I retire next 4 or 5 years. I've been following along with their progress and feel there might be a need to express my thoughts on how much of a need there is for something like this.

- Senior housing that is within walking distance of stores, personal services, doctor offices. Entertainment nearby.
- I really believe in the idea of keeping the building of new structures within high density areas as I abhor the idea of tearing apart open space to build YET another building.
- Beautiful structure, it will definitely 'bring up the nearby neighborhood'.
- Also the size, it's not gigantic, its intimate and homey size. Won't be an eye sore within the neighborhood.
- It's perfect for senior's especially my age with it's location and fully independent style of living.

I hope the project is approved and they can proceed. Please contact me if you'd like to talk further.

Thank you,

Nancy Dilley

124 Vera Ave

Redwood City, CA 94061

--

Nancy Dilley
650-363-1406

From: james scotto [circlejs1@sbcglobal.net]
Sent: Sunday, June 23, 2013 7:00 PM
To: PLANNING COMMISSION
Subject: Letter to the Council

JUN 23 2013

**CITY OF CAPITOLA
CITY CLERK**

To Whom it may concern;

My name is James Scotto and I am 70 years old, live in Redwood City CA and writing this email because a friend had told me about 'a potential retirement structure being built in Capitola' which I checked out with the couple that is developing the project. I think their idea sounds great and definitely a good fit for someone like me.

Being in Capitola it's a great location, it's small not a big project so fits with the community. It will allow myself (a senior) to be more independent with easy walking access to stores, entertainment, doctors etc.. Great opportunity for that part of the neighborhood.

My understanding is there is a struggle for Mr. and Mrs. Thomas to get the project off the ground so thought it would be good idea to let the planning commission know what potential tenants might think.

Thank you,

James Scotto

1809 Anamore St

Redwood City, CA 94062

Sneddon, Su

From: Bill Haley [wsh13@me.com]
Sent: Friday, June 21, 2013 7:31 PM
To: City Council
Subject: Fwd: Seniors

JUN 23 2013

CITY OF CAPITOLA
 CITY CLERK

Sent from my iPad

Begin forwarded message:

From: Bill Haley <wsh13@me.com>
Date: June 21, 2013 6:16:04 PM PDT
To: "citycouncil@council.ci.capitola.ca.us" <citycouncil@council.ci.capitola.ca.us>
Subject: Seniors

Sent from my iPad: Looking over some recent votes it's seems clear that some council members are against seniors having housing in Capitola. Let's vote yes for the very big Marriott ,that looms over all the houses right next to it , but don't allow Villa Capitola to move forward ,which has one house behind it . Latest stall is parking for workers, REALLY , Lets see how many employes does GAIL'S have ? And they share a parking lot with others. Call it what you will ,a no vote is a no to seniors . When's the next election . We will be watching , WSH

Sneddon, Su

From: Patricia Rogers [patricia.rogers.math@gmail.com]
Sent: Sunday, June 23, 2013 2:10 PM
To: City Council
Cc: PLANNING COMMISSION
Subject: Active Senior Residence in Capitola

JUN 23 2013

CITY OF CAPITOLA
CITY CLERK

Dear Capitola Council Members and Planning Commission members,

I am writing to you today to ask for your support and approval of an active senior living residence in Capitola. This is exactly the type of facility I see myself living in upon retiring: close to the beach and medical facilities, excellent year-round climate and a safe community. All of this and allowing me to remain active as I enjoy my retirement!

While I drive now, I realize this will not always be possible, so I will eventually look for a facility that has proximity to public transportation or one that is within walking distance to needed services. This proposed facility is just that! In fact, it is a beautiful facility, one that will help begin the revitalization of 38th Avenue.

When my parents became unable to stay in their own home, due to failing vision and illnesses, I was dismayed at having them stay in a large, sterile, impersonal facility. This beautiful building will be an attractive alternative for so many seniors in our area, making it a wise decision for Capitola and the surrounding communities.

I encourage you to openly consider the proposed senior facility in Capitola that will provide for many of our senior population.

Thank you for your time,

Patricia Rogers

From: Patty Vagts [pattyvagts@yahoo.com]
Sent: Sunday, June 23, 2013 4:57 PM
To: City Council; PLANNING COMMISSION
Subject: Villa Capitola Senior Housing

JUN 23 2013
CITY OF CAPITOLA
CITY CLERK

My healthy ambulatory nearly 90 year old mother needs housing exactly like the Villa Capitola Senior Housing project proposed by Steve Thomas and Maureen Romac. Currently there is no senior housing in Capitola that I am aware of. This development will be high density, small and personal and ideally located, which is what Capitola could really use.

The community would benefit, i.e. businesses and services in town, while saving open space and the environment.

The proposed architecture would enhance the neighborhood and provide needed housing within walking distance of stores, salons, and other services active seniors need.

My Mom has been amazingly healthy and independent, yet will soon need the support and surroundings Villa Capitola would provide. The Senior population is growing rapidly and we will need more housing for this age group.

This specific facility is an excellent start for our elderly population.

Sincerely,
 Hale and Patty Vagts

VILLA CAPITOLA

1575 38TH AVE. CAPITOLA CA. 95010

Hello Mr. Ow. In response to your letter I must say I can appreciate the journey you and your family have experienced .King's Plaza shopping center is a great example of hard work and determination. I was born in San Francisco to a rather humble Italian family, my wife Maureen Romac and I have lived in Aptos for 20 years. Maureen is a teacher in Gilroy.I have operated Capitola Freight and salvage for the last 9 years. Maureen myself and business partner John Schraub purchased the property 11 years ago. We have always been neighbor friendly and operated in a manner that is harmonious with our surroundings. This site was chosen because of its location. The opportunity for active seniors to live close to services that your center provides is a key to its success. We began our feasibility study 1 year before discussing it with the City of Capitola. We have been working on design now for almost 2 years Part of our success will actually be what your concern is, activity from our neighbor at King's Plaza. Mitigation of any exterior noise will accomplished in 3 ways

- 1) Increased setbacks from 38th avenue including a 9ft sidewalk a 24ft landscape strip to the face of our building with including non fruiting olive trees. This will position Villa Capitola 84ft from the rear of your center and 170ft from the rear of Orchard Supply Hardware .2) We have designed our building in a "stepped fashion" that positions our residences even further back from adjoining properties and the roadway.3) Any residences that may be close to "noise" will have mitigating structure, windows and appropriate landscaping already conditioned by the city.

Mr. Ow I can assure you that any resident at Villa Capitola will be aware of your concern and it will be part of our CC&Rs they sign upon leasing. Many seniors who are interested in living at Villa Capitola look forward to the atmosphere and watching the world go by. This again is the reason for choosing this location, it's perfect. In the last 2 years we have reduced our overall size from 4 story 67 units to 3 story and 23 residences primarily studio and 1 bedroom units. We have 35 private non contiguous parking stalls. We have completed a parking/traffic study that concludes we have ample parking and low measurable impact on traffic. We have reached out to our neighbors and welcome their input on any additional landscaping ideas they may have. Mr. Ow once again I ask for your support on our project and look forward to working with you in the future.

Sincerely, Steve Thomas

JUN 24 2013

CITY OF CAPITOLA
CITY CLERK

From: msawyer2729@yahoo.com
Sent: Monday, June 24, 2013 11:04 AM
To: PLANNING COMMISSION
Subject: Villa Capitola Senior Housing

JUN 24 2013

**CITY OF CAPITOLA
CITY CLERK**

Hello,

My name is Mark Sawyer and I am the President and CEO of MAS Financing. I am writing to offer my support for the Villa Capitola Senior Housing project. I have a 75 year old mother that I would like to have near me for the remainder of her life. The City of Capitola is a place that she would love to re-locate to. The Villa Capitola Senior Housing project would be ideal for her, since it would meet all of her and my family's needs. It would allow my mother receive the care in an environment that is conducive to relaxation versus stress, as well as to shop locally which is one of her favorite pastimes. I also would like to one day retire in the Capitola area and would love to have the perfect senior living community for me as well.

I have

Feel free to contact me at anytime if you would like additional feedback or have additional inquiry.

Thanks in advance for your time and support.

Mark Sawyer
President/CEO
MAS Financing

408-449-7736

Sneddon, Su

From: Tatyana Teeuwisse [tatyana@teeuwisse.info]
Sent: Tuesday, June 25, 2013 2:58 PM
To: City Council
Subject: 38th Ave rezoning appeal

JUN 25 2013

CITY OF CAPITOLA
CITY CLERK

6/25/13

Dear Mayor and Council Members,

It has come to our attention that the owners and developers of 1575 38th Avenue would have Council believe that the surrounding neighbors are in support of their proposed rezoning and building plans.

We wish to make it abundantly clear that we are OPPOSED to a rezoning to PD which--according to the Plan denied twice by the Planning Commission--would entail unfavorable changes to current mass, scale, and setback recommendations for this CN zoned lot. We are concerned about privacy, shading, noise, traffic, parking, and incongruency with the surrounding neighborhood. With respect, please consider this message from Planning Meeting 6/6/13 Chair Mick Routh: "The zoning ordinance is a covenant with the public guaranteeing that their property will be safe guarded from incompatible uses or building design not reflecting the zoning requirements. Allowing the formation of a PD District and proposed development that does not adhere to the CN zoning standards amounts to spot zoning and denies the public those safe guards inherent in the zoning ordinance."

An appropriately zoned building offering senior housing would be welcome in our neighborhood. The plan being appealed before you this week is not.

Signed,

1. Theresa Stolaroff 1550 Bulb Ave
2. Jerry Stolaroff 1550 Bulb Ave
3. Savannah Stolaroff 1550 Bulb Ave
4. Tony Ainsworth 1535 Bulb Ave
5. Rebecca Russell 1484 Bulb Ave
6. Toni Schwab 1482 Bulb Ave
7. Mike Schwab 1482 Bulb Ave
8. Lisa Lindeman 1525 Bulb Ave
9. Ron Goad 1560 Bulb Ave
10. Angelo Raffaelli 1540 Bulb Ave
11. Pauline Raffaelli 1540 Bulb Ave
12. Anita Rafaelli 1540 Bulb Ave
13. Ray West 1520 Bulb Ave
14. Kimberly Frey 1530 Bulb Ave
15. Don Mosegard 1530 Bulb Ave
16. Bart Teeuwisse 1595 38th Ave
17. Tatyanna Teeuwisse 1595 38th Ave
18. Sharon Barnes 1574 Bulb Ave
19. Scott Barnes 1574 Bulb Ave
20. Greg Avila 1515 Bulb Ave
21. Emil Diego 1470 Bulb Ave

Sneddon, Su

From: Tracy Soares [4soaresrus@sbcglobal.net]
Sent: Tuesday, June 25, 2013 4:37 PM
To: City Council
Subject: Villa Capitola Senior Housing

JUN 25 2013

CITY OF CAPITOLA
CITY CLERK

Dear City Council Members:

I'm writing you today in hopes that this new senior housing will be approved. I am the daughter-in-law of an elderly man. My mother-in-law passed several years ago, and recently we started looking for a place like Villa Capitola for my father-in-law. THERE ARE NONE! He is very active and social, but driving and maintaining a home, will be getting difficult before long. A place like Villa Capitola will be perfect for people like my father-in-law and other seniors. The area is perfect for active seniors, with so many stores within walking distance. The structure of this development will certainly add to the beautification of this area. I would love to have my father-in-law be able to move into such a perfect home; not feel institutionalized like so many of the other homes out there. Our seniors need to know that just because they are retired they can still be a functional part of society. Remember, someday you or your loved one may need a place to live out the "Golden Years", wouldn't it be nice to have a place like "Villa Capitola" to call home.

Sincerely, Mrs. Soares

Sneddon, Su

From: terijohnson@juno.com
Sent: Tuesday, June 25, 2013 9:57 PM
To: City Council
Subject: [?? Probable Spam] Senior Housing

JUN 25 2013

**CITY OF CAPITOLA
CITY CLERK**

To Whom It May Concern:

I am writing to underscore the need for affordable senior living in beautiful Capitola. My husband and I are still working, but planning our retirement in five years. As 37 year residents of the Central Coast, we believe that Capitola is just the place! Unfortunately, there are few choices there.

A small high-density senior community would be just perfect to support our active lifestyle. A place within walking distance of stores, restaurants, and inevitable doctor visits in such a beautiful place would meet our needs in a wonderful way. We would love to move to Capitola!

The fastest growing age group in the United States is currently the elderly. This new generation of elders is living healthy right to the end. Setting ourselves up for future success is what we are doing by asking that you approve the project being put forward by Steve Thomas and Maureen Romac.

Thank you for your consideration!

Sincerely,
Teresa Johnson

Virgin Mobile®

Official Site: Great Phones, Free Shipping & Plans Starting at \$35/mo
virginmobileusa.com

Sneddon, Su

From: Tewolde Berhane [tbbadua@gmail.com]
Sent: Tuesday, June 25, 2013 9:15 AM
To: City Council
Cc: planningcommision@ci.capitola.ca.us
Subject: [?? Probable Spam] Villa Capitola Senior Housing

JUN 25 2013

CITY OF CAPITOLA
 CITY CLERK

My name is Tewolde B. Berhane. I have lived in Sonora, CA since I came to the United States as a foreign exchange student when I was 15 years old. I went to college, got my education and I am now 63 and ready to slow down and take life a little easier.

I have always loved the City of Capitola and spent many Summers visiting the beaches, eating out at good restaurants and enjoying the beauty of the surroundings.

It has been my ultimate goal to, somehow be able to move and live down here. What a perfect situation, where you have a place to live and don't have to worry about transportation around town (everything is within walking distant) or travel elsewhere, because you know all is safe in this exclusive, gated senior housing.

It is my wish that the City Council of Capitola has the vision to approve this project in its entirety.

--
Tewolde B. Berhane'
Addis Construction Co.
T - 209.743.1205
F - 209.532-5129
tbbadua@gmail.com
www.addisconstructioncompany.com

From: Terri Ortiz [Terri.Ortiz@gusd.k12.ca.us]
Sent: Tuesday, June 25, 2013 1:42 PM
To: PLANNING COMMISSION
Subject: FW: New Senior Living Residence

JUN 25 2013
CITY OF CAPITOLA
CITY CLERK

From: Terri Ortiz
Sent: Tue 6/25/2013 1:39 PM
To: citycouncil@ci.capitola.ca.us
Subject: New Senior Living Residence

To whom it may concern:

I live and work in Gilroy. My home and my job are within one mile of a senior active living residence, Village Green. It was much needed in our community and has been a great success. Many of our teachers have parents in this residence and have very positives things to say. And I feel Capitola would benefit from the same type of senior residence.

Village Green is near shopping and also has a shuttle service. They have a swimming pool and several activities for Seniors and their families. It is the kind of place I could see my Mother in or even myself.

They held a Senior Ball for the first time a couple of years ago. One of our teachers said her Mother cried because she said if her husband were alive he would love it. She and her Mother talked about the Senior Ball for weeks. Her Mother looks forward to the Senior Ball every year.

Many of our student in our middle school volunteer at Village Green. Now a days many of our young people do not have close relationships with grandparents. Our students have enjoyed volunteering at Village Green. One student said, "I didn't know old people knew good jokes!" Seniors bring a lot to the community.

For the first time I'm not afraid to get old. They seem to have a pretty good time. Please consider what a Senior Living Residence would do for your community, families and seniors.

Sincerely,

Terri Ortiz
Office Coordinator
Solorsano Middle School
Direct (408) 337-3000
(408) 848-4121
Fax (408) 848-4154

Sneddon, Su

From: spicer@cruzio.com
Sent: Tuesday, June 25, 2013 1:24 PM
To: City Council
Subject: Villa Capitola Senior Housing

JUN 25 2013
 CITY OF CAPITOLA
 CITY CLERK

Dear City Council,

I have been following with great interest the senior housing development project on 38th Avenue in Capitola.

I have lived up the street in Pleasure Point since 1988 and can't think of a better place to grow old. However, I've noticed there is no housing for active seniors in Capitola. This project is perfect for seniors who are independent and want to continue to live vibrant, active lives.

I'm not that many years away from having to move to senior housing. I can see myself living at Villa Capitola mainly because of its location. It is near everything I would ever need plus I could easily walk to wherever I need to go.

I have had aunts and uncles who have lived in those high-rise, hotel-type facilities and, quite frankly, that's not for me. Much too impersonal. I want to keep the small town feeling yet have all the services I need at hand.

I urge you to give a unanimous "YES" vote on Villa Capitola Senior Housing!

Thank you.

Joan Spicer
 701 41st Avenue
 Santa Cruz, CA 95062
 (831) 464-768

Sneddon, Su

From: Ray Chapman [rayjchapman@gmail.com]
Sent: Tuesday, June 25, 2013 8:19 AM
To: PLANNING COMMISSION; City Council
Subject: Villa Capitola Senior Housing

JUN 25 2013
CITY OF CAPITOLA
CITY CLERK

What a great place for good senior living!
Located near everything a resident could ask for is in line with the local government's desire to encourage denser housing in urban areas.
This road really needs a face lift and Villa Capitola is a helpful boost in that direction.

Best Regards
Ray Chapman

Sneddon, Su

From: Ray Chapman [raychapman@gmail.com]
Sent: Tuesday, June 25, 2013 8:12 AM
To: City Council; PLANNING COMMISSION
Subject: Villa Capitola Senior Housing

JUN 25 2013
CITY OF CAPITOLA
CITY CLERK

Having a mother who is nearing 90, I would welcome a facility that would provide safe housing. The fact that the residents can also utilize a pool and exercise room is also a plus. Active seniors would be able to walk to the theater, shopping mall and various restaurants. This type of residence would enhance the feeling of community. I support this project.

Signed,
Kathy Vagts

Sneddon, Su

From: I m [layne4m@gmail.com]
Sent: Tuesday, June 25, 2013 10:40 AM
To: City Council; PLANNING COMMISSION
Subject: 38th Ave "Villa Capitola" Senior living

JUN 25 2013

CITY OF CAPITOLA
CITY CLERK

Dear City Council and Planning,

I am a local resident with the experience of caring for my aged parents and dealing with local senior housing. My parents have passed on now but the experience of having to relocate them from their beloved cool coastal environment to an inland corporate behemoth of senior care is still fresh for me.

Unfortunately, there was no room at the inn for my parents other than the disturbing local residential care facilities and the huge Dominican Oaks facility which had a waiting list. They had always been

private quiet people and the idea of huge dining rooms and buildings with multiple wings ramping up the hill was frightening for them. A local, well designed, and small facility for a personal living experience is what the local area needs to encourage.

The location and Mediterranean design proposed for Villa Capitola would seem ideal. Close to shopping, entertainment, and transportation the Villa would be an dramatic improvement of the 38th Ave that currently exists. It is not too large and provides for it's own parking. Perhaps it would encourage more well designed development and pull the area up into what Capitola wants to see rather than what is left from years of mixed use leavings.

Please consider the needs of the senior population to stay in their familiar area. You too may have experience with parents or other loved ones, knowing how important familiar and personal surroundings are. We will all be there sooner or later. Let's make sure good options exist for all of us.

Thank you for listening to a concerned citizen.

Layne McNaughton

Sneddon, Su

From: Mick Routh [qwakwak@gmail.com]
Sent: Tuesday, June 25, 2013 9:04 AM
To: City Council
Cc: Mick Routh
Subject: 38th Ave Senior Housing Application

JUN 25 2013

CITY OF CAPITOLA
CITY CLERK

Reseeding just to make certain all of you have seen this.

6/8/2013

Mayor and Council members,

At the Thursday June 6, 2013 meeting of the Capitola Planning Commission the Commission voted 3-2 to deny the staff recommendation for approval of the 38th Ave senior housing application.

The following concerns were raised. The Commission requested that these concerns be addressed by the Council if and when the Planning Commission decision is appealed to your body.

1. The mass and scale of the project is too large for the site.
2. Parking is inadequate. When 6-8 employees plus a shuttle bus are utilizing on-site parking, there is not enough parking for the tenants. In addition, and related, there is no condition restricting the age of tenants. The Commission supported setting a minimum age limit of 65 years. The Commission believed setting an age limit at less than age 65 will result in additional parking impacts as most couples less than age 65 are both working and own two vehicles. Even with the condition of age 65, Commissioners felt the number of parking spaces would still not be adequate. The Commission also supported a condition requiring tenants to park on-site. No overflow parking to be allowed in the Kings Plaza center.
3. The Commission was concerned that without a condition requiring tenants to be a minimum age, if the project did not meet occupancy projections of seniors, it may revert to renting to any age tenants, compounding the potential parking problems. Capitola Villas was cited as an example.
4. The project does not rise to the threshold of exceptionality to allow the required findings to be made to establish a PD District of less than 4 acres. It was stated that the zoning ordinance is a covenant with the public guaranteeing that their property will be safe guarded from incompatible uses or building design not reflecting the zoning requirements. Allowing the formation of a PD District and proposed development that does not adhere to the CN zoning standards amounts to spot zoning and denies the public those safe guards inherent in the zoning ordinance.
5. The Commission wants the redwood trees on the storage facility property protected by having an arborist on-site when the construction takes place on the south side of the property adjacent to the redwood trees. There was particular concern about the area where the proposed project has a zero lot line set back, which may result in root system destruction and excessive trimming. It was also discussed that an arborist report should be required for that area prior to construction.
6. The landscape plans and renderings do not agree. A large palm tree shown in the renderings is not included in the landscape plans.
7. The Commission requested that if the application is approved, the applicant return to the Commission with a lighting and drainage plan.
8. Require language in the tenant lease/rental agreement that the tenant acknowledges that adjacent commercial uses may generate noise during deliveries and garbage pick up.

There were several other minor concerns that may or may not be reflected in the minutes but are available thru viewing of the recording of the meeting.

Mick Routh
Capitola Planning Commission Chair

Sneddon, Su

From: Karen Tobin [karent222@hotmail.com]
Sent: Tuesday, June 25, 2013 10:58 AM
To: City Council; PLANNING COMMISSION
Subject: [?? Probable Spam] Villa Capitola Senior Housing

JUN 25 2013
CITY OF CAPITOLA
CITY CLERK

To Whom it May Concern:

Just wanted to express my positive opinion on the new plan for active senior housing in Capitola. This project would provide an excellent living environment for seniors that are still able to do their own errands and shopping and at the same time, it would boost local retail sales, bringing more revenue to Capitola.

This would be the perfect type of home and location that I would love when I have the need to downsize and want to limit my driving as a senior.

Please approve this project - the need for senior housing is very high and continuing to grow in many areas.

Karen Tobin
Real Estate Broker
CA DRE #01387577

650 743-7636 Direct
650 879-0485 Home Office

www.KarenTobin.net



Sneddon, Su

From: Jan Katsuda [jankatsuda@yahoo.com]
Sent: Tuesday, June 25, 2013 5:43 PM
To: PLANNING COMMISSION
Subject: Villa Capitola Senior Housing

JUN 25 2013
CITY OF CAPITOLA
CITY CLERK

As a resident of Capitola, I would like to express my support of the Villa Capitola Senior Housing project. The design of this project would greatly enhance the 38th Avenue corridor. At 23 units I don't believe traffic will be an issue. The proximity to every type of shopping negates the need to use a car on a daily basis. The city needs more senior housing and there couldn't be a more perfect site.

Jan Katsuda
1126 Sutherland Ln
Capitola, Ca 95010

From: A.B. Bossak [bbossak@yahoo.com]
Sent: Tuesday, June 25, 2013 2:15 PM
To: PLANNING COMMISSION
Subject: Senior Living Center on 38th Ave

JUN 25 2013

CITY OF CAPITOLA
CITY CLERK

To whom it may concern,

We have been aware of the proposed construction of a senior living center on 38th ave, and we are very concerned as to why such a needed project has been rejected so many times. This project will really improve the area visually as well as financially for the city. Where it stands right now, it really looks like an eyesore. Why would the city reject such an idea, which would be privately funded and bring nothing but positive attributes to this area of the city. We hope that the city can come to a conclusion and promote business like this in Capitola, and not stand against it because of small formalities.

Sincerely,

Andre & Barbara Bossak, MFA

Capitola home owners for 30 years.

ADDITIONAL MATERIAL RECEIVED AGENCY: [unclear]
Item 9.D.

JUN 25 2013

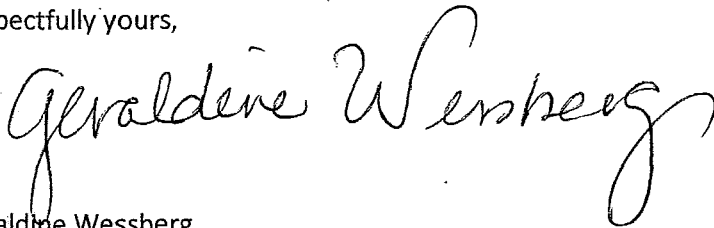
June 17, 2013

CITY OF CAPITOLA

To the Capitola City Council and Planning Commission,

I am writing this letter to share my disappointment that the Planning Commission did not vote in favor of the senior housing project on 38th Avenue. I am 84 years old and have been living at Dominican Oaks for 5 years and have known Steve and Maureen for years. I have encouraged and supported them since the beginning of this idea. I have been patiently waiting to be one of their first residents. I would rather live in a smaller complex and be able to walk to do my errands. I no longer drive by my own choice (and no one would probably want me to!). I am not so old that I don't enjoy shopping and eating out in public with everyone else. I hope that you will see the need for more senior housing in the middle of town and allow them to build it.

Respectfully yours,



Geraldine Wessberg

RECEIVED
JUN 25 2013
CITY OF CAPITOLA

June 22, 2013

Dear City Council Members,

I am writing on behalf of the proposed senior residence, Villa Capitola. I am 85 years old and should be looking for a retirement home. I do not want to give up my home but it is too much work now and I am by myself. I still drive because I need to get to appointments and the grocery store. When the time comes I would prefer to live in a home like Villa Capitola. I could walk to my appointments and shopping by myself. I could walk to the movies and the bookstore. I have always been a hiker/walker and would be able to walk to the beach. My children and grandchildren live in Capitola and Aptos so I could also visit them and not have to put them out by staying overnight. The location is perfect for me because everything I need is close by. I hope you will take my thoughts and needs into consideration when you decide whether or not to build it.

Thank you for your time,

Amelia I. Romac

Amelia I. Romac

RECEIVED
 JUN 25 2013
 CITY OF CAPITOLA

From,
 Sam Roy M.B.A., M.A.CCC-SLP
 Cell: 408-329-3272

To,
 The City Council Members & Planning Commission
 Capitola, California

Re: Letter of Support: Senior Housing Project proposed by Steve Thomas and Maureen Romac

Respected Members of the City Council & the Planning Commission,

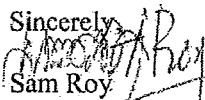
It is with confidence and great hope that I write this letter in support of the Senior Housing Project proposed by my dear colleagues and friends Maureen Romac and Steve Thomas

I have known Maureen and Steve for over 2 years. Maureen and I have worked together in the Student Services department at Gilroy Unified School District. Maureen and Steve are honest, law abiding, outstanding citizens and I appeal, on their behalf, to you to approve their proposal for the reasons delineated below:

- 1) The city of Capitola and Santa Cruz County have shown an increase in the median age population, which now stands at 41.9 years. In addition, Capitola has also seen an increase in the percentage of population over 65 years which stands at 15.5% (2010 US Census). With these hard statistics planning for senior housing becomes a logical step
- 2) The development of senior housing complex that caters to their needs would alleviate the pressures on already overburdened and overstretched government medical and social agencies. By developing an assisted living complex such as this, the services could be more concentrated and best evidence based practices could be provided at a one stop shop.
- 3) The development of this senior housing complex would assure these Senior Citizens a safe and secure environment.
- 4) The location of this facility is ideal for the residents to undertake strolls to the nearby markets and entertainment centers, which would prove to be a boost to the local economy.
- 5) Finally, Steve Thomas and Maureen Romac have already undertaken every recommendation made by your *August body*, remodeling the plans and charts as directed, and made this facility into a personal abode of care and rest for the Senior Citizens, who deserve their well-earned retirement.

As stated earlier, it is my earnest plea that you would approve this Project without any further delay.

If you have any queries, please do not hesitate to contact me on 408-329-3272. Thanking you in anticipation.

Sincerely,

 Sam Roy
 6/24/13

Sneddon, Su

From: kerry wessberg [cowgirlkerry@gmail.com]
Sent: Wednesday, June 26, 2013 9:30 AM
To: City Council
Cc: PLANNING COMMISSION
Subject: 38th Ave Villa Capitola Support

JUN 26 2013
CITY OF CAPITOLA
CITY CLERK

To whom it may concern

I am a local resident and work in Capitola. I have one parent left and she is in a retirement home locally. It is very large and very expensive. It is hard for older people to adjust to such a large community. They tend to go down hill when moving into a large impersonal facility.

The Capitola community needs to make available to it's older residents safe, personal, and comfortable places which are close to stores and transportation as most will be unable to drive. The location of Villa Capitola at 38th and Capitola Ave is a very good location for housing such as this. Let's beautify the area with a modern building in classic design which functionally supports the older residents.

Sincerely,

Kerry Wessberg

Sneddon, Su

From: stella De Genova [stellanova@comcast.net]
Sent: Wednesday, June 26, 2013 11:30 AM
To: City Council
Cc: PLANNING COMMISSION
Subject: [?? Probable Spam] Proposed Senior Housing in Capitola

JUN 26 2013
CITY OF CAPITOLA
CITY CLERK

Council Members,

We have become aware of a Senior Housing Development that has been proposed on the site of the current Capitola Freight and Salvage property.

My husband and I are both senior citizens and consider this development a vital addition to the Capitola area. Not only will the Mediterranean Architecture enhance the whole neighborhood but also it will supply the vital need for more Active Senior Housing. The proximity to shopping, medical and Holistic services and transportation will allow for more independent living.

In conclusion we hope you revise and allow the Senior Housing project to move forward.

Respectfully,

Stella and Dave De Genova

Jonathan Wittwer
William P. Parkin
Ryan D. Moroney
Nicole G. Di Camillo

WITTWER & PARKIN, LLP

147 SOUTH RIVER STREET, SUITE 221
SANTA CRUZ, CALIFORNIA 95060
TELEPHONE: (831) 429-4066
FACSIMILE: (831) 429-4067
E-MAIL: office@wittwerparkin.com

OF COUNSEL
Gary A. Patton

June 26, 2013

VIA EMAIL AND U.S. MAIL

Capitola City Council
City Hall Council Chambers
420 Capitola Ave., Capitola, CA 95010
Email: citycouncil@ci.capitola.ca.us

Re: Appeal of Planning Commission Denial of Application # 13-061 for "Villa Capitola" Unassisted Senior Housing Project at 1575 38th Avenue

Dear City Councilmembers:

This office represents Concerned Citizens Against 38th Avenue Rezoning, an organization consisting of residents near the proposed "Villa Capitola" project ("Project") at 1575 38th Avenue. The City Planning Commission has twice recommended denial of the Project and ancillary land use approvals (on September 6, 2012 and most recently on June 6, 2013). The Project does not meet the criteria for a rezoning to a Planned Development ("PD") district. Moreover, the City has failed to make adequate findings to designate the Project site to a PD zoning district. The Project also fails to comply with the California Environmental Quality Act, Public Resources Code § 21000 *et seq.* (CEQA) because it does not adequately address parking.

1. The Project Site Fails to Meet the Conditions for Rezoning to a PD Zoning District and the City has Failed to Make Findings Justifying such a Rezoning

- a. *Adequate Findings Have Not Been Made to Justify Rezoning of a Parcel to a PD District that is Less than 20% of the Size of the Standard 4-acre Parcel Required*

Capitola Municipal Code § 17.39.020(A) states that "[n]o PD district shall include less than four acres of contiguous land unless the planning commission, or the city council on appeal from the planning commission, finds that property of less than four acres is suitable as a PD district by virtue of its unique historical character, topography, land use or landscaping features" (emphasis added). The City's Resolution approving the rezoning of a 0.72 acre parcel (only 18% of the usual 4 acre minimum) provides only a conclusory assertion that the parcel is "suitable as a PD district by virtue of its unique land use and because the project would provide a desirable living environment for seniors." No further evidence, explanation or justification in the Resolution or Staff Report to the Council for allowing such a small parcel to be rezoned to a PD District is provided, rendering this finding entirely inadequate. *See, e.g., Topanga Ass'n. for a*

Capitola City Council
 Re: 1575 38th Avenue
 June 26, 2013
 Page 2

Scenic Community v. County of Los Angeles (1974) 11 Cal.3d 506, 514 (“[T]he findings must support the decision and the evidence must support the findings.”). Moreover, nothing about the land use on the site is “unique.”

b. *Adequate Findings to Allow Exceptions to Zoning Standards Under Municipal Code § 17.39.020 Have Not Been Made*

Capitola Municipal Code § 17.39.020(C) states that standards for “area, coverage, density, yard requirements, parking and screening...shall be governed by the standards of the...zoning district(s) most similar in nature and function to the proposed PD district use(s),” which the Planning Commission had determined is Neighborhood Commercial (CN), the current zoning on the parcel. The code states that “[e]xceptions to these standards may be granted...upon a finding that such exceptions encourage a desirable living environment and are warranted in terms of the total proposed development or unit thereof.” The City has proposed numerous exceptions to CN zoning standards in regards to setbacks, building height and parking requirements, none of which are adequately justified in its findings.

The City’s Resolution states that “deviations to setbacks and height will not have undesirable effects which outweigh the benefits of twenty three (23) senior housing units...” and further makes a conclusory “finding” that the project “would provide a desirable living environment for seniors.” (Resolution, at 2). The City has therefore: (1) failed to address the actual finding required to be addressed regarding how the proposed exceptions are “warranted in terms of the total proposed development”; and, (2) failed to justify a finding of how the exceptions “encourage a desirable living environment” for anyone, let alone only seniors residing in the proposed Project. Capitola Municipal Code § 17.39.020(C).

Furthermore, the Staff Report states that the proposed Project is most similar to a multiple-family residential use. Thus, the closest applicable standard for parking requirements would mandate 2.5 spaces per unit, totaling fifty-eight (58) spaces for the 23 proposed dwelling units (Staff Report at 4; Capitola Municipal Code § 17.51.130(B)). However, only 35 parking spaces – only 60% of the required spaces – are proposed in the Project description. As with all of the other exceptions to the CN zoning proposed for this PD rezoning, the City has failed to adequately justify the reduction in parking spaces, making its findings for a PD district rezoning inadequate. *See, e.g., Topanga, supra*, 11 Cal.3d at 516 (“Among other functions, a findings requirement serves to conduce the administrative body to draw legally relevant sub-conclusions supportive of its ultimate decision; the intended effect is to facilitate orderly analysis and minimize the likelihood that the agency will randomly leap from evidence to conclusions.”)

Capitola City Council
Re: 1575 38th Avenue
June 26, 2013
Page 3

2. The Project Fails to Comply with CEQA Because it Does not Adequately Address Parking or Aesthetics.

For this Project, the City has prepared a Mitigated Negative Declaration rather than an Environmental Impact Report (EIR), to assess the Project's potential impacts on the environment and surrounding community. However, CEQA is designed to favor the preparation of an EIR because it is the best way to evaluate and document potential environmental impacts of projects. Specifically, preparation of an EIR rather than a negative declaration is required if there is "substantial evidence" in the whole record of proceedings that supports a "fair argument" that a project "may" have a significant impact on the environment. *See*, Pub. Res. Code §§ 21082.2(a), 21100, 21151; CEQA Guidelines § 15064(f)(1); *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75; *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 111-112. "May" in this context means a reasonable possibility. *See, League of Protection v. City of Oakland* (1997) (*City of Oakland*) 52 Cal.App.4th 896, 904-905; *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 309.

Courts have repeatedly affirmed that the fair argument standard is a "low threshold test." *The Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 928. Evidence supporting a fair argument of any single potentially significant environmental impact triggers preparation of an EIR regardless of whether the record contains contrary evidence in support of an agency's decision. *See, City of Oakland, supra*, 52 Cal.App.4th 896; *Sundstrom, supra*, 202 Cal.App.3d at 310. Indeed, an EIR is the preferred vehicle for reviewing environmental impacts of a proposed project.

One major purpose of an EIR is to inform other governmental agencies, and the public generally, of the environmental impact of a proposed project and to demonstrate to an apprehensive public that the agency has, in fact analyzed and considered the ecological implications of its action [in approving a project].

No Oil Inc., supra, 13 Cal.3d at 86.

With certain limited exceptions [not applicable here], a public agency must prepare an EIR whenever substantial evidence supports a fair argument that a proposed project will have a significant effect on the environment. Significant effect on the environment means a substantial, or potentially substantial adverse change in the environment.

Laurel Heights Improvement Association v. Regents of the University of California (1993) 6 Cal.4th 1112, 1123-1126.

Capitola City Council
 Re: 1575 38th Avenue
 June 26, 2013
 Page 4

The California Supreme Court has “repeatedly recognized that the EIR is the ‘heart of CEQA.’ [Citations.]” *Id.* at 1123. As the court observed some three decades ago, “since the preparation of an EIR is the key to environmental protection under CEQA, accomplishment of the high objectives of that act requires the preparation of an EIR whenever it can be fairly argued on the basis of substantial evidence that the project may have significant environmental impact.” *No Oil, Inc., supra*, 13 Cal.3d at 75. Indeed, all doubt should be resolved in favor of preparing an EIR particularly in close cases. *Santa Teresa Citizen Action Group v. City of San Jose* (2003) 114 Cal.App.4th 689, 703; *City of Oakland, supra*, 52 Cal.App.4th at 905.

Whether the administrative record contains “substantial evidence” in support of a “fair Argument” sufficient to trigger a mandatory EIR is a question of law, not a question of fact. *City of Oakland, supra*, 52 Cal.App.4th at 905; *Architectural Heritage Association v. County of Monterey* (2004) 122 Cal.App.4th 1095, 1122. Therefore under the fair argument standard, “deference to the agency’s determination is not appropriate and its decision not to require an EIR can be upheld only when there is no credible evidence to the contrary.” *Sierra Club v. County of Sonoma* (1992) 6 Cal App 4th 1307, 1318. *See also, Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144; *Quail Botanical Gardens, supra* at 1597 (rejecting an approval of a negative declaration prepared for a golf course holding that “[a]pplication of [the fair argument] standard is a question of law and deference to the agency’s determination is not appropriate.”)

Testimony of area residents can qualify as substantial evidence in support of a fair argument when based on personal observations relevant to a potential impact. *See, City of Carmel-by-the-Sea v. Board of Supervisors* (1986) 183 Cal.App.3d 229, 246 fn. 8; *Oro Fino Gold Mining Corp. v. County of El Dorado* (1990) 225 Cal.App.3d 872,882; *Citizens Assoc. for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 173 (lay testimony as to traffic conditions); *Quail Botanical Gardens, supra* at 1604-1605; *Arviv Enterprises v. South Valley Planning Commission* (2000) 101 Cal.App.4th 1333 (personal observations of neighbors regarding slope, dust, erosion, and access problems supported EIR).

Here, the Mitigated Negative Declaration is entirely inadequate with respect to parking and circulation impacts. The City makes the bald assertion that because the project is a “senior complex, it is anticipated the parking demand will be less than a standard market rate apartment complex.” (Staff Report at 4). However, nothing in the Parking Analysis prepared by RBF Consulting supports this contention. Moreover, as raised by the Planning Commission Chair, there is currently no minimum age restriction for residence at the “Villa Capitola,” further calling into question whether the other “senior residences” parking estimates used in the RBF Parking Analysis are applicable to this Project. Seniors can be as young as 55 in many residential complexes. This demographic drives just as much as other commuters and drivers. In fact,

Capitola City Council
Re: 1575 38th Avenue
June 26, 2013
Page 5

retirees in the demographic actually drive in and out of the complex more often since they are not at an office or job site during weekdays.

The reduction in parking sought by the PD rezoning also raises potential environmental impact issues that are not addressed at all in the Initial Study for the Project. Failure to address the proposed reduced parking and attendant parking, traffic, is a failure to proceed in a manner required by law. A fair argument has been made that an EIR is required.

Finally, this Project will include a building that will be by far the tallest structure in the area. It is out of scale and character for the site and the neighborhood. This drastic special treatment for one landowner, to the detriment of the surrounding area, is an environmental impact that must be examined in an EIR. The Mitigated Negative Declaration does absolutely nothing to address these aesthetic impacts.

Thank you for your consideration of these comments.

Very truly yours,
WITTMER & PARKIN, LLP



William P. Parkin

cc: Jamie Goldstein, City Manager (via email only)
Richard Grunow, Community Development Director (via email only)

Sneddon, Su

From: Nolan Bushnell [nbushnell@me.com]
Sent: Wednesday, June 26, 2013 11:13 PM
To: City Council
Subject: Villa Capitola senior retirement housing

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Dear City Council:

I encourage you to approve the above-referenced project. With a shortage of senior housing, this beautifully designed, well thought out facility will provide much needed living space for seniors. This relatively small facility will enhance the 38th St neighborhood, and its residents will be a boon to the local businesses.

It is really a win win for the community.

Best,
Nolan Bushnell

Sneddon, Su

From: Linda Wilshusen [l-j-w@pacbell.net]
Sent: Thursday, June 27, 2013 11:05 AM
To: City Council
Subject: Agenda Item 8B re 23-Unit Senior Housing

Dear Members of the City Council -

I strongly support the staff recommendation to approve this proposal for senior housing on 38th Ave. As a Live Oak resident, I frequently shop in Capitola and often use 38th Avenue to access our regional shopping centers in that area.

The location of this modest senior housing community, directly adjacent to a variety of shopping & services, makes a lot of sense. People will truly have an option to walk; this will be great for them & it will also enhance Capitola's image as a more pedestrian-friendly town. The Planning Commission's denial was dumbfounding. Nevertheless, the recent changes to the proposal make the project even better.

This is a good fit for Capitola & much needed housing in our community.

Thank you very much for your consideration.

- Linda Wilshusen

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Sneddon, Su

From: Karen Ow [karenow1@hotmail.com]
Sent: Thursday, June 27, 2013 2:06 PM
To: City Council; Stephanie @ Home; Storey, Sam; Bottorff, Ed; Norton, Dennis; DeWitt, Kym; Termini, Mike
Subject: Proposed Planned Development Rezoning, Conditional use Permit, and Design Permit for 1575 38th Avenue, Application #13-061
Attachments: Letter supporting Villa Capitola.pdf

Dear Capitola City Council Members,

I have attached a letter (a hard copy will be sent in the mail today) from my father and uncles in support of the Proposed Planned Development Rezoning, Conditional Use Permit, and Design Permit for 1575 38th Avenue (Application #13-061) for your review. Your consideration of my family's position on this matter prior to this evening's June 27, 2013 City Council meeting and inclusion of the letter's content in the public record is much appreciated. On behalf of the Ow Family, thank you for your great efforts and service provided to the community at large!

Sincerely,

Karen Ow
King's Plaza Shopping Center
1601 41st Avenue, Suite 202
Capitola, CA 95010
(831)475-9042 office
(831)475-2186 fax
karenow1@hotmail.com

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

June 27, 2013

Capitola City Council
420 Capitola Avenue
Capitola, CA
95010

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

Dear Capitola City Council

We have met with the owners of 1575 Capitola Avenue and worked out our concerns in a written agreement that basically states that they accept King's Plaza Shopping Center as an operating shopping center, with its loading and garbage pickup areas on 38th Avenue.

In our conversations with Steve Thomas, we found out that he and his family have operated a business there for the past 10 years and are well aware of what goes on at 38th Avenue with King's Plaza and tenants. He further stated that it was the goods and services that King's Plaza provided, that made their property a more valuable senior citizen housing site. We also took a good look at the business plan and building drawings.

We now give our full support to the senior housing project. Maybe members of our family will live there some day.

Sincerely yours



George Ow, Jr.



David Ow



Terry Ow

Sneddon, Su

From: Jim Machado [deluxecab101@gmail.com]
Sent: Thursday, June 27, 2013 2:49 PM
To: City Council
Subject: Senior Complex 38th. Ave.

Dear Mayor and Council Members,

As a resident of Capitola I support the retirement complex proposed for 38th ave. As a second thought it would be nice to see that part of 38th ave. repaved as it is in deplorable condition.

Thank You,
Jim Machado

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Sneddon, Su

From: Holly Forcier [holly4seer@yahoo.com]
Sent: Thursday, June 27, 2013 3:10 PM
To: City Council
Subject: Villa Capitola Senior

I am writing to encourage you to approve this development. Seniors need the high quality housing close to shopping that this development would provide.

Thank You

- Holly Forcier
(831) 687-9377

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Mayor Harlan and City Council Members,

CITY OF CAPITOLA
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My name is Maureen Romac and I am the property owner of 1575 38th Avenue. I am sending this email in order to bring everyone up to date before tonight's meeting. I will briefly review the progression of this senior residential project.

In May 2011 the first submission was brought to the Planning Commission. The building consisted of 4 stories, 67 units and a height of 46 feet average for a total area of over 98,000 square feet. The direction from the City Council was to reduce the mass, scale and height. It went from 4 stories to 3 stories, 67 units to 57 units. The total area was reduced by over 23,000 square feet. Any positives

5 months later in October 2011 the project was presented to the City Council. Recommendations made at that time were to get:

- a traffic and parking study done
- a comprehensive environmental impact study done
- to increase articulation on the building by adding 2nd and 3rd story balconies
- to create a rooftop garden area
- to add a skylight to illuminate interior common areas
- to further reduce mass, scale and height

All these recommendations were done. The parking and traffic study was completed and found that with 23 units there was adequate parking and low measurable impact on traffic. The City of Capitola prepared a Mitigated Negative Declaration determining that the project will not have a significant effect on the environment and that adoption of this declaration was appropriate. The California Environmental Quality Act (C.E.Q.A.) review process was completed and found low measurable impact in all areas. A roof top garden area and the skylight was added as recommended. The number of units was reduced from 57 to 23. Setbacks were increased on all four sides. Height reduced by 3 more feet. Total area decreased another 14,000 square feet.

11 months later we presented to the Planning Commission again. The planning staff recommended approval of the project and adoption of the Mitigated Negative Declaration. The Architectural and Site Review endorses the project. ALL the

Item #: 9.D. Communication.pdf

required studies and reports were completed and resulted in positive findings. On September 6, 2012 the Planning Commission rejects the City Planning Staff recommendations and all submitted data declaring:

- inconsistency with existing neighborhood
- insufficient landscaping
- insufficient setbacks on south side and eastside
- privacy issues with balconies facing 2 residences on west side

In response to these new concerns the two 44 foot towers facing the Bulb Avenue resident were eliminated and the balconies in back were removed. Landscaping was increased to 7,000 square feet which is 23% of the site. Total area was once again reduced by 2,375 square feet and height reduced by another 3 feet.

At this same time we began the appeal to City Council as we were directed by staff. On the day before we were scheduled to present before the City Council, we were notified that according to a little known ordinance, we could not appeal and the Planning Commission decision was final. After the ordinance was reviewed by the city attorney and found to be in error it was amended by the Planning Commission and City Council. This process took another 4 months. The amended ordinance allowing the City Council final approval on all planned developments went into effect last month.

We were then sent back to the Planning Commission to present the latest revisions. On June 6th the Planning Commission denied the application for senior housing in a 3-2 vote. At that meeting the Planning Commission added another list of 12 conditions and concerns in case it was appealed to the City Council. The following is the list from the Planning Commission and how we are addressing the issues.

1. Require language in the lease alerting tenants to potential noise from commercial uses.
Agree to put in CC&R for tenants and signed letter from Ow family that this issue is resolved to their satisfaction.
2. Age restriction of 65 and older
Agree to put in CC&R but does not apply to employees.
3. Final lighting plan must be approved by the Planning Commission.

Agree.

4. Submission of a drainage plan.

Agree, not an issue.

5. Landscaping plan must be approved by the Planning Commission.

Agree and offered to get neighbor input.

6. Establish a specific decibel level for rooftop equipment at a set number of feet from the building.

In agreement, not an issue.

7. Require the hiring on an arborist to confirm that current setbacks do not endanger existing redwood trees bordering the property and to be present during construction to assure that steps are taken to protect the trees.

Already hired NATURE FIRST TREE CARE on 5738 Soquel Drive in Soquel.

8. Construct a lighted crosswalk to King's Plaza.

In agreement.

9. Confirm that the needs of seven staff, a shuttle van, visitor parking and possible assisted living workers have been considered in parking needs.

Report by RBF Consulting concludes that "based on guidelines for senior housing land use as set forth by City of Live Oak, City of Santa Cruz, City of Seaside and ITE, the proposed project is planned to provide adequate number of parking spaces".

10. Prohibit parking in nearby business lots.

Agree to add to CC&Rs.

11. Ask the city attorney to review how to enforce parking restrictions or conditions

I assume this is directed to the City Council (and not the applicant).

12. Require the applicant to work with adjoining property owners on the wall height.

We have already proposed this previously and are in agreement.

The issue of parking is interesting because everyone has their own opinion about how much parking is necessary. Since opinions vary we rely on current studies by experts in the field to give us a standard. That is why it was suggested that we use RBF, a national consulting firm used by Capitola and other municipalities, for this very purpose. In their expert opinion, 35 parking spaces are adequate for a 23 unit

senior living complex. This debate about parking encouraged me to look at parking for Gayle's Bakery, Pacific Trading Company, Unique Gifts, Petite Provence, and Many Hands Gallery. There are a total of 61 spaces for these 5 businesses to share. 3 of the spaces are handicap and 3 are yellow zone parking. The building capacity for Gayle's is 60 persons maximum in the main building (with seating for 60 and standing room for many more) and 50 maximum on the patio (with seating for 62). There could be over 100 customers at Gayle's alone at any given meal time. As Mrs. Ortiz shared at the Planning Commission meeting she has over 140 employees on duty at a time. It makes me wonder where do they all park? Some employees could ride bikes to work but I did not see a single bike or a bike rack. Some must park in the lot next door which has 15 parking spaces, 4 of which are blocked with dumpsters. Some employees must park on the neighboring streets. Some employees could take public transit, carpool or walk. With a proposed staff of 8-10 for Villa Capitola this would work. For employees AND customers I cannot see that 61 spaces is adequate parking even with a 1 hour limit. This directly relates to the concerns 9, 10, and 11 from the Planning Commission listed above.

I would also like to comment on the concern voiced by Commissioner Routh regarding the planned development requirement of 4 acres or more. I believe there are currently 17 designated planned developments in Capitola, 12 of which are under 4 acres. There are exceptions for under 4 acres and we feel that the use of the land for needed senior housing meets that exception. It would be helpful to know the exceptions used by the other 12. I also believe there are no land plots left in Capitola that are over 4 acres. This is another reason why we need to start embracing some density in certain areas so that we preserve more open space.

180 signatures have been collected to date with over 20 from Bulb Avenue residents. Copies of these petitions are in your packet. We have an additional 60 signatures in support of this development. We have many additional supporters who would like to speak tonight but in the interest of time we suggested that they email instead. You have probably received these emails already.

At this point it has been a little over 2 years since our first submission, and having survived countless revisions, studies completed, reports written, presentations given and a whole lot of money spent, we are back to ask approval of a project that

will benefit our growing senior population and our local businesses. Villa Capitola will be an asset to the community and the first of many improvements in the revitalization plan for this area.

Respectfully yours,

Maureen A. Romac

Item 8. B.

Sneddon, Su

From: Nancy Huyck [nancy@huyckarchitects.com]
Sent: Thursday, June 27, 2013 3:31 PM
To: City Council
Subject: Villa Capitola Senior Housing

Hello City Council Members,

I have walked the site of the proposed Senior Housing several times and only see one residential rear neighbor window facing the property. Yes the north chiropractic office has windows facing the property but I don't feel that this should be a deal breaker.

As far as the parking is concerned, Steve Thomas has hired traffic consultants and you should be listening to them instead of your own gut feeling. What is the purpose of hiring traffic engineers if you don't want to listen to them?

Thanks for your consideration,

Nancy Huyck

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Additional Material Agenda 6-27-13

Sneddon, Su

From: Grunow, Rich
 Sent: Thursday, June 27, 2013 4:23 PM
 To: Barisone, John; 'Adair Paterno'; Goldstein, Jamie
 Cc: Uharriet, Danielle; Sneddon, Su
 Subject: FW: Application 13-061

I tem 8.B.

Importance: High

FYI. Not sure if this should be included in the materials distributed to CC or not....

From: Charlene Atack [<mailto:atack@atackpenrose.com>]
 Sent: Thursday, June 27, 2013 3:41 PM
 To: Grunow, Rich
 Subject: Application 13-061
 Importance: High

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I am sorry I do not have a legal formal response to the Wittwer & Parkin letter having received the letter so late but the following evidence supports that the PD is an appropriate zoning for the senior project.

Land use relating to reductions in variations from zoning supporting PD. - The occupants will come here to be part of a family of similar ages and interests. They will have arranged transportation for off-site activities by our in house shuttle service. The location is well served by public transportation which is vital to seniors. The project will provide live in gardener and cook which they might not have in another setting therefore avoiding traffic, noise and congestion. The seniors will be active but there is no need for backyards as there might be for young families or teenagers. There in live in security so less burden and issues on the public services. The min age is not 55 as asserted by Mr. Parkin but 65 as required per the CC&RS and individuals at that age are usually transitioning to less driving of individual cars. There is a restriction on parking for occupants as they will not exceed the min per the conditions of approval of 1 space per each unit. . The PD allows a high quality service to seniors at an affordable price. In addition, the CC&Rs have an incentive program to encourage car pool, by bicycle public transit and shuttle for its employees .

In addition please note.

- 1). Parking; The study from RBF states 35 parking spaces is more than adequate based on similar senior housing projects from Santa Cruz to Monterey. The study used municipal codes pertaining to like uses. The count was from 8 in Santa Cruz County to 24 in Seaside Ca. In addition the CC&Rs will allow for our residents to be minimum of 65 years of age or older. To further mitigate the parking issues 4 of the units will be occupied by employees in addition to the "live in" employees there will have 6 part-time employees, they will be encouraged by incentives to take transit, carpool or bicycle to work. The employees will have multitasking positions. The residents will be restricted to 1 parking space per unit, also required by the CC&Rs.
- 2) PD district- In addition to the foregoing - this development qualifies as exception to 4 acre minimum by the nature of use, "active senior unassisted living" and its uniqueness to the community. According to over 200 signed petitions and many emails to the city in favor of this project, it does create a desirable living condition.
- 3) CEQA guidelines have been met and surpassed,

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4) Testimony of area residents: There is a critical need for this project as shown by the petition and public support for the underserved but deserving seniors who want to be near the area they grew up in or near their families.

5) Building mass/scale: Contrary to the assertion that Villa Capitola will be by far the “tallest building” in the area this is not. Just 2 blocks to the south is Marriott Hotel at 56ft high and 3 times the density. The “for rent” storage building next door to Villa Capitola is only 8ft lower and occupies a higher building to lot ratio than Villa Capitola. We have made numerous changes based upon the comments from the Planning Commission and neighbors. These changes include the reducing of the building mass by articulating the plane of the design, by increasing set-backs and adding additional landscaping.

Thank you for your consideration. I greatly appreciate your attention to these matter.

From: steve thomas [<mailto:everdrex@yahoo.com>]

Sneddon, Su

From: Jennifer Shaw [jshaw95010@icloud.com]
Sent: Wednesday, June 26, 2013 2:51 PM
To: City Council
Subject: [?? Probable Spam] Car-free events

Great idea! We would SO enjoy this. (We live in Brookvale terrace)

Only why pick a date so close to art and wine?

Jennifer Shaw
jshaw95010@gmail.com
831-588-7409

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