

# City of Capitola Agenda

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



**REVISED**

## **CAPITOLA CITY COUNCIL REGULAR MEETING**

**THURSDAY, AUGUST 13, 2015**

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

**CLOSED SESSION – 5:30 PM  
CITY MANAGER’S OFFICE**

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

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

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

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

Claimant: Donna Ealy  
Agency claimed against: City of Capitola

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

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

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

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

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

**2. PRESENTATIONS**

A. Introduction of Maura Herlihy, the City's New Account Technician

B. Proclamations Recognizing Police Administrative Assistant Lorrie Wilson and Police Volunteer David Dominguez for their Assistance in Distributing Bicycle Helmets

**3. REPORT ON CLOSED SESSION**

**4. ADDITIONAL MATERIALS**

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

A. 9.A.  
DETAILS:  
Public Communication

B. 9.D.  
DETAILS:  
Revised Staff Report

**5. ADDITIONS AND DELETIONS TO AGENDA**

**6. PUBLIC COMMENTS**

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

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

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

**CAPITOLA CITY COUNCIL REGULAR MEETING - Thursday, August 13, 2015**

**8. CONSENT CALENDAR**

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

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

- A. Consider Approving the July 23, 2015, Regular City Council Minutes  
RECOMMENDED ACTION:  
Approve Minutes
- B. Approval of City Check Register Reports Dated July 17, 2015; July 24, 2015; and July 31, 2015  
RECOMMENDED ACTION:  
Approve the City Check Register Reports
- C. Consider a Resolution Approving the Final Map for the Surf and Sand Mobile Home Park Subdivision, Tract No. 1566  
RECOMMENDED ACTION:  
Adopt Resolution
- D. Consider Authorizing a City Council Response to the 2015 Santa Cruz County Grand Jury Final Report  
RECOMMENDED ACTION:  
Authorize Response
- E. Consider Denying Liability Claim of Donna Ealy for an Undetermined Amount and Forward to the City's Liability Insurance Carrier  
RECOMMENDED ACTION:  
Deny Liability Claim

**9. GENERAL GOVERNMENT / PUBLIC HEARINGS**

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

- A. Receive Report Regarding the McGregor Park Construction Project  
RECOMMENDED ACTION:  
Accept Report and Take the Following Action:
  - 1. Authorize an amendment to MG Creations Construction Contract for the skate park by adding \$34,600 for pouring concrete on the floor of the skate park; and
  - 2. Authorize an amendment to Earthworks Contract to increase the Contract not to exceed \$90,000 for remediation of arsenic and lead on the site, and decrease the Contract by \$14,040 by removing bid item No. 24 which was to pave the floor of the skate park, for a net increase to the Contract of \$75,960; and
  - 3. Approve transferring \$110,560 within the Capital Improvement Program to the McGregor Park Project and taking it from the Utility Undergrounding Project.

## CAPITOLA CITY COUNCIL REGULAR MEETING - Thursday, August 13, 2015

- B. Receive Report Regarding the Fiscal Year 2015/2016 Capital Improvement Program  
RECOMMENDED ACTION:  
Accept Report and Provide Direction
- C. Consider an Extension Application at 407 A/B and 411 Beverly Avenue for a Non-Conforming Multi-Family Home in the R-1 Zone  
RECOMMENDED ACTION:  
Approve Extension
- D. Receive Status Report on the Issues and Options of the Zoning Code Update and Set Special Meeting Schedule  
RECOMMENDED ACTION:  
Accept Report and Set Special Meeting Schedule

### 10. ADJOURNMENT

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

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

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

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

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

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

# City of Capitola Mayor's Proclamation

## In Recognition of Police Administrative Assistant Lorrie Wilson for her participation with the City of Capitola's Bicycle Helmet Distribution Program

*WHEREAS, City of Capitola's Police Administrative Assistant Lorrie Wilson has been instrumental in providing assistance in the distribution of bicycle helmets to help protect the citizenry of the City of Capitola; and*

*WHEREAS, injuries suffered while riding a bicycle lead to 500,000 Emergency Room visits, 52,000 serious injuries and over 700 deaths annually nationwide; and*

*WHEREAS, according to the Centers for Disease Control and Prevention, 70% of fatal bicycle accidents were caused by head injuries, with 90% of those deaths among cyclists not wearing a helmet; and*

*WHEREAS, to help reduce the number of head and brain injuries, the City of Capitola opened its free bicycle helmet distribution; and*

*WHEREAS, creating bicycle-friendly communities has been shown to improve citizens' health, well-being, and quality of life, to boost community spirit, to improve traffic safety, and to reduce pollution and congestion; and*

*WHEREAS, the education of bicyclists and motorists as to the proper and safe operation of bicycles is important to ensure the safety and comfort of all users; and*

*WHEREAS, the Capitola Police Department acquired over 100 bicycle helmets for youth under the age of 17; and*

*WHEREAS, Lorrie Wilson has generously offered her time to provide helmets to numerous youth.*

*NOW, THEREFORE, I, Dennis Norton, Mayor of the City of Capitola, on behalf of the entire City Council, hereby express sincere thanks and appreciation to Lorrie Wilson for her participation in the City's Bicycle Helmet Distribution Program.*



Dennis Norton, Mayor

Signed and sealed this 13<sup>th</sup> day of August 2015



# City of Capitola Mayor's Proclamation

## In Recognition of Police Volunteer David Dominguez for his participation with the City of Capitola's Bicycle Helmet Distribution Program

*WHEREAS, City of Capitola's Police Volunteer David Dominguez has been instrumental in providing assistance in the distribution of bicycle helmets to help protect the citizenry of the City of Capitola; and*

*WHEREAS, injuries suffered while riding a bicycle lead to 500,000 Emergency Room visits, 52,000 serious injuries and over 700 deaths annually nationwide; and*

*WHEREAS, according to the Centers for Disease Control and Prevention, 70% of fatal bicycle accidents were caused by head injuries, with 90% of those deaths among cyclists not wearing a helmet; and*

*WHEREAS, to help reduce the number of head and brain injuries, the City of Capitola opened its free bicycle helmet distribution; and*

*WHEREAS, creating bicycle-friendly communities has been shown to improve citizens' health, well-being, and quality of life, to boost community spirit, to improve traffic safety, and to reduce pollution and congestion; and*

*WHEREAS, the education of bicyclists and motorists as to the proper and safe operation of bicycles is important to ensure the safety and comfort of all users; and*

*WHEREAS, the Capitola Police Department acquired over 100 bicycle helmets for youth under the age of 17; and*

*WHEREAS, David Dominguez has generously offered his time to provide helmets to numerous youth.*

*NOW, THEREFORE, I, Dennis Norton, Mayor of the City of Capitola, on behalf of the entire City Council, hereby express sincere thanks and appreciation to David Dominguez for his participation in the City's Bicycle Helmet Distribution Program.*



Dennis Norton, Mayor  
Signed and sealed this 13<sup>th</sup> day of August 2015



**Sneddon, Su (ssneddon@ci.capitola.ca.us)**

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**From:** Helen Bryce [helen.s.bryce@gmail.com]  
**Sent:** Thursday, August 13, 2015 3:13 PM  
**To:** City Council; Grunow, Rich (rgrunow@ci.capitola.ca.us); Jesberg, Steve (sjesberg@ci.capitola.ca.us); Sneddon, Su (ssneddon@ci.capitola.ca.us); Fridy, Linda (lfridy@ci.capitola.ca.us)  
**Subject:** Support of McGregor Park

8/13/15

Dear Mayor Norton, Council Members, and Capitola City Staff:

My family and I are writing to express appreciation for the efforts of Capitola City Staff in exploring solutions to the construction delays at McGregor Park. We are very pleased to hear of the economical solutions Staff has proposed. And, our friends who skate are very happy to hear that concrete will be used in the skate park at McGregor Park.

As you know, we very strongly support the City's completion of McGregor Park -- which will be a wonderful multi-use park that families and individuals of all ages can enjoy for years -- for decades -- to come.

We'd also like to thank the City Council, in advance, for approving the contract changes that will allow the park's construction to move forward. McGregor park will a great place for children and dogs and seniors and young adults alike.

We eagerly await the Opening of McGregor Park, and look forward to the Ribbon Cutting Ceremony soon.

Thank you!

Helen Bryce and Family

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**REVISED**  
**CITY COUNCIL**  
**AGENDA REPORT**

**MEETING OF AUGUST 13, 2015**

FROM: COMMUNITY DEVELOPMENT DEPARTMENT  
 SUBJECT: ZONING CODE UPDATE – ISSUES AND OPTIONS SPECIAL MEETING SCHEDULE

**RECOMMENDED ACTION:** Receive status report on the Zoning Code Update. Review, direct staff on future agenda topics, and set special meeting schedule.

**BACKGROUND:** The City of Capitola adopted the new General Plan on June 26, 2014. State law requires that the City’s Zoning Ordinance and Local Coastal Plan (LCP) be consistent with the General Plan. Since the adoption of the new General Plan, staff has initiated the update to the Zoning Ordinance. In August of 2014, the public outreach efforts began with a public survey and multiple stakeholder meetings. From November 2014 to February 2015, staff organized all the public comment input into a master list and drafted the Issues and Option Report.

The Issues and Options Report was distributed to the Planning Commission on March 5, 2015, and City Council on March 12, 2015. The Report provides an overview of 18 Zoning Code issues that require discussion and direction early in the process, prior to drafting the updated Zoning Code. For each issue, the Report provides an overview of the issue, explanation of the General Plan direction regarding the issue, and multiple options for how the issue can be addressed within the Zoning Code Update.

The City Council and Planning Commission held a special joint kickoff meeting on April 30, 2015. During this meeting, staff received direction on six of the 18 zoning issues. The Planning Commission held four additional special meetings on May 18; May 21; June 22; and July 20, 2015. The direction provided by the Planning Commission during the special meetings on the 18 issues is included in the Issues and Options Matrix (Attachment 2).

**DISCUSSION:** The City Council will begin their review of the Planning Commission recommendation during the September 21, 2015, special meeting. During the meeting, staff will present the topics that as directed will significantly modify the existing Code. These items include:

- Issue 8a: Calculation of Non-Conforming Structural Alterations
- Issue 8b: Non-conforming activities and structures on improved R-1 parcels
- Issue 11c: Composition of Architectural and Site Review Committee
- Issue 13: Planned Development
- Issue 18: City Council Appeal of Planning Commission Decision

In April, the City Council tentatively scheduled special meetings dates in September and October 2015. To prepare for the special meetings, staff is requesting the City Council review the Planning Commission’s recommendations within the Issues and Options Matrix and direct staff on those items they would like to have placed on a future agenda. For those items in which the City Council does not have questions and supports the direction provided by the Planning Commission, the City Council may direct staff to not place those items on the agenda. The items discussed at the April 30, 2015, special joint meeting will not be placed on an agenda unless directed by the City Council.

## Item #: 4.B. 9.D. Additional Material.pdf

AGENDA STAFF REPORT AUGUST 13, 2015  
ZONING CODE UPDATE – ISSUES AND OPTIONS SCHEDULE

### Next Steps

After receiving direction on all 18 issues, the new Zoning Code and CEQA document will be drafted for publication. This step is estimated to take approximately two to three months. The document will be published and available for public review for an additional month. The draft Ordinance will then return to the Planning Commission for review and recommendation. The City Council will conclude the process with the final review and adoption. Upon adoption, the Zoning Code will be submitted to the Coastal Commission.


ACTIVITY	SCHEDULE
Issues and Options Hearings – Planning Commission	May – July 2015
Issues and Options Hearings – City Council	Sept – Oct 2015
Preparation of Draft Zoning Code	Nov 2015 – Jan 2016
Draft Zoning Code Review Hearings – Planning Commission	Feb 2016 – April 2016
Draft Zoning Code Review Hearings – City Council	May 2016 – July 2016
Zoning Code Review – Coastal Commission	Aug 2016 - TBD

**FISCAL IMPACT:** None

### **ATTACHMENTS:**

1. Issues and Options Matrix
2. Zoning Code Update: Issues and Options Report

Report Prepared By: Katie Cattan  
Senior Planner

Reviewed and Forwarded  
By City Manager: 



# CITY COUNCIL AGENDA REPORT

## MEETING OF AUGUST 13, 2015

FROM: OFFICE OF THE CITY CLERK

SUBJECT: JULY 23, 2015, REGULAR CITY COUNCIL MINUTES

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**RECOMMENDED ACTION:** Approve the subject minutes as submitted.

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

**ATTACHMENTS:**

1. Draft July 23, 2015, Regular City Council Minutes.

Report Prepared By: Susan Sneddon, CMC  
City Clerk

Reviewed and Forwarded  
By City Manager: 

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**CAPITOLA CITY COUNCIL  
REGULAR MEETING ACTION MINUTES  
THURSDAY, JULY 23, 2015**

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

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to subdivision (b) of Govt. Code  
§54956.9**

One potential case: McGregor Park

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

Claimant: Lindsay Duerr

Agency claimed against: City of Capitola

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

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

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

**2. PRESENTATIONS**

A. Certificates of Appreciation to Linda Smith and David Shoaf for their terms on the Historical Museum Board. [120-40/240-40]

Certificates received.

B. Presentation regarding the Human Care Alliance.

Presentation provided by David Bianchi, Family Service Agency of the Central Coast; and Karen Delaney, Volunteer Center.

**3. REPORT ON CLOSED SESSION**

City Attorney Condotti stated that the Council discussed the anticipated litigation regarding McGregor Park, and the Lindsay Duerr tort claim; there was no reportable action on both items. The tort claim is listed on the Council's regular meeting Consent Calendar this evening.

**4. ADDITIONAL MATERIALS**

A new staff report was received related to the Rispin/Peery Park Walkway Improvement Project (***Item 10.C.***).

**5. ADDITIONS AND DELETIONS TO AGENDA**

None provided.

**6. PUBLIC COMMENTS**

Richard Lippi, local resident, requested a report on the status of the McGregor Skate Park Project.

Public Works Director Jesberg provided a status update on the McGregor Skate Park Project.

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

City Manager Goldstein stated that Wharf to Wharf race will be held on Sunday, July 26<sup>th</sup>; there will be road closures in the City until Sunday afternoon.

CAPITOLA CITY COUNCIL ACTION MINUTES – Thursday, July 23, 2015

Council Member Termini stated concerns regarding limited Public Works staff being able to complete projects listed in the City's Capitola Improvement Program (CIP). In addition, he suggested that the City put pressure on the County to complete deferred County-related CIP projects within the City.

Council Member Norton stated that on July 24<sup>th</sup> City Manager Goldstein and he will be attending a meeting with the Federal Aviation Administration (FAA) regarding the noise resulting from the new flight path; he will report back to the Council and the community.

**8. BOARD, COMMISSION AND COMMITTEE APPOINTMENTS**

- A. Consider appointments to the Historical Museum Board.

Pam Greeninger and Kathleen Church, Historical Museum Board applicants, thanked the City Council for their consideration regarding their appointments to the Board.

**ACTION** Motion made by Council Member Bertrand, seconded by Council Member Bottorff, to accept the recommendation of the Capitola Historical Museum Board and ratify the appointment of Pam Greeninger and Kathleen Church to fill terms on the Board ending the second Thursday in June 2018. The motion was passed unanimously.

**9. CONSENT CALENDAR**

- A. Consider approving the July 9, 2015, Regular City Council Minutes.  
B. Receive Planning Commission Action Minutes for the Regular Meeting of July 16, 2015.  
C. Approval of City Check Register Reports dated June 19, 2015; June 26, 2015; July 3, 2015; and July 10, 2015. [300-10]  
D. Consider denying liability claim of Lindsay Duerr for an undetermined amount and forward to the City's liability insurance carrier. [Claims Binder]  
E. Consider approving a contract with Community Action Board to administer the Emergency Housing Assistance Program. [500-10 A/C: Community Action Board]

**ACTION** Motion made by Council Member Termini, seconded by Council Member Harlan, to approve the following Consent Calendar Items 9.A., 9.B., 9.C., 9.D., and 9.E. The motion was passed unanimously with the exception of the payment to Santa Cruz Regional 911 (Item 9.C.) being opposed by Council Member Norton.

**10. GENERAL GOVERNMENT / PUBLIC HEARINGS**

- A. Consider approving agreements with the Housing Authority of the County of Santa Cruz and the Adams Ashby Group for administration of the Community Development Block Grant (CDBG) Funded Housing Rehabilitation and Homeownership Assistance Programs, for an amount not to exceed \$54,358 and \$25,580, respectively. 700-10/500-10 A/C: Housing Authority of the County of Santa Cruz , Adams Ashby Group]

Peter Pethoe, Santa Cruz Hostel, stated concerns regarding Airbnb vacation rentals.

**ACTION** Motion made by Council Member Termini, seconded by Council Member Bertrand, to approve the agreements with the Housing Authority of the County of Santa Cruz and the Adams Ashby Group

CAPITOLA CITY COUNCIL ACTION MINUTES – Thursday, July 23, 2015

for administration of the Community Development Block Grant (CDBG) Funded Housing Rehabilitation and Homeownership Assistance Programs, for an amount not to exceed \$54,358 and \$25,580, respectively. The motion was passed unanimously.

- B. Consider request to initiate public review and to refer the draft Housing Element Update to the State Department of Housing and Community Development (HCD). [740-40]

Council Member Bertrand requested that the Association of Monterey Bay Area Governments (AMBAG) provide a report to the City Council regarding the Regional Housing Needs Assessment (RHNA) numbers. In addition, he requested analysis of condominium conversion in the City.

Council Member Harlan requested that staff find out how many residents in the Capitola Beach Villas on 41<sup>st</sup> Avenue are owner-occupied and how many are rental units.

**ACTION**

**Motion made by Council Member Termini, seconded by Council Member Bottorff, to initiate public review and to refer the draft Housing Element Update to the State Department of Housing and Community Development (HCD). The motion was passed unanimously.**

- C. Receive a report on the construction bids for the Rispin/Peery Park Walkway Improvement Project. [275-20]

Public Works Director Jesberg stated that the City Council was provided additional material regarding this item. He provided a summary of the bids received and recommended that the City Council award a contract to the lowest responsible bidder (Earthworks Paving).

Richard Lippi, local resident, stated that Earthworks Paving is a good choice for the project.

**ACTION**

**Motion made by Council Member Harlan, seconded by Council Member Bottorff, to award a contract to Earthworks Paving in the amount of \$114,429 for construction of the Rispin/Peery Park Walkway Improvement Project. The motion was passed unanimously.**

**11. ADJOURNMENT**

Meeting adjourned at 8:18 PM.

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

ATTEST:

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

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## CITY COUNCIL AGENDA REPORT MEETING OF AUGUST 13, 2015

FROM: FINANCE DEPARTMENT  
SUBJECT: CITY CHECK REGISTER REPORT

**RECOMMENDED ACTION:** Approve the attached Check Register Reports for July 17, July 24, and July 31, 2015.

**DISCUSSION:** Check Register Reports are attached for:

Date	Starting Check#	Ending Check #	Total Checks/EFT	Amount
07/17/2015	81013	81068	57	\$204,190.00
07/24/2015	81069	81148	80	\$160,168.73
07/31/2015	81149	81208	64	\$171,053.33

The check register for July 10, 2015 ended with #81012.

Following is a list of checks issued for more than \$10,000, and a brief description of the expenditure:

Check	Issued to:	Dept.	Description	Amount
81016	Atchison, Barisone & Condotti	CM	June 2015 Legal Services	\$15,608.61
81053	SCC Auditor Controller	PD	June Citation Surcharges	\$12,390.50
EFT143	CalPERS Member Services	FN	PERS Contributions 7/10/15	\$44,840.44
EFT144	CalPERS Health Insurance	FN	July PERS Health Insurance	\$60,655.48
81082	Earthworks Paving Contractors	PW	Asphalt patching; McGregor Park	\$16,601.00
81098	Kimley Horn & Assoc.	CDD	June services; Multiple Projects	\$34,744.40
81119	SCC Conf. and Visitors Council	FN	FY14/15 4th QTR TMD	\$49,615.34
81189	Pacific Gas and Electric	PW	Monthly Gas and Electric	\$15,215.54
81198	Stepford Inc.	CM	July & August IT Services	\$11,500.00
EFT146	IRS	CM	Federal, Medicare Taxes	\$27,484.78
EFT148	CalPERS Member Services	CM	PERS Contributions 7/24/15	\$45,807.37

**ATTACHMENTS:**

1. Check Register for July 17, 2015
2. Check Register for July 24, 2015
3. Check Register for July 31, 2015

Report Prepared By: Maura Herlihy  
Account Technician

Reviewed and Forwarded  
by City Manager: 

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Checks dated 7/17/15 numbered 81013 to 81068 for a total of \$98,694.08 plus 2 EFT's for \$105,495.92 have been reviewed and authorized for distribution by the Finance Director.

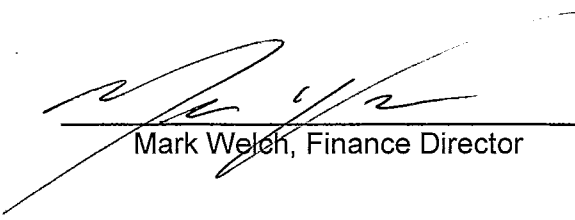
As of 7/17/15 the unaudited cash balance is \$3,746,852

**CASH POSITION - CITY OF CAPITOLA 07/17/2015**

	<u>Net Balance</u>
General Fund	\$ 1,101,896
Contingency Reserve Fund	\$ 1,803,946
Stores Fund	\$ 20,397
Information Technology Fund	\$ 147,124
Equipment Replacement	\$ 124,178
Self Insurance Liability Fund	\$ 161,886
Worker's Comp. Ins. Fund	\$ 321,857
Compensated Absences Fund	\$ 65,568
TOTAL UNASSIGNED GENERAL FUNDS	<u>\$ 3,746,852</u>

The Emergency Reserve Fund Balance is ~~\$816,655.54~~ (not included above).

1,049,205.54

  
 \_\_\_\_\_  
 Mark Welch, Finance Director

7/17/2015  
 \_\_\_\_\_  
 Date

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

\_\_\_\_\_  
 Date

**Payment Register**

From Payment Date: 7/13/2015 - To Payment Date: 7/17/2015

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
81013	07/17/2015 Invoice 20150713	Open	Date 07/13/2015	Description Education Exp reimbursement	ANDREW DALLY	\$377.94
81014	07/17/2015 Invoice P-790	Open	Date 07/08/2015	Description Astro Jump for Camp Carnival	ASTRO EVENTS OF SAN JOSE	\$427.50
81015	07/17/2015 Invoice 624-Jul15	Open	Date 07/01/2015	Description Long Distance Phone Service, Jul 2015 Fund 2211, IT	AT&T	\$4.56
81016	07/17/2015 Invoice Jun2015	Open	Date 06/30/2015	Description June 2015 Legal Services	ATCHISON BARISONE & CONDOTTI	\$15,608.61
81017	07/17/2015 Invoice 4696295	Open	Date 06/22/2015	Description Museum Display Expense	BAY PHOTO LAB	\$5.21
81018	07/17/2015 Invoice 2016-00000034	Open	Date 06/30/2015	Description Summer 1 Instructor Payments 2015	BETZ, SHERRI	\$5,883.15
81019	07/17/2015 Invoice 108437 JG 108437 CAMP	Open	Date 06/30/2015 06/30/2015	Description Fingerprinting Fingerprinting	CA DEPARTMENT OF JUSTICE	\$384.00
81020	07/17/2015 Invoice Q2 CY2015	Open	Date 06/30/2015	Description Disability Access & Educ Fee Report	Calif Dept of General Services	\$13.50
81021	07/17/2015 Invoice CBF6-2015	Open	Date 06/30/2015	Description Jun 2015 Housing Services	CAROLYN FLYNN	\$4,250.00
81022	07/17/2015 Invoice 203004	Open	Date 07/09/2015	Description Auto Parts, Chevy Impala	CHEVROLET OF WATSONVILLE	\$180.65
81023	07/17/2015 Invoice 14524	Open	Date 06/30/2015	Description June 2015 Cleaning Service	CLEAN BUILDING MAINTENANCE	\$3,719.13
81024	07/17/2015 Invoice 2185	Open	Date 07/08/2015	Description Meetings Broadcast, Jun 2015	COMMUNITY TELEVISION OF SCC	\$1,150.00
81025	07/17/2015 Invoice 9029	Open	Date 05/22/2015	Description Video recording Equipment, Comm Room Fund 1320, PEG	CORE MICROSYSTEMS	\$5,475.86

**Payment Register**

From Payment Date: 7/13/2015 - To Payment Date: 7/17/2015

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
81026	07/17/2015	Open			COVELLO & COVELLO PHOTOGRAPH	\$2,588.25
	Invoice		Date	Description	Amount	
	6203		07/06/2015	JG Group Photo-Session 1	\$2,588.25	
81027	07/17/2015	Open			CPS	\$740.75
	Invoice		Date	Description	Amount	
	SOP39557		06/29/2015	Law Enforcement Exam	\$383.90	
	SOP39612		07/13/2015	New Hire Test, Acct tech	\$356.85	
81028	07/17/2015	Open			CRYSTAL SPRINGS WATER CO.	\$347.00
	Invoice		Date	Description	Amount	
	060094-Jun15		06/30/2015	June 2015 Drinking Water	\$347.00	
81029	07/17/2015	Open			EMERGENCY VEHICLE SPECIALISTS	\$415.00
	Invoice		Date	Description	Amount	
	4297		07/02/2015	Auto parts, Unit 111 Battery and Wiring	\$415.00	
81030	07/17/2015	Open			EWING IRRIGATION	\$32.85
	Invoice		Date	Description	Amount	
	9945664		07/01/2015	Irrigation Supplies	\$32.85	
81031	07/17/2015	Open			FITZGERALD, AIMEE	\$575.25
	Invoice		Date	Description	Amount	
	2016-00000033		06/30/2015	Summer 1 Instructor Payments 2015	\$575.25	
81032	07/17/2015	Open			FLYERS ENERGY LLC	\$2,268.94
	Invoice		Date	Description	Amount	
	15-109728		07/10/2015	150 Gal Diesel	\$434.14	
	15-109726		07/10/2015	500 Gal Ethanol	\$1,834.80	
81033	07/17/2015	Open			FOJACO, HANYA	\$1,111.50
	Invoice		Date	Description	Amount	
	2016-00000035		06/30/2015	Summer 1 Instructor Payments 2015	\$1,111.50	
81034	07/17/2015	Open			FRANCA, CLAUDIO	\$466.70
	Invoice		Date	Description	Amount	
	2016-00000031		06/30/2015	Summer 1 Instructor Payments 2015	\$466.70	
81035	07/17/2015	Open			HOME DEPOT CREDIT SERVICES	\$94.13
	Invoice		Date	Description	Amount	
	4011445		06/29/2015	Banner supplies	\$66.01	
	7012370		07/06/2015	broom	\$28.12	
81036	07/17/2015	Open			ILLINGWORTH & RODKIN INC	\$3,612.41
	Invoice		Date	Description	Amount	
	15-095-2		07/09/2015	June 2015 Consulting Services	\$3,612.41	
81037	07/17/2015	Open			JUNKER, LAUREN	\$1,558.70
	Invoice		Date	Description	Amount	
	2016-00000036		07/13/2015	Summer 1 Instructor Payments 2015	\$1,558.70	

# Payment Register

From Payment Date: 7/13/2015 - To Payment Date: 7/17/2015

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
81038	07/17/2015	Open			KBA Docusys Inc.	\$33.43
	Invoice		Date	Description		Amount
	350678		07/01/2015	Contract C12683-01, Copier Maint, 7/8 to 8		\$33.43
81039	07/17/2015	Open			KIMLEY-HORN AND ASSOCIATES INC	\$2,800.00
	Invoice		Date	Description		Amount
	6640717		04/30/2015	Capitola Orchard Supply Project, through 7/17/2015		\$2,800.00
81040	07/17/2015	Open			LEGEND THEATRICAL	\$238.75
	Invoice		Date	Description		Amount
	00751		06/23/2015	Audio Engineer, NB Middle School meeting		\$238.75
81041	07/17/2015	Open			MAR-KEN K-9 TRAINING CENTER	\$480.00
	Invoice		Date	Description		Amount
	0147-15		06/20/2015	June K-9 training		\$480.00
81042	07/17/2015	Open			MEDCO SUPPLY CO.	\$178.35
	Invoice		Date	Description		Amount
	41965849		07/02/2015	First Aid Supplies		\$178.35
81043	07/17/2015	Open			MID COUNTY AUTO SUPPLY	\$387.91
	Invoice		Date	Description		Amount
	426310		06/17/2015	Filter, John Deere Loader		\$98.31
	426330		06/17/2015	Belt for Sidewalk Grinder		\$21.08
	427043		06/23/2015	Big Wrench Set		\$223.98
	427973		07/01/2015	Belt and cables		\$44.54
81044	07/17/2015	Open			MILLER'S TRANSFER & STORAGE CO	\$293.60
	Invoice		Date	Description		Amount
	86871		07/06/2015	Records Storage and Handling		\$293.60
81045	07/17/2015	Open			MITCHELL, JEANI	\$312.00
	Invoice		Date	Description		Amount
	2016-00000030		06/30/2015	Summer 1 Instructor Payments 2015		\$312.00
81046	07/17/2015	Open			MONTEREY BAY UNIFIED AIR POLLUTION COM	\$3,116.12
	Invoice		Date	Description		Amount
	243		07/09/2015	Per Capita Assessment FY15/16		\$3,116.12
81047	07/17/2015	Open			NANCY HOWELLS	\$44.20
	Invoice		Date	Description		Amount
	2016-00000032		06/30/2015	Summer 1 Instructor Payments 2015		\$44.20
81048	07/17/2015	Open			NORTH BAY FORD	\$527.16
	Invoice		Date	Description		Amount
	FOCS300752		07/02/2015	Auto parts, PW F-150		\$527.16
81049	07/17/2015	Open			PACIFIC TRUCK PARTS INC.	\$613.52
	Invoice		Date	Description		Amount
	1720913		07/09/2015	Auto Parts		\$613.52

**Payment Register**

From Payment Date: 7/13/2015 - To Payment Date: 7/17/2015

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
81050	07/17/2015 Invoice 324419	Open	Date 07/01/2015	Description Office Supplies, City Hall Fund 2210, Stores	PALACE OFFICE SUPPLIES	\$47.84
81051	07/17/2015 Invoice 369259	Open	Date 07/03/2015	Description Meter Rental, 4/1 to 6/30/15	PITNEY BOWES INC.	\$208.80
81052	07/17/2015 Invoice 52947256	Open	Date 06/20/2015	Description Gases, Corp Yd	PRAXAIR DISTRIBUTION INC.	\$116.57
81053	07/17/2015 Invoice Jun2015	Open	Date 06/30/2015	Description Citation Surcharges, Jun 2015	SCC AUDITOR-CONTROLLER	\$12,390.50
81054	07/17/2015 Invoice 15468 CAMP 15468 JG	Open	Date 07/01/2015 07/01/2015	Description Fingerprinting Fingerprinting	SCC OFFICE OF EDUCATION	\$280.00
81055	07/17/2015 Invoice 11300009371-2015	Open	Date 06/26/2015	Description Newspaper Subscription, 7/22/15 to 7/19/1	SANTA CRUZ SENTINEL	\$313.95
81056	07/17/2015 Invoice 71504	Open	Date 07/02/2015	Description Jun2015 Services, Monterey Ave Skate Pa	STRELOW CONSULTING	\$4,670.00
81057	07/17/2015 Invoice 20150701	Open	Date 07/01/2015	Description Capitola Village BIA Website Redesign, Pr Fund 1321, BIA	STUDIOHOLLADAY	\$6,000.00
81058	07/17/2015 Invoice 23427	Open	Date 06/23/2015	Description Uniform Exp, Minium-PD	SUMMIT UNIFORM CORP	\$379.54
81059	07/17/2015 Invoice 282429885	Open	Date 07/04/2015	Description Copier Lease Payments Fund 1000, Gen Fund=\$358.82 Fund 2211, IT=\$160.96	US BANCORP EQUIPMENT FINANCE	\$519.78
81060	07/17/2015 Invoice Jun2015	Open	Date 07/02/2015	Description June 2015 Credit Card Charges Fund 1000, Gen Fund=\$6632.50 Fund 1313, Gen Plan Update=\$296.83 Fund 2210, Stores=\$24.95 Fund 2211, IT=\$620.79	WELLS FARGO BANK	\$7,575.07
81061	07/17/2015 Invoice 2002311-002	Open	Date 07/13/2015	Description JG Refund	April Skalland	\$232.00

**Payment Register**

From Payment Date: 7/13/2015 - To Payment Date: 7/17/2015

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
81062	07/17/2015 Invoice 2002313-002	Open	Date 07/13/2015	Description JG Refund	Jacqueline Hinds	\$110.00 \$110.00
81063	07/17/2015 Invoice 2016-00000021	Open	Date 07/13/2015	Description Stopwatches & JG Certificates S1	Legare, Elise	\$204.41 \$204.41
81064	07/17/2015 Invoice 2002307-002	Open	Date 07/13/2015	Description JG Refund	Maya Dawson	\$346.00 \$346.00
81065	07/17/2015 Invoice 2002308-002	Open	Date 07/13/2015	Description JG Refund	Noelle Neel	\$232.00 \$232.00
81066	07/17/2015 Invoice 15-099	Open	Date 07/13/2015	Description Refund Tree Removal Deposit, 4425 Clare	RAY PACKWOOD	\$500.00 \$500.00
81067	07/17/2015 Invoice 20031 20590	Voided	Printer error, check r Date 04/21/2015 07/15/2015	07/17/2015 Description BIA visitor brochure printing BIA FY15/16 brochure printing	PRINTWORX	\$0.00 \$2,127.12 \$2,123.87
81068	07/17/2015 Invoice 20031 20590	Open	Date 04/21/2015 07/15/2015	Description BIA visitor brochure printing BIA FY15/16 brochure printing Fund 1321, BIA=\$4250.99	PRINTWORX	\$4,250.99 \$2,127.12 \$2,123.87
Check Totals:						98694.08



# Payment Register

From Payment Date: 7/13/2015 - To Payment Date: 7/17/2015

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
<u>EFT</u>						
143	07/13/2015	Open			CalPERS Member Services Division	\$44,840.44
	Invoice		Date	Description	Amount	
	2016-00000029		07/13/2015	7/10/15 Pay date PERS contributions	\$44,840.44	
144	07/13/2015	Open			CalPERS Health Insurance	\$60,655.48
	Invoice		Date	Description	Amount	
	2016-00000037		07/13/2015	July PERS Health	\$60,655.48	
EFT Totals:						\$105,495.92
CITY - Main City Totals						

Checks	Count	Transaction Amount	Reconciled Amount
	55	\$98,694.08	\$0.00
	0	\$0.00	\$0.00
VOID	1	\$4,250.99	\$0.00
	0	\$0.00	\$0.00
	56	\$102,945.07	\$0.00

EFTs	Count	Transaction Amount	Reconciled Amount
	2	\$105,495.92	\$0.00
	0	\$0.00	\$0.00
	0	\$0.00	\$0.00
	2	\$105,495.92	\$0.00

All	Count	Transaction Amount	Reconciled Amount
	57	\$204,190.00	\$0.00
	0	\$0.00	\$0.00
	1	\$4,250.99	\$0.00
	0	\$0.00	\$0.00
	58	\$208,440.99	\$0.00

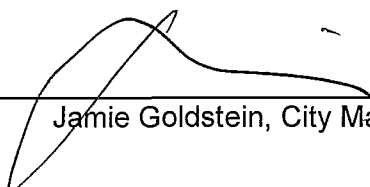
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Checks dated 7/24/15 numbered 81069 to 81148 for a total of \$160168.73 has been reviewed and authorized for distribution by the City Manager.

As of 7/24/15 the unaudited cash balance is \$4,489,173

	<u>Net Balance</u>
General Fund	\$ 945,949
Contingency Reserve Fund	\$ 1,803,946
PERS Contingency Fund	\$ -
Facilities Reserve Fund	\$ 159,870
Capital Improvement Fund	\$ 815,152
Stores Fund	\$ 18,868
Information Technology Fund	\$ 146,337
Equipment Replacement	\$ 124,178
Self Insurance Liability Fund	\$ 161,886
Worker's Comp. Ins. Fund	\$ 321,857
Compensated Absences Fund	\$ (8,870)
<b>TOTAL UNASSIGNED GENERAL FUNDS</b>	<b><u>\$ 4,489,173</u></b>

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

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

7/24/2015

\_\_\_\_\_  
 Date

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

\_\_\_\_\_  
 Date

# Payment Register

From Payment Date: 7/20/2015 - To Payment Date: 7/24/2015

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
81069	07/24/2015	Open			A SIGN ASAP	\$1,794.38
	Invoice		Date	Description		Amount
	150432		06/02/2015	Beach signs		\$1,794.38
81070	07/24/2015	Open			A TOOL SHED	\$669.01
	Invoice		Date	Description		Amount
	1058798-5		07/14/2015	Capitola Rd repair		\$669.01
81071	07/24/2015	Open			AUTOMATION TEST ASSOCIATES	\$25.00
	Invoice		Date	Description		Amount
	42597		07/22/2015	Meter Reading July FUND 1311 Wharf Fund		\$25.00
81072	07/24/2015	Open			B & B SMALL ENGINE REPAIR	\$119.05
	Invoice		Date	Description		Amount
	331577		07/13/2015	JD mower blades		\$119.05
81073	07/24/2015	Open			BANK OF AMERICA	\$16.00
	Invoice		Date	Description		Amount
	0011953856		07/15/2015	analysis charge 6/2015		\$16.00
81074	07/24/2015	Open			BEAR ELECTRICAL SOLUTIONS INC.	\$3,469.80
	Invoice		Date	Description		Amount
	2321-a		06/30/2015	2 of 10-Traffic signal, st light maintenance,		\$214.50
	2321-b		06/30/2015	2015 June Traffic Signal Maintenance - Rc		\$401.50
	2358		06/30/2015	2015 June Traffic Signal Maintenance - Re FUND 1310 Gas Tax Fund		\$2,853.80
81075	07/24/2015	Open			BILL TASHNICK	\$66.00
	Invoice		Date	Description		Amount
	Tashnick07172015		07/17/2015	Softball Officials July 6-17 2015		\$66.00
81076	07/24/2015	Open			CA DEPARTMENT OF TRANSPORTATI	\$1,339.22
	Invoice		Date	Description		Amount
	SL151059		07/16/2015	Signals & lighting April 2015 - June 2015 FUND 1310 Gas Tax Fund		\$1,339.22
81077	07/24/2015	Open			CENTRAL MEDICAL LABORATORY INC	\$60.00
	Invoice		Date	Description		Amount
	16870		06/30/2015	15c-01249 blood draw		\$60.00
81078	07/24/2015	Open			CHRISTINA CANAVAN	\$910.00
	Invoice		Date	Description		Amount
	2016-00000048		07/20/2015	Summer 2 Instructor Payments 2015		\$910.00
81079	07/24/2015	Open			CVS PHARMACY INC.	\$7.18
	Invoice		Date	Description		Amount
	1797		07/21/2015	Camp Supplies		\$7.18
81080	07/24/2015	Open			DANIEL REED	\$66.00
	Invoice		Date	Description		Amount
	Reed07172015		07/17/2015	Softball Officials July 6-17 2015		\$66.00
81081	07/24/2015	Open			DIXON AND SON INC.	\$542.36
	Invoice		Date	Description		Amount

**Payment Register**

From Payment Date: 7/20/2015 - To Payment Date: 7/24/2015

Invoice	Date	Description	Amount
193854	07/11/2015	auto supplies	\$542.36
81082	07/24/2015	Open EARTHWORKS PAVING CONTRACTOR	\$16,601.00
Invoice	Date	Description	Amount
1597	07/14/2015	Asphalt patching	\$2,705.00
1602	07/22/2015	McGregor Park	\$13,896.00
		Fund 1200 CIP =13896.00	
		Fund 1310 Gas Tax Fund =2705.00	
81083	07/24/2015	Open ELEVATOR SERVICE COMPANY INC.	\$1,560.00
Invoice	Date	Description	Amount
4867P5363	07/07/2015	state compliance load test provide tag; ma	\$1,560.00
81084	07/24/2015	Open EWING IRRIGATION	\$232.22
Invoice	Date	Description	Amount
9961382	07/02/2015	Irrigation supplies	\$217.78
9977117	07/07/2015	Irrigation supplies Lawn Way	\$14.44
81085	07/24/2015	Open FARWEST NURSERY	\$21.09
Invoice	Date	Description	Amount
958140	07/01/2015	Plants	\$21.09
81086	07/24/2015	Open FELLOWS, LESLIE	\$580.00
Invoice	Date	Description	Amount
07202015	07/20/2015	Art and Music at Beach Coordinator payme	\$580.00
81087	07/24/2015	Open FERGUSON ENTERPRISES INC.	\$1,259.98
Invoice	Date	Description	Amount
4221044-1	06/26/2015	Spud wrench	\$44.65
4237256	07/02/2015	Jade St faucet	\$113.83
4215661	07/09/2015	Shower cartridges	\$576.00
4237256-1	07/09/2015	Jade St plumbing	\$525.50
81088	07/24/2015	Open FLYERS ENERGY LLC	\$50.21
Invoice	Date	Description	Amount
CFS1041284	06/30/2015	fuel	\$50.21
81089	07/24/2015	Open FRED C. BEYERS	\$198.00
Invoice	Date	Description	Amount
Beyers07172015	07/17/2015	Softball Officials July 6-17 2015	\$198.00
81090	07/24/2015	Open GEORGE H WILSON INC	\$192.00
Invoice	Date	Description	Amount
000112600	07/10/2015	PD A/C check & maintenance	\$192.00
81091	07/24/2015	Open GEORGE McMENAMIN	\$1,941.28
Invoice	Date	Description	Amount
Riparian 37	06/30/2015	Riparian Restoration	\$675.00
Riparian 3	06/24/2015	ACE Crew work at Beach/Village Lot 1 & 2	\$1,266.28
81092	07/24/2015	Open GLOBAL ENVIRONMENTAL PRODUCT	\$2,475.09
Invoice	Date	Description	Amount
626900	07/14/2015	sweeper part	\$2,256.07
626941	07/16/2015	sweeper parts	\$214.37
626841	07/10/2015	switch pressure, binary; coil assy, evapora	\$86.26

# Payment Register

From Payment Date: 7/20/2015 - To Payment Date: 7/24/2015

	CM626421		07/06/2015	oil filter credit; book error		(\$81.61)
				Fund 1310 Gas Tax Fund		
81093	07/24/2015	Open		GRANITE ROCK COMPANY		\$413.52
	Invoice		Date	Description		Amount
	900384		06/30/2015	Concrete pothole patch		\$413.52

**Payment Register**

From Payment Date: 7/20/2015 - To Payment Date: 7/24/2015

Invoice #	Date	Description	Amount
81094	07/24/2015	Open	HOME DEPOT CREDIT SERVICES \$478.53
Invoice	Date	Description	Amount
7012336	07/06/2015	Misc.	\$44.19
7012337	07/06/2015	Utility knives	\$31.77
4021632	07/09/2015	Vacuum bags for grinder	\$36.74
4051933	07/09/2015	Banner supplies	\$43.32
3021824	07/10/2015	Concrete forming supplies	\$53.10
69680009030560	07/02/2015	Evidence supplies and microwave	\$269.41
81095	07/24/2015	Open	HOPE REHABILITATION SERVICES \$2,142.00
Invoice	Date	Description	Amount
S155881	06/30/2015	6/15-6/30 litter abatement & street cleaning	\$2,142.00
81096	07/24/2015	Open	JOHNSON, ROBERTS, & ASSOCIATES \$17.00
Invoice	Date	Description	Amount
126009	07/09/2015	Background Check	\$17.00
81097	07/24/2015	Open	KATHY D'ANGELO \$250.00
Invoice	Date	Description	Amount
000V-06182015	07/20/2015	Shoot/edit Dick Arthur interview	\$250.00
81098	07/24/2015	Open	KIMLEY-HORN AND ASSOCIATES INC \$34,744.40
Invoice	Date	Description	Amount
6839627	06/30/2015	June: Housing element update, optional ta	\$2,251.92
6884914	06/30/2015	Hill Street Pedestrian Improvements	\$6,369.07
6884918	06/30/2015	Pacific Cove Rail Trail Phase I	\$2,128.61
6813297	06/30/2015	Environmental & Conceptual-Design Bay/C	\$17,811.80
6717273	06/30/2015	Parking & Trip Generation Analysis for Mo	\$6,183.00
		Fund 1000 General Fund =6183.00	
		Fund 1200 CIP = 26309.48	
		Fund 1313 General Plan Update and Maint=2251.92	
81099	07/24/2015	Open	LABORMAX STAFFING \$4,614.03
Invoice	Date	Description	Amount
26-49555	07/03/2015	PW Supplemental Labor, 6/27-7/3/15	\$1,729.53
26-49794	07/10/2015	PW Supplemental Labor, 7/4-7/10/15	\$2,884.50
81100	07/24/2015	Open	LOOMIS \$522.87
Invoice	Date	Description	Amount
11639529	06/30/2015	Armored car	\$522.87
81101	07/24/2015	Open	MASTER CAR WASH \$192.00
Invoice	Date	Description	Amount
July2015	07/04/2015	June car wash	\$192.00
81102	07/24/2015	Open	MBS BUSINESS SYSTEMS \$931.30
Invoice	Date	Description	Amount
244374	06/24/2015	Contract 21883-03, Copier Maint, 4/1 to 6/	\$931.30
81103	07/24/2015	Open	MID COUNTY AUTO SUPPLY \$1,204.87
Invoice	Date	Description	Amount
427318	06/25/2015	Air Filter	\$52.60
427398	06/25/2015	Tool Box	\$1,045.13
427300	06/25/2015	V Belt	\$22.81

# Payment Register

From Payment Date: 7/20/2015 - To Payment Date: 7/24/2015

427327	06/25/2015	Jack Stand	\$61.29
428634	07/08/2015	Hex Nut	\$4.62
428940	07/10/2015	JB Weld	\$7.13
429678	07/17/2015	PAG lube mid vis	\$11.29
		Fund 1000 General Fund = 1193.58	
		Fund 1310 Gas Tax Fund = 11.29	

81104	07/24/2015	Open		MORRONE'S DRAPERIES	\$271.34
	Invoice	Date	Description	Amount	
	24381	06/15/2015	Repair blinds; replace headrails-Comm Ctr	\$271.34	
81105	07/24/2015	Open		MUNISERVICES LLC	\$1,802.11
	Invoice	Date	Description	Amount	
	38327	07/17/2015	SUTA Services, Q1 CY2015	\$1,476.10	
	38328	07/17/2015	SUTA ending 3/2015	\$326.01	
81106	07/24/2015	Open		NORTH BAY FORD	\$129.88
	Invoice	Date	Description	Amount	
	249165	07/14/2015	motor-coolin	\$57.00	
	249228	07/16/2015	resistor assembly	\$50.66	
	249148	07/13/2015	Clamp	\$22.22	
81107	07/24/2015	Open		O'Reilly Auto Parts	\$373.74
	Invoice	Date	Description	Amount	
	2763127717	07/20/2015	starter	\$186.87	
	2763127716	07/20/2015	starter	\$186.87	
81108	07/24/2015	Open		OLIVE SPRINGS QUARRY INC.	\$200.26
	Invoice	Date	Description	Amount	
	98820	06/29/2015	Asphalt - Esplanade	\$200.26	
			Fund 1310 Gas Tax Fund		
81109	07/24/2015	Open		ORCHARD SUPPLY HARDWARE	\$986.46
	Invoice	Date	Description	Amount	
	6009-8314656	06/25/2015	Plants	\$17.53	
	6007-3096189	06/28/2015	Graffiti supplies	\$16.50	
	6011-6120085	06/30/2015	Batteries	\$13.42	
	6007-6426753	06/30/2015	Wasp spray	\$12.38	
	6008-8199179	07/06/2015	Misc Supplies, Rec	\$33.03	
	6013-3382765	07/01/2015	Batteries	\$26.84	
	6010-5077413	07/02/2015	Misc.	\$39.24	
	6009-1445308	07/02/2015	Misc.	\$11.35	
	60101447435	07/02/2015	Misc	\$19.17	
	6013-7894446	07/06/2015	Plumbing supplies	\$56.28	
	60081449239	07/07/2015	Irrigation supplies	\$2.40	
	6013-3524747	07/07/2015	Concrete supplies	\$35.98	
	6009-1446333	07/07/2015	Misc	\$88.78	
	6011-6121653	07/07/2015	Irrigation repair	\$10.20	
	6009-3386511	07/08/2015	Graffiti paint	\$13.60	
	6013-6125052	07/08/2015	Dog waste dispenser supplies	\$27.13	
	6009-3526742	07/09/2015	Sidewalk patch supplies	\$22.19	
	6009-7897128	07/11/2015	Cable ties and duct tape	\$33.04	
	6009-3527247	07/12/2015	Tower two supplies	\$20.12	
	6012-6429808	07/13/2015	Tools	\$267.56	
	6013-1176290	07/13/2015	wasp and hornet	\$15.66	
	6012-1599910	07/14/2015	Hedge shears	\$86.76	



# Payment Register

From Payment Date: 7/20/2015 - To Payment Date: 7/24/2015

6007-7890615	07/21/2015	Community Center supplies	\$82.63
6007-299045	07/13/2015	hand rail monterey	\$34.67

# Payment Register

From Payment Date: 7/20/2015 - To Payment Date: 7/24/2015

Invoice #	Date	Status	Description	Amount
81110	07/24/2015	Open	PALACE OFFICE SUPPLIES	\$451.03
Invoice	Date		Description	Amount
324702	07/07/2015		Supplies REC	\$93.31
324766	07/07/2015		Supplies REC	\$80.74
325039	07/08/2015		Office Supplies, City Hall	\$121.88
C201102	07/08/2015		return Office Supplies	(\$54.24)
324350	07/01/2015		Office supplies	\$13.60
325545-0	07/13/2015		Keyboard	\$195.74
			Fund 1000 General Fund = 383.39	
			Fund 2210 ISF Stores Fund =67.64	
81111	07/24/2015	Open	PEELLE TECHNOLOGIES INC.	\$2,048.11
Invoice	Date		Description	Amount
COCPT2205A	06/30/2015		Document Scanning	\$1,990.77
COCPT2205B	06/30/2015		Document Scanning	\$57.34
81112	07/24/2015	Open	PHOENIX GROUP INFORMATION SYS	\$1,748.47
Invoice	Date		Description	Amount
062015070	07/09/2015		Jun 2015	\$1,748.47
81113	07/24/2015	Open	PITNEY BOWES INC.	\$208.99
Invoice	Date		Description	Amount
07132015	07/21/2015		Postage for Machine REC	\$208.99
81114	07/24/2015	Open	PLACEWORKS	\$3,943.96
Invoice	Date		Description	Amount
56670	06/30/2015		June Capitola General Plan and EIR	\$3,943.96
			Fund 1313 General Plan Update and Maint	
81115	07/24/2015	Open	ROBERT SEELEY & ASSOCIATES	\$400.00
Invoice	Date		Description	Amount
2015-017	07/10/2015		Jan-June 2015 Admin hearings	\$400.00
81116	07/24/2015	Open	RR DONNELLEY	\$86.28
Invoice	Date		Description	Amount
202158217	07/14/2015		W2s, W3s, envelopes	\$86.28
81117	07/24/2015	Open	SAN LORENZO LUMBER	\$769.48
Invoice	Date		Description	Amount
55-0060699	07/02/2015		Bosch hammer drill	\$769.48
81118	07/24/2015	Open	SANTA CRUZ COUNTY ANIMAL SHEL1	\$5,500.00
Invoice	Date		Description	Amount
15/16-1cap	07/08/2015		15/16 1st qrt	\$5,500.00
81119	07/24/2015	Open	SANTA CRUZ COUNTY CONFERENCE	\$49,615.34
Invoice	Date		Description	Amount
TMD 06302015	06/30/2015		FY14/15 4th QTR TMD	\$49,615.34
81120	07/24/2015	Open	SPORT ABOUT	\$3,490.20
Invoice	Date		Description	Amount
6922	07/15/2015		T-shirts for S2 JG's	\$3,490.20
81121	07/24/2015	Open	SPRINT	\$90.00
Invoice	Date		Description	Amount

**Payment Register**

From Payment Date: 7/20/2015 - To Payment Date: 7/24/2015

Invoice	Date	Description	Amount
974855313-163	06/29/2015	May-Jun2015 Phones	\$90.00
81122	07/24/2015	Open SUPPLYWORKS	\$1,376.86
Invoice	Date	Description	Amount
1661802-00	07/07/2015	Cleaning supplies	\$1,376.86
81123	07/24/2015	Open TILLEY EDURABLES DIRECT INC.	\$92.95
Invoice	Date	Description	Amount
1349192	07/01/2015	Hat for Iraq	\$92.95
81124	07/24/2015	Open TRI-COUNTY BUSINESS SYSTEMS INC	\$1,189.69
Invoice	Date	Description	Amount
CNIN071345	06/30/2015	Contract 6328, Photocopy Expense	\$1,189.69
		Fund 2210 ISF Stores Fund	
81125	07/24/2015	Open TRUWEST	\$660.65
Invoice	Date	Description	Amount
176661	07/15/2015	JG Supplies	\$660.65
81126	07/24/2015	Open UNITED STATES POSTAL SERVICE	\$1,010.00
Invoice	Date	Description	Amount
3517	07/08/2015	newsletter mailing permit #13	\$1,010.00
81127	07/24/2015	Open VAZQUEZ, GUILLERMO, E.	\$124.20
Invoice	Date	Description	Amount
07092015	07/09/2015	Alcohol Beverage Control School - Seaside	\$124.20
81128	07/24/2015	Open WATSONVILLE BLUEPRINT	\$25.94
Invoice	Date	Description	Amount
54653	07/16/2015	Final Map prints- Surf&Sand, Kraemer	\$25.94
81129	07/24/2015	Open WE ALL RIDE SANTA CRUZ	\$282.14
Invoice	Date	Description	Amount
07092015	06/28/2015	motor work	\$282.14
81130	07/24/2015	Open WELLS FARGO BANK	\$1,500.00
Invoice	Date	Description	Amount
1211448	07/02/2015	POB Trustee Fee	\$1,500.00
		Fund 1410 Pension Obligation Bond	
81131	07/24/2015	Open WESTERN EXTERMINATOR COMPAN'	\$100.00
Invoice	Date	Description	Amount
3301806	06/30/2015	City Hall	\$50.00
6302015	06/30/2015	Ocean turnouts	\$50.00
81132	07/24/2015	Open Amber Becker	\$112.00
Invoice	Date	Description	Amount
2016-00000038	07/17/2015	Camp JL Payments S2 2015	\$112.00
81133	07/24/2015	Open Astone, Jennifer	\$54.00
Invoice	Date	Description	Amount
2002317.002	07/20/2015	JG Refund	\$54.00
81134	07/24/2015	Open Baylie Turner	\$112.00
Invoice	Date	Description	Amount
2016-00000046	07/17/2015	Camp JL Payments S2 2015	\$112.00

# Payment Register

From Payment Date: 7/20/2015 - To Payment Date: 7/24/2015

Invoice #	Date	Status	Description	Amount
81135	07/24/2015	Open	Berrig, Wanda	\$10.00
Invoice	Date		Description	Amount
2016-00000054	07/20/2015		refund cite 166123745	\$10.00
81136	07/24/2015	Open	Camryn Martin	\$112.00
Invoice	Date		Description	Amount
2016-00000041	07/17/2015		Camp JL Payments S2 2015	\$112.00
81137	07/24/2015	Open	Coben, Bonnie	\$32.00
Invoice	Date		Description	Amount
2002321.002	07/20/2015		Class Refund	\$32.00
81138	07/24/2015	Open	Daniel Homer	\$112.00
Invoice	Date		Description	Amount
2016-00000040	07/17/2015		Camp JL Payments S2 2015	\$112.00
81139	07/24/2015	Open	Gandolfi, Kirk	\$130.00
Invoice	Date		Description	Amount
2002320.002	07/20/2015		Class Refund	\$130.00
81140	07/24/2015	Open	Gross, Catherine	\$149.26
Invoice	Date		Description	Amount
2016-00000055	07/21/2015		Camp supplies	\$149.26
81141	07/24/2015	Open	Kate Motroni	\$104.00
Invoice	Date		Description	Amount
2016-00000043	07/17/2015		Camp JL Payments S2 2015	\$104.00
81142	07/24/2015	Open	Lindsay Carson	\$112.00
Invoice	Date		Description	Amount
2016-00000039	07/17/2015		Camp JL Payments S2 2015	\$112.00
81143	07/24/2015	Open	Lingens, Rolf	\$232.00
Invoice	Date		Description	Amount
2002319.002	07/20/2015		JG Refund	\$232.00
81144	07/24/2015	Open	Natalie Wilson	\$164.00
Invoice	Date		Description	Amount
2016-00000047	07/17/2015		Camp JL Payments S2 2015	\$164.00
81145	07/24/2015	Open	Nicolas Mayo	\$80.00
Invoice	Date		Description	Amount
2016-00000042	07/17/2015		Camp JL Payments S2 2015	\$80.00
81146	07/24/2015	Open	Rogers, Eben	\$254.00
Invoice	Date		Description	Amount
2002324.002	07/21/2015		Camp refund	\$254.00
81147	07/24/2015	Open	Thomas Pipitone	\$104.00
Invoice	Date		Description	Amount
2016-00000044	07/17/2015		Camp JL Payments S2 2015	\$104.00
81148	07/24/2015	Open	Tristan Thomson	\$112.00

# Payment Register

From Payment Date: 7/20/2015 - To Payment Date: 7/24/2015

Invoice	Date	Description	Amount
2016-00000045	07/17/2015	Camp JL Payments S2 2015	\$112.00

Type Check Totals: \$160,168.73  
 CITY - Main City Totals

Checks	Count	Transaction Amount	Reconciled Amount
	80	\$160,168.73	\$0.00
	0	\$0.00	\$0.00
	0	\$0.00	\$0.00
	0	\$0.00	\$0.00
	80	\$160,168.73	\$0.00

EFTs	Count	Transaction Amount	Reconciled Amount
	0	\$0.00	\$0.00
	0	\$0.00	\$0.00
	0	\$0.00	\$0.00
	0	\$0.00	\$0.00

All	Count	Transaction Amount	Reconciled Amount
	80	\$160,168.73	\$0.00
	0	\$0.00	\$0.00
	0	\$0.00	\$0.00
	0	\$0.00	\$0.00
	80	\$160,168.73	\$0.00

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Checks dated 7/31/15 numbered 81149 to 81208 plus 4 EFTs for a total value of \$171,053.33 has been reviewed and authorized for distribution by the City Manager.

As of 7/31/15 the unaudited cash balance is \$4,525,880.

**CASH POSITION - CITY OF CAPITOLA 07/31/2015**

	<u>Net Balance</u>
General Fund	\$ 997,020
Contingency Reserve Fund	\$ 1,803,946
PERS Contingency Fund	-
Facilities Reserve Fund	\$ 159,870
Capital Improvement Fund	\$ 813,926
Stores Fund	\$ 18,714
Information Technology Fund	\$ 133,353
Equipment Replacement	\$ 124,178
Self Insurance Liability Fund	\$ 161,886
Worker's Comp. Ins. Fund	\$ 321,857
Compensated Absences Fund	\$ (8,870)
<b>TOTAL UNASSIGNED GENERAL FUNDS</b>	<b><u>\$ 4,525,880</u></b>

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

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

7/31/2015  
 \_\_\_\_\_  
 Date

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

\_\_\_\_\_  
 Date

Item #: 8.B. Attach 3.pdf  
**CITY CHECKS ISSUED 07/31/2015**

Check#	Invoice#	Status	Invoice Date	Description	Payee Name	Transaction Amount
81149	07/31/2015	Open			A SIGN ASAP	\$244.69
	Invoice		Date	Description		Amount
	150484		06/22/2015	Beach warning signs		\$244.69
81150	07/31/2015	Open			AFLAC	\$466.76
	Invoice		Date	Description		Amount
	103269		07/25/2015	AFLAC July premiums 1001 - Payroll Payables		\$466.76
81151	07/31/2015	Open			APTOS LANDSCAPE SUPPLY INC.	\$204.79
	Invoice		Date	Description		Amount
	400918		07/28/2015	Top soil		\$204.79
81152	07/31/2015	Open			AT&T	\$4.40
	Invoice		Date	Description		Amount
	674-Jul15		07/01/2015	monthly charges 2211 - ISF - Information Technology		\$4.40
81153	07/31/2015	Open			B & B SMALL ENGINE REPAIR	\$73.47
	Invoice		Date	Description		Amount
	331840		07/17/2015	woodcutter bar oil		\$60.41
	332224		07/24/2015	Air filter		\$13.06
81154	07/31/2015	Open			BATTERIES PLUS	\$521.98
	Invoice		Date	Description		Amount
	314-283065		06/11/2015	Irao's wheelchair batteries		\$521.98
81155	07/31/2015	Open			BAY AREA BARRICADE SERVICE INC.	\$2,104.97
	Invoice		Date	Description		Amount
	0319384-IN		07/20/2015	Traffic markers		\$1,812.97
	0319537-IN		07/21/2015	Guard rail delineators 1310 - Gas Tax Fund		\$292.00
81156	07/31/2015	Open			C&N TRACTORS	\$62.26
	Invoice		Date	Description		Amount
	58608W		07/23/2015	Lift Arm, Hitch Pin, washers		\$62.26
81157	07/31/2015	Open			CALE AMERICA INC.	\$2,266.50
	Invoice		Date	Description		Amount
	136754		06/30/2015	June active meters		\$1,829.00
	136454		05/28/2015	light bar install at esplanade meters		\$437.50
81158	07/31/2015	Open			CALIFORNIA COAST UNIFORM COMP.	\$244.58
	Invoice		Date	Description		Amount
	4236		07/01/2015	Blankenship uniform		\$244.58
81159	07/31/2015	Open			CALIFORNIA LAW ENFORCEMENT AS	\$514.50
	Invoice		Date	Description		Amount
	Aug 2015		07/28/2015	POA disability Aug 2015 1001 - Payroll Payables		\$514.50
81160	07/31/2015	Open			CAPITOLA PEACE OFFICERS ASSOCI.	\$1,501.50



## City Checks Issued 07/31/2015

Check#	Invoice#	Status	Invoice Date	Description	Payee Name	Transaction Amount
	Invoice		Date	Description		Amount
	2016-00000058		07/24/2015	POA DUES - POA Dues	07.24.15	\$1,501.50
				1001 - Payroll Payables		
81161	07/31/2015	Open			CERTIFIED FOLDER DISPLAY SERVIC	\$3,283.35
	Invoice		Date	Description		Amount
	501946		07/24/2015	BIA advertising		\$3,283.35
				1321 - BIA - Capitola Village-Wharf BIA		
81162	07/31/2015	Open			Charter Communications	\$2,365.07
	Invoice		Date	Description		Amount
	680-Jul2015		07/19/2015	July internet		\$2,365.07
				1000 - General Fund - \$1,006.40		
				2211 - ISF - Information Technology - \$1358.67		
81163	07/31/2015	Open			CPS	\$423.50
	Invoice		Date	Description		Amount
	SOP39761		07/27/2015	entry level law enforcement x 10+1; stock r		\$423.50
81164	07/31/2015	Open			CVS PHARMACY INC.	\$37.24
	Invoice		Date	Description		Amount
	2930		07/27/2015	Supplies REC		\$37.24
81165	07/31/2015	Open			CYNTHIA LARSON	\$1,000.00
	Invoice		Date	Description		Amount
	07302015		07/30/2015	tsunami band 8/12/15		\$1,000.00
81166	07/31/2015	Open			ED MORRISON	\$2,520.00
	Invoice		Date	Description		Amount
	01		07/27/2015	July PW contract services		\$2,520.00
81167	07/31/2015	Open			EWING IRRIGATION	\$768.65
	Invoice		Date	Description		Amount
	9979542		07/08/2015	Irrigation supplies		\$17.48
	9979543		07/08/2015	irrigation supplies		\$2.80
	7531		07/11/2015	Plumbing supplies		\$71.37
	19126		07/14/2015	Plumbing supplies		\$29.21
	41626		07/17/2015	Repair irrigation clock		\$375.00
	41627		07/17/2015	PVC pipe		\$18.09
	41628		07/17/2015	Irrigation supplies		\$193.63
	41629		07/17/2015	Valve cover		\$61.07
81168	07/31/2015	Open			FARWEST NURSERY	\$34.87
	Invoice		Date	Description		Amount
	131217		07/16/2015	Plants		\$34.87
81169	07/31/2015	Open			FEDERAL EXPRESS	\$25.90
	Invoice		Date	Description		Amount
	509793772		07/17/2015	postage, shipping/handling		\$25.90

Item #: 8.B. Attach 3.pdf  
**City Checks Issued 07/31/2015**

Check#	Invoice#	Status	Invoice Date	Description	Payee Name	Transaction Amount
81170	07/31/2015	Open			GOLDFARB & LIPMAN LLP	\$140.00
	Invoice		Date	Description		Amount
	116416		07/16/2015	legal srvcs redevelopment trailer bill		\$140.00
81171	07/31/2015	Open			HOME DEPOT CREDIT SERVICES	\$32.41
	Invoice		Date	Description		Amount
	5666219		07/15/2015	Toilet wax seal		\$32.41
81172	07/31/2015	Open			ICMA RETIREMENT TRUST 457	\$5,475.73
	Invoice		Date	Description		Amount
	2016-00000059		07/24/2015	457 ICMA Contribution 07.24.15 1001 - Payroll Payables		\$5,475.73
81173	07/31/2015	Open			INTERSTATE SALES	\$213.90
	Invoice		Date	Description		Amount
	10923		07/15/2015	Guardrail ends		\$213.90
81174	07/31/2015	Open			JETMULCH INC.	\$5,700.00
	Invoice		Date	Description		Amount
	3283-ol		07/27/2015	Playground fiber		\$2,850.00
	3284-ol		07/28/2015	Playground fiber		\$2,850.00
81175	07/31/2015	Open			JOBS AVAILABLE	\$45.00
	Invoice		Date	Description		Amount
	07292015		07/20/2015	subscription 2210 - ISF - Stores Fund		\$45.00
81176	07/31/2015	Open			JOHANNA WEINSTEIN	\$493.35
	Invoice		Date	Description		Amount
	2016-00000064		07/27/2015	Summer 2 Instructor Payments		\$493.35
81177	07/31/2015	Open			KBA Docusys Inc.	\$12.95
	Invoice		Date	Description		Amount
	inv353590		07/13/2015	toner		\$12.95
81178	07/31/2015	Open			KIMLEY-HORN AND ASSOCIATES INC	\$3,850.00
	Invoice		Date	Description		Amount
	6717264		06/30/2015	Provide Community Engagement Svc for F		\$3,850.00
81179	07/31/2015	Open			LABORMAX STAFFING	\$2,902.08
	Invoice		Date	Description		Amount
	26-50053		07/17/2015	July2015 contract labor		\$2,902.08
81180	07/31/2015	Open			LAS ANIMAS CONCRETE	\$580.49
	Invoice		Date	Description		Amount
	111668		07/16/2015	Capitola Rd/ Wharf Rd. curb & gutter		\$580.49
81181	07/31/2015	Open			LESLIE FELLOWS	\$505.00
	Invoice		Date	Description		Amount
	07302015		07/30/2015	Program coordinator art & music at the be		\$505.00
81182	07/31/2015	Open			LLOYDS TIRE SERVICE	\$1,053.89

## City Checks Issued 07/31/2015

Check#	Invoice#	Status	Invoice Date	Description	Payee Name	Transaction Amount
	Invoice		Date	Description		Amount
	287407		07/20/2015	'11 Ford F250 all terrain tire, balance, align		\$1,028.89
	287461		07/21/2015	flat repair		\$25.00
81183	07/31/2015	Open			MAR-KEN K-9 TRAINING CENTER	\$480.00
	Invoice		Date	Description		Amount
	0204-15		07/20/2015	July 2015 training		\$480.00
81184	07/31/2015	Open			METRO MOBILE COMMUNICATIONS	\$1,339.56
	Invoice		Date	Description		Amount
	36529		05/18/2015	PD motorcycle wireless kit, install, shipping		\$1,339.56
81185	07/31/2015	Open			MISSION LINEN SUPPLY	\$104.42
	Invoice		Date	Description		Amount
	500479372		07/08/2015	7/8/15		\$43.50
	500524395		07/15/2015	shop towels, coveralls		\$30.46
	500563763		07/22/2015	shop towels, uniform cleaning		\$30.46
81186	07/31/2015	Open			MOBILE CLIMB USA LLC	\$500.00
	Invoice		Date	Description		Amount
	Aug 4		07/24/2015	Climb rock National Night Out		\$500.00
81187	07/31/2015	Open			Monterey Bay Economic Partnership	\$5,000.00
	Invoice		Date	Description		Amount
	1059		06/15/2015	Membership dues		\$5,000.00
81188	07/31/2015	Open			ORCHARD SUPPLY HARDWARE	\$939.32
	Invoice		Date	Description		Amount
	6011-6121671		07/07/2015	Supplies-Rec		\$10.32
	6008-8190531		07/21/2015	JG Supplies		\$5.83
	6008-1140485		07/20/2015	adhesive remover		\$15.49
	6007-8319581		07/16/2015	Misc.		\$43.37
	6011-1173477		07/16/2015	Tool replacement - Matt		\$482.23
	6013-3527575		07/17/2015	Misc.		\$18.05
	6008-1140456		07/20/2015	Plumbing supplies		\$29.75
	6014-3382008		07/20/2015	Misc.		\$64.00
	6009-1178643		07/20/2015	Faucets		\$25.16
	6007-7890537		07/21/2015	Fertilizer		\$12.39
	6008-1140641		07/22/2015	Shop key		\$2.58
	6011-6424921		07/22/2015	Misc.		\$17.54
	6011-3395108		07/23/2015	Misc.		\$8.97
	6008-1140709		07/24/2015	Batteries and light bulbs		\$59.24
	6008-1140735		07/24/2015	U posts		\$25.76
	6010-4638825		07/24/2015	Paint rollers		\$20.64
	6013-3390258		07/27/2015	Misc.		\$12.39
	6011-1445871		07/27/2015	Stainless cleaner		\$6.71
	6013-420591		07/28/2015	lube, marking paint, tools		\$50.57
	6007-8311105		07/23/2015	bolts		\$28.33
				1000 - General Fund -\$884.41		
				1311 - Wharf Fund -\$54.91		
81189	07/31/2015	Open			PACIFIC GAS & ELECTRIC	\$15,215.54
	Invoice		Date	Description		Amount

Item #: 8.B. Attach 3.pdf  
**CITY CHECKS ISSUED 07/31/2015**

Check#	Invoice#	Status	Invoice Date	Description	Payee Name	Transaction Amount
	07152015-2		07/15/2015	Monthly Elec. & gas		\$14,735.21
	07152015		07/15/2015	Pac Cove parking lots electricity		\$480.33
				1000 - General Fund - \$5,184.41		
				1300 - SLESF - Supplemental Law Enforce-		\$166.83
				1310 - Gas Tax Fund - \$7,311.10		
				1311 - Wharf Fund - \$2,553.20		
81190	07/31/2015	Open			PALACE OFFICE SUPPLIES	\$446.27
	Invoice		Date	Description		Amount
	324456-0		07/02/2015	Supplies-PD		\$52.31
	326425-0		07/21/2015	Office supplies		\$51.23
	326740		07/22/2015	office supplies		\$62.52
	327018		07/24/2015	hot cup, correction tape, correct fluid, pape		\$104.90
	325583		07/14/2015	headset		\$4.35
	9170522		07/24/2015	Chip BD, adhesive mntng and spray		\$23.10
	9171308		07/27/2015	Print cartridges		\$147.86
				1000 - General Fund -\$337.02		
				2210 - ISF - Stores Fund - \$109.25		
81191	07/31/2015	Open			PAUL KENT	\$1,400.00
	Invoice		Date	Description		Amount
	08052015		07/30/2015	08/05/2015 bandstand		\$1,400.00
81192	07/31/2015	Open			RAVI KEN LAMB	\$260.00
	Invoice		Date	Description		Amount
	2016-00000065		07/27/2015	Summer 2 Instructor Payments		\$260.00
81193	07/31/2015	Open			Real to Reel Productions	\$1,000.00
	Invoice		Date	Description		Amount
	07302015		07/30/2015	Lyin I's 8/19/2015		\$1,000.00
81194	07/31/2015	Open			SAM NIGH	\$1,000.00
	Invoice		Date	Description		Amount
	2015-00000926		05/07/2015	8/26/2015		\$1,000.00
81195	07/31/2015	Open			SAN LORENZO LUMBER	\$505.29
	Invoice		Date	Description		Amount
	55-0063679		07/14/2015	Wood		\$56.24
	55-0063685		07/14/2015	Misc.		\$10.29
	55-0065918		07/22/2015	Keyless chuck		\$33.55
	55-0067074		07/27/2015	Wood - City Hall fence		\$112.21
	55-0067085		07/27/2015	Fence supplies		\$99.95
	55-0066648		07/24/2015	Round posts		\$27.05
	55-0067387		07/28/2015	City Hall fence		\$115.37
	55-0067401		07/28/2015	Misc.		\$50.63
	55-0067181		07/27/2015	router bit, freud router bit		\$81.82
	55-0067400		07/28/2015	credit for inv 55-0067181		(\$81.82)

## City Checks Issued 07/31/2015

Check#	Invoice#	Status	Invoice Date	Description	Payee Name	Transaction Amount
81196	07/31/2015	Open			SANTA CRUZ OCCUPATIONAL MEDIC	\$209.00
	Invoice		Date	Description		Amount
	I-13764		06/30/2015	Watts, Andrew physical/testing		\$209.00
81197	07/31/2015	Open			STAPLES ADVANTAGE	\$281.56
	Invoice		Date	Description		Amount
	3270837530		07/01/2015	office supplies		\$159.83
	1342277051		06/17/2015	thumb drive		\$21.74
	1348723061		06/29/2015	Thumb Drives x4		\$86.96
	3270837539		07/01/2015	febreze		\$13.03
				1000 - General Fund -\$172.86		
				2211 - ISF - Information Technology -\$108.7		
81198	07/31/2015	Open			STEPFORD INC	\$11,500.00
	Invoice		Date	Description		Amount
	1501631		07/01/2015	IT contract services July		\$5,000.00
	1501630		07/01/2015	Technical Services, nonrecurring		\$1,500.00
	1501656		07/20/2015	IT contract services Aug.		\$5,000.00
				2211 - ISF - Information Technology -\$		
81199	07/31/2015	Open			SUPPLYWORKS	\$1,730.01
	Invoice		Date	Description		Amount
	1652805		06/16/2015	Cleaning supplies		\$1,730.01
81200	07/31/2015	Open			T&T PAVEMENT MARKINGS	\$1,853.48
	Invoice		Date	Description		Amount
	2015391		05/18/2015	No parking signs Grand Ave		\$53.59
	2015573		07/17/2015	Signs and rivets		\$1,799.89
				1310 - Gas Tax Fund		
81201	07/31/2015	Open			TERI L. COPELAND	\$1,225.70
	Invoice		Date	Description		Amount
	15.05		07/27/2015	Risk Assessment Services May/June 2015		\$1,225.70
				1200 - Capital Improvement Fund		
81202	07/31/2015	Open			UNITED WAY OF SANTA CRUZ COUN	\$50.00
	Invoice		Date	Description		Amount
	2016-00000061		07/24/2015	United Way charitable contributions July		\$50.00
				1001 - Payroll Payables		
81203	07/31/2015	Open			UPEC LIUNA LOCAL 792	\$1,190.00
	Invoice		Date	Description		Amount
	2016-00000062		07/24/2015	UPEC dues July		\$1,190.00
				1001 - Payroll Payables		
81204	07/31/2015	Open			US BANK PARS	\$3,288.46
	Invoice		Date	Description		Amount
	2016-00000063		07/24/2015	PARS - PARS*07.24.15		\$3,288.46
				1001 - Payroll Payables		

Item #: 8.B. Attach 3.pdf  
**City Checks Issued 07/31/2015**

Check#	Invoice#	Status	Invoice Date	Description	Payee Name	Transaction Amount
81205	07/31/2015	Open			WATSONVILLE POLICE DEPT	\$250.00
	Invoice		Date	Description		Amount
	r15-cpd-001		07/09/2015	WPD range use Apr/May 2015		\$250.00
81206	07/31/2015	Open			Douglas Coleen	\$368.55
	Invoice		Date	Description		Amount
	2016-00000077		07/27/2015	Summer 2 Instructor Payments		\$368.55
81207	07/31/2015	Open			Frazier, Shane	\$209.03
	Invoice		Date	Description		Amount
	07282015		07/27/2015	Gas for van for Regionals trip to Huntingto		\$209.03
81208	07/31/2015	Open			Sydes, Lori	\$187.00
	Invoice		Date	Description		Amount
	2002328.002		07/27/2015	JG Refund		\$187.00
<b>Check Totals:</b>				<b>Count: 60</b>		<b>Total: 90206.97</b>

# City Checks Issued 07/31/2015

Check#	Invoice#	Status	Invoice Date	Description	Payee Name	Transaction Amount
<u>EFT</u>						
145	07/28/2015	Open			EMPLOYMENT DEVELOPMENT DEPT	\$6,294.72
	Invoice		Date	Description	Amount	
	2016-00000068		07/28/2015	CA taxes 7/24/15 pay date	\$6,294.72	
146	07/28/2015	Open			INTERNAL REVENUE SERVICE	\$27,484.78
	Invoice		Date	Description	Amount	
	2016-00000069		07/28/2015	Federal taxes, medicare 7/24/15 Pay date	\$27,484.78	
147	07/28/2015	Open			STATE DISBURSEMENT UNIT	\$1,259.49
	Invoice		Date	Description	Amount	
	2016-00000070		07/28/2015	07/24/2015 pay date garnishments	\$1,259.49	
148	07/27/2015	Open			CalPERS Member Services Division	\$45,807.37
	Invoice		Date	Description	Amount	
	2016-00000074		07/27/2015	PERS contributions 7/24/15 pay date	\$45,807.37	
<b>EFT Totals:</b>				<b>Count: 4</b>		<b>\$80,846.36</b>
<b>ALL Totals:</b>				<b>Count: 64</b>		<b>\$171,053.33</b>

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## CITY COUNCIL AGENDA REPORT

MEETING OF AUGUST 13, 2015

FROM: DEPARTMENT OF PUBLIC WORKS

SUBJECT: RESOLUTION OF FINAL MAP APPROVAL FOR SURF AND SAND MOBILE HOME PARK SUBDIVISION TRACT NO. 1556, APPLICATION NO. 12-144

---

**RECOMMENDED ACTION:** Consider a Resolution approving the final map for the Surf and Sand Mobile Home Park Subdivision, Tract No. 1566.

**BACKGROUND:** On August 8, 2013, the City Council approved the tentative map for a 73-lot subdivision of the Surf and Sand Mobile Home Park.

The conditions for approval have been met and the final map is in conformance with the tentative map.

**DISCUSSION:** Government Code Section 66474.1 states that a legislative body shall not deny approval of a final or parcel map if it has previously approved a tentative map for the proposed subdivision, and if it finds that the final or parcel map is in substantial compliance with the previously approved tentative map. The City surveyor and City staff have reviewed the final map and find it is in substantial compliance with the tentative map.

**FISCAL IMPACT:** None

**ATTACHMENTS:**

1. Draft Resolution
2. Final Map

Report Prepared By: Steven Jesberg  
Public Works Director

Reviewed and Forwarded  
By City Manager: 

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

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA  
APPROVING THE FINAL MAP FOR THE SURF AND SAND  
MOBILE HOME PARK SUBDIVISION, TRACT NO. 1556**

Project: Application #12-144  
Surf and Sand Mobile Home Park Subdivision

APN: 034-551-01

WHEREAS, a tentative map was approved for a seventy-three (73) unit subdivision by the City Council of the City of Capitola on August 8, 2013; and

WHEREAS, the land owner has caused the preparation of a final map for this subdivision pursuant to the State Map Act; and

WHEREAS, the City Surveyor, City Engineer, and City Community Development Director, have reviewed the final map and found it to be in conformance with the tentative map.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Capitola hereby approves the final map for the Surf and Sand Mobile Home Park, Tract No. 1556.

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 13<sup>th</sup> day of August 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

ATTEST:

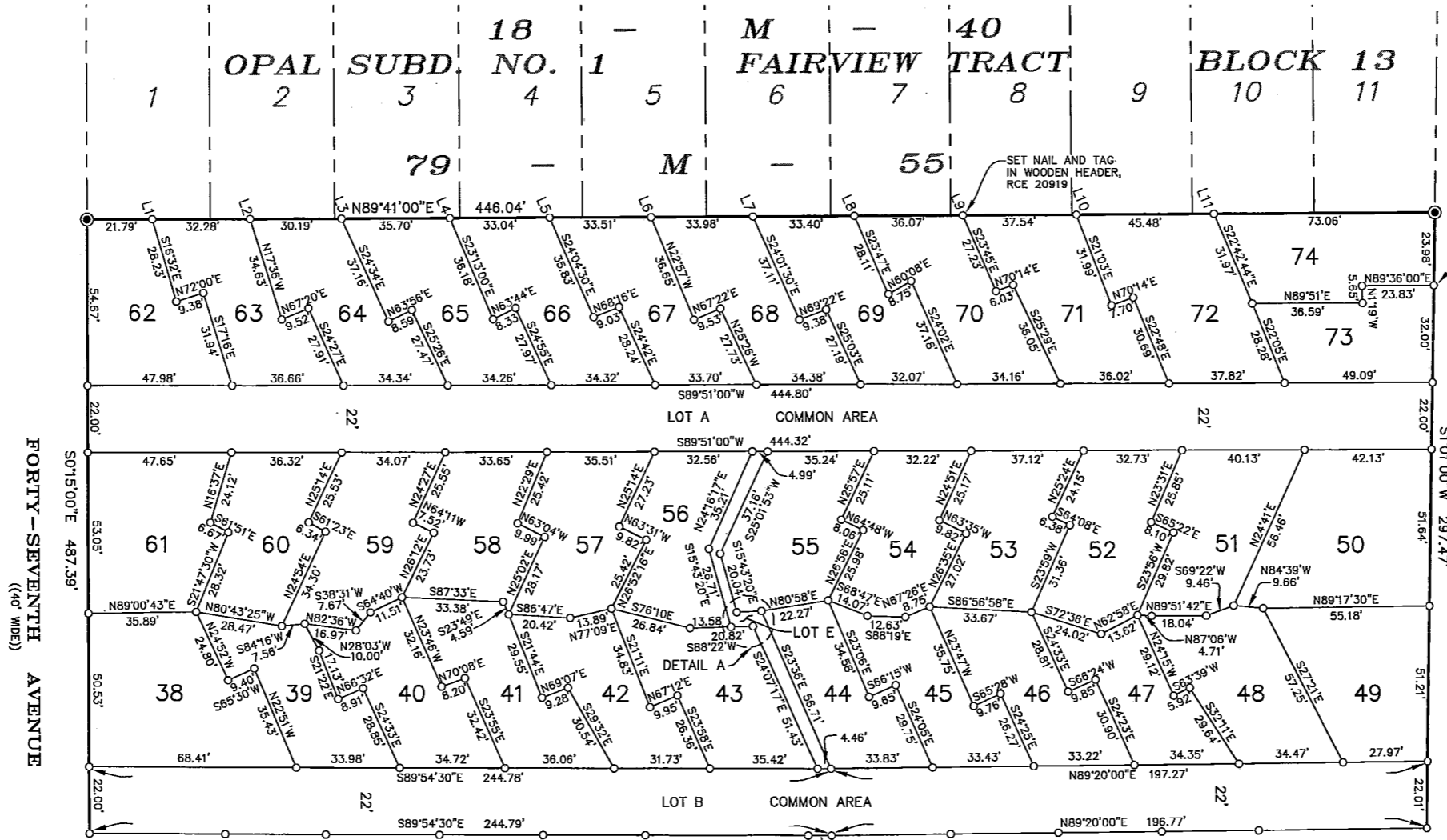
\_\_\_\_\_, CMC  
Susan Sneddon, City Clerk

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MONUMENTS SET NEAR THE N'LY PROPERTY LINE BEAR SOUTHERLY		
COURSE	BEARING	DISTANT
L1	S16°32'00"E	0.34
L2	S17°36'00"E	0.42
L3	S24°34'00"E	0.23
L4	S23°13'00"E	0.18
L5	S24°04'30"E	0.19
L6	S22°57'00"E	0.14
L7	S24°01'30"E	0.15
L8	S23°47'00"E	0.24
L9	S23°45'00"E	0.79
L10	S21°03'00"E	0.45
L11	S22°42'44"E	0.52



SOQUEL UNION ELEMENTARY SCHOOL DISTRICT

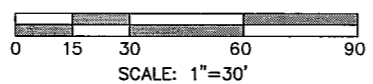


FORTY-SEVENTH AVENUE (40' WIDE)

12-M-15  
FORTY-NINTH AVENUE (FORMERLY FIRST AVENUE) (70' WIDE)

PROSPECT AVENUE (80' WIDE)  
9-M-19

SEE SHEET 4 FOR LOTS 1 - 37

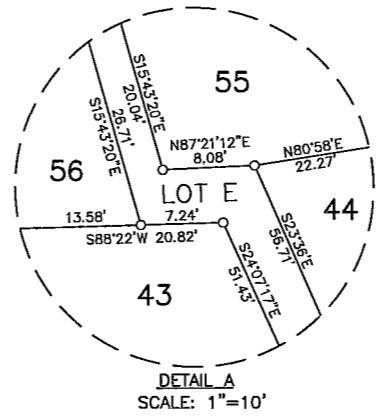


**LEGEND**

- INDICATES FOUND MONUMENT AS NOTED
  - ⊙ INDICATES SET 1-1/2" x 30" GALVANIZED I.P., TAGGED RCE 20919 OVER FOUND MONUMENT AS NOTED.
  - INDICATES SET 1/2" I.P., TAGGED RCE 20919 UNLESS OTHERWISE NOTED.
  - ( ) INDICATES RECORD DATA PER 48-M-53.
  - (( )) INDICATES RECORD DATA PER 18-M-40.
  - [ ] INDICATES RECORD DATA PER 79-M-55.
  - < > INDICATES RECORD DATA PER 12-M-15.
  - { } INDICATES RECORD DATA PER DOC. 2007-004277 AND 2007-004276.
  - I.P. INDICATES IRON PIPE
  - R&M INDICATES RECORD AND MEASURED
- ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.

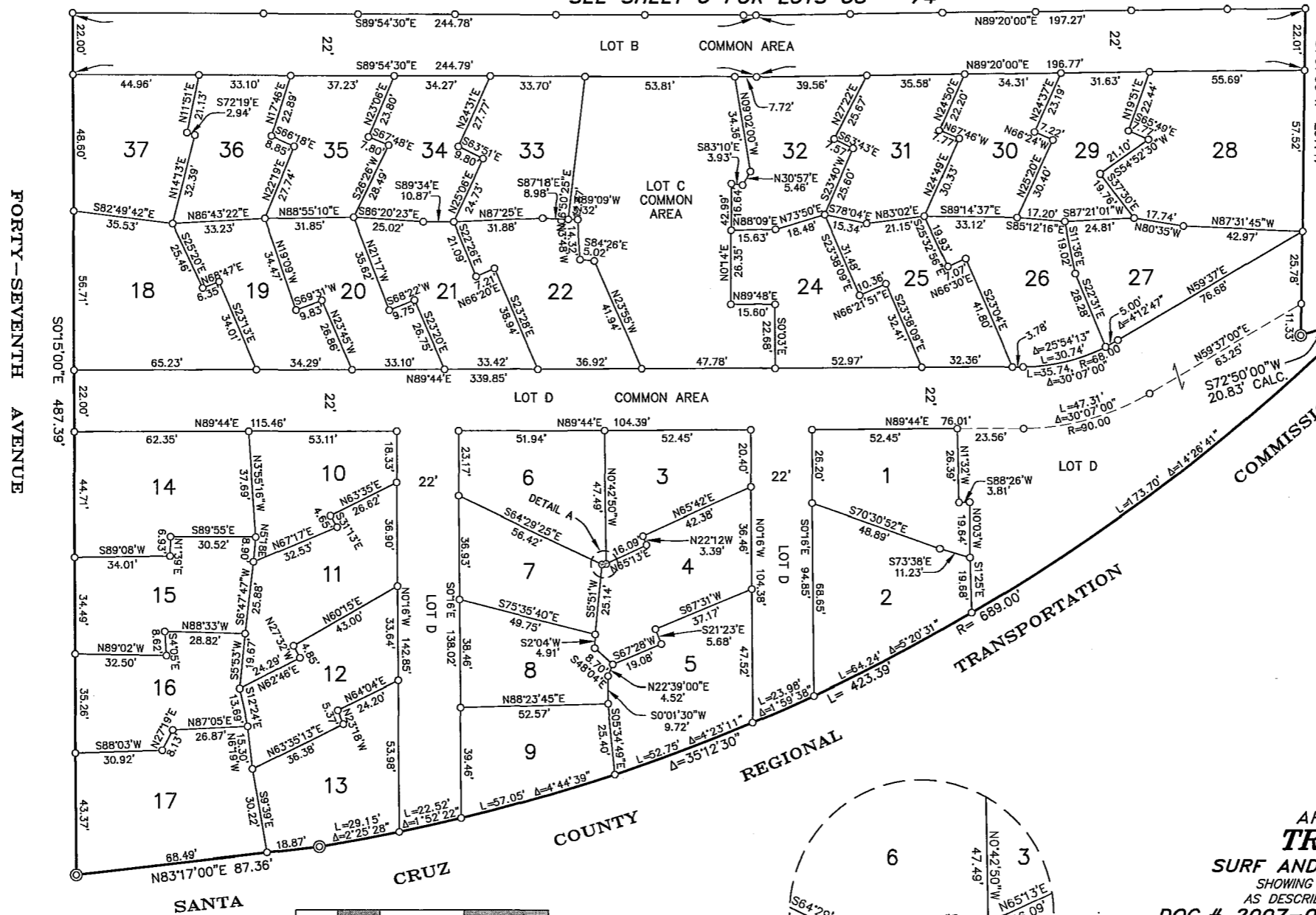
**LINETYPE LEGEND**

- Indicates exterior boundary of lands subdivided hereon.
- Indicates interior lot line (new).
- Indicates adjacent property lines.
- Indicates existing utility easement.



APPLICATION #12-144  
**TRACT NO. 1556**  
 SURF AND SAND MOBILE HOME PARK  
 SHOWING A 73 LOT SUBDIVISION OF THE LANDS  
 AS DESCRIBED IN THE GRANT DEEDS RECORDED IN  
**DOC.# 2007-0042476 to AN UNDIVIDED 28.5% INTEREST TO SURF AND SAND MOBILE HOME PARK, LLC and**  
**DOC.# 2007-0042477 to AN UNDIVIDED 71.5% INTEREST TO SURF AND SAND MOBILE HOME PARK, LLC**  
 OFFICIAL RECORDS OF SANTA CRUZ COUNTY  
 AND AS LOCATED AT  
 750 47TH AVE., CITY OF CAPITOLA, CALIFORNIA  
 SCALE: 1"=30' MARCH, 2015  
 ROBERT L. DEWITT AND ASSOCIATES, INC.  
 MANAGED BY HOGAN LAND SERVICES  
 1607 OCEAN STREET, SUITE ONE  
 SANTA CRUZ, CALIFORNIA  
 SHEET THREE OF FIVE SHEETS

SEE SHEET 3 FOR LOTS 38 - 74

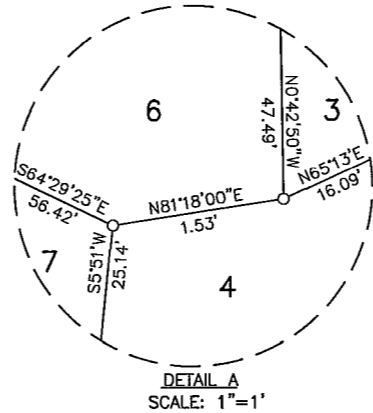
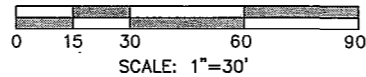


**LEGEND**

- ⊙ INDICATES SET 1-1/2" x 30" GALVANIZED IRON PIPE, TAGGED RCE 20919
- INDICATES SET 1/2" I.P., TAGGED RCE 20919 UNLESS OTHERWISE NOTED.
- ( ) INDICATES RECORD DATA PER 48-M-53.
- (( )) INDICATES RECORD DATA PER 18-M-40.
- [ ] INDICATES RECORD DATA PER 79-M-55.
- < > INDICATES RECORD DATA PER 12-M-15.
- { } INDICATES RECORD DATA PER DOC. 2007-0042477 AND 2007-0042476.
- I.P. INDICATES IRON PIPE
- R&M INDICATES RECORD AND MEASURED
- ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.

**LINETYPE LEGEND**

- Indicates exterior boundary of lands subdivided hereon.
- Indicates interior lot line (new).
- - - - - Indicates adjacent property lines.
- - - - - LOT D: Edge for both R/W and playground for common area.



APPLICATION #12-144  
**TRACT NO. 1556**  
 SURF AND SAND MOBILE HOME PARK  
 SHOWING A 73 LOT SUBDIVISION OF THE LANDS  
 AS DESCRIBED IN THE GRANT DEEDS RECORDED IN  
**DOC.# 2007-0042476 to AN UNDIVIDED 28.5% INTEREST TO SURF AND SAND MOBILE HOME PARK, LLC and**  
**DOC.# 2007-0042477 to AN UNDIVIDED 71.5% INTEREST TO SURF AND SAND MOBILE HOME PARK, LLC**  
 OFFICIAL RECORDS OF SANTA CRUZ COUNTY  
 AND AS LOCATED AT  
 750 47TH AVE., CITY OF CAPITOLA, CALIFORNIA  
 SCALE: 1"=30' MARCH, 2015  
 ROBERT L. DEWITT AND ASSOCIATES, INC.  
 MANAGED BY HOGAN LAND SERVICES  
 1607 OCEAN STREET, SUITE ONE  
 SANTA CRUZ, CALIFORNIA

**CONDITIONS**

1. The project is a subdivision of APN 34-551-01 into 74 privately owned lots for mobile home dwelling use and 4 common-owned lots as shown on the Vesting Tentative Map prepared by DeWitt and Associates consisting of 5 sheets, dated October 24, 2012. This approval converts 74 individual mobile home rental spaces to 74 ownership lots. Internal streets serving the mobile home lots will be the same internal streets that served the mobile home spaces on one single lot. This approval will place internal streets in common-owned lots shown as Lots A, B and D on the tentative map. A common-owned lot, shown as Lot C on the tentative map, will provide a clubhouse/meeting room/laundry building and its associated parking area. No new construction of streets, utilities or similar improvements is proposed or authorized as a result of this approval.
2. The applicant shall submit a Final Map to the Director of Public Works for review and approval. The Final Map shall be in substantial conformance with the approved Vesting Tentative Map. The Final Map shall show the following:
  - a. The locations of all property lines and internal roadways;
  - b. The locations of all utilities and utility easements;
  - c. Identification of all common-owned lots that differentiates them from privately owned lots;
  - d. All utility easements shall be shown in a manner which meets the requirements of the utility companies and the Director of Public Works;
  - e. A notation that no new construction will occur associated with the approval of the Final Map.
3. Submittal of the Final Map to the Public Works Department shall include reproducible mylars and electronic files of the plans and profiles of said improvements. These documents shall become the property of the City of Capitola at the time of approval.
4. Prior to recordation of the Final Map, the applicant shall submit CC&Rs to the Community Development Department and the City Attorney for review and approval. The CC&Rs shall include the legal establishment of a Homeowners Association (HOA) with the following rights and responsibilities:
  - a. Authority to administer and enforce the CC&Rs;
  - b. Equal voting rights where each mobile home dwelling lot shall have one vote in voting matters of the HOA;
  - c. Management, repair and security for internal streets and all improvements on the four common-owned lots; and
  - d. Collection of dues on an equal basis from each owner of the 74 privately owned lots to fund the management, repair and security for the common-owned lots.
5. Prior to recordation of the Final Map, the applicant shall submit a rental/purchase option agreement to Community Development Department and the City Attorney for review and approval that offers each existing tenant the opportunity to purchase their lot or to continue as a tenant. This agreement shall include the following limits on future rents:
  - a. Limiting the rent increase of the non-purchasing low income residents to not exceed increases in the Consumer Price Index for the same period;
  - b. Phasing any rent increases for non-purchasing residents who are not low income to market rate rents by phasing the increase in equal increments over a four-year period.
6. Preparation of the final improvement plans and construction of the homes shall proceed in compliance with all applicable state and federal laws. The subdivider shall comply with all of the provisions of the approved Vesting Tentative Map and all pertinent provisions of State Law and the Capitola Local Coastal Plan.
7. Planning Fees associated with permit #12-144 shall be paid in full prior to recordation of the Final Map.

**NOTE:**

INFORMATION SHOWN ON THIS SHEET IS ADVISORY ONLY AND IS NOT INTENDED TO AFFECT TITLE INTEREST. INFORMATION SHOWN HEREON IS COMPILED FROM PUBLIC RECORDS OR REPORTS AND ITS INCLUSION IN THIS MAP DOES NOT IMPLY THE CORRECTNESS OR SUFFICIENCY OF THESE RECORDS OR REPORTS BY THE PREPARER OF THIS MAP.

**NON-TITLE INFORMATION**  
 APPLICATION #12-144  
**TRACT NO. 1556**  
**SURF AND SAND MOBILE HOME PARK**  
 SHOWING A 73 LOT SUBDIVISION OF THE LANDS  
 AS DESCRIBED IN THE GRANT DEEDS RECORDED IN  
**DOC.# 2007-0042476 to AN UNDIVIDED 28.5%**  
**INTEREST TO SURF AND SAND MOBILE HOME PARK, LLC**  
 and  
**DOC.# 2007-0042477 to AN UNDIVIDED 71.5%**  
**INTEREST TO SURF AND SAND MOBILE HOME PARK, LLC**  
 OFFICIAL RECORDS OF SANTA CRUZ COUNTY  
 AND AS LOCATED AT  
 750 47TH AVE., CITY OF CAPITOLA, CALIFORNIA  
 MARCH 2015  
 ROBERT L. DEWITT AND ASSOCIATES, INC.  
 MANAGED BY HOGAN LAND SERVICES  
 1607 OCEAN STREET, SUITE ONE  
 SANTA CRUZ, CALIFORNIA  
 SHEET FIVE OF FIVE SHEETS

**CONDITIONS OF APPROVAL**  
 AS APPROVED BY THE CITY COUNCIL OF THE CITY OF  
 CAPITOLA FOR APPLICATION 12-144 ON AUGUST 8, 2013.

**SURVEYOR'S STATEMENT**

This map was made by me or under my direction and is based upon a field survey performed in conformance with the Subdivision Map Act and local ordinance, at the request of Surf & Sand Homeowners Assoc. in October, 2013. The Survey is true and complete as shown.

I hereby state that this Final map substantially conforms to the approved or conditionally approved tentative map, if any. All monuments are of the character, and occupy the positions indicated. The monuments are sufficient to enable the survey to be retraced.



Robert L. Dewitt R.C.E. 20,919 Date \_\_\_\_\_

**AUDITOR - CONTROLLER'S STATEMENT**

I hereby state that there are no liens for unpaid State, County, municipal, or local taxes or special assessments collected as taxes against the land included in the within subdivision or against any part thereof except taxes which are not yet payable and which it is hereby estimated will not exceed the sum of \_\_\_\_\_ for the year 20\_\_\_\_-20\_\_\_\_, and that said land is not, nor is any part thereof, subject to any special assessments which have not been paid in full and that this certificate does not include any assessments of any assessment district, the bonds of which have not yet become a lien against said land or any part thereof.

Dated \_\_\_\_\_

Auditor-Controller of the County of Santa Cruz

by Deputy \_\_\_\_\_

**CITY CLERK'S STATEMENT**

I hereby state that this Map, designated as Tract No. 1556, (Surf and Sand Mobile Home Park, LLC) consisting of 5 sheets was approved by the City Council of the City of Capitola at a meeting of said Council held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Dated \_\_\_\_\_

City Clerk, City of Capitola, California

**CLERK OF THE BOARD'S STATEMENT**

The Clerk of the Board of Supervisors of the County of Santa Cruz does hereby state that all certificates and securities required by the provisions of Sections 66492 and 66493 of the Subdivision Map Act have been duly filed and deposits have been made. Pursuant to the authority delegated to me by said Board, I hereby approve said certificates and securities on behalf of the County of Santa Cruz.

Ex-Officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California

by Deputy \_\_\_\_\_

Date \_\_\_\_\_

**RECORDER'S STATEMENT**

Serial Number: \_\_\_\_\_  
I hereby state that this map was presented at \_\_\_\_\_ m., on the \_\_\_\_\_ day of \_\_\_\_\_, by the Clerk of the Board of Supervisors of the County of Santa Cruz State of California and that after examination, I accept said map for recordation on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ m., in Volume \_\_\_\_\_ of Maps Page \_\_\_\_\_, Santa Cruz County Records. Filed at the request of Surf and Sand Mobile Home Park, LLC  
County Recorder \_\_\_\_\_

by Deputy \_\_\_\_\_ Date \_\_\_\_\_

**OWNERS' STATEMENT**

We hereby state that we are the owners of or have some right, title or interest in and to the real property included within the subdivision shown upon this map; that we are the only persons whose consent is necessary to pass clear title to to said property pursuant to provisions of Section 66436 of the Government Code of the State of California and that we consent to the preparation and recording of said map and said subdivision as shown within the distinctive border lines. We also hereby irrevocably dedicate a blanket Public Utilities Easement across all lots and common areas as defined by the distinctive border as shown on this map, Sheet Two of Five.

OWNERS:  
An undivided 28.5% interest to Surf and Sand Mobile Home Park, LLC by Deed recorded August 3, 2007, Instrument No. 2007-0042476, and  
An undivided 71.5% interest to Surf and Sand Mobile Home Park, LLC by Deed recorded August 3, 2007, Instrument No. 2007-0042477.

Ronald A. Reed, President

BENEFICIARY TO DEED OF TRUST (INSTRUMENT NO. 2011-0031128)  
Santa Cruz County Bank (& INSTRUMENT NO. 2012-0062725)

Name \_\_\_\_\_ Title \_\_\_\_\_

**ACKNOWLEDGEMENT**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }  
COUNTY OF \_\_\_\_\_ }

On \_\_\_\_\_, before me, \_\_\_\_\_, Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary's Signature \_\_\_\_\_

**ACKNOWLEDGEMENT**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }  
COUNTY OF \_\_\_\_\_ }

On \_\_\_\_\_, before me, \_\_\_\_\_, Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary's Signature \_\_\_\_\_

**CITY ENGINEER'S STATEMENT**

I hereby state that I have examined this Final map and that the subdivision as shown hereon is substantially the same as it appeared on the Tentative Map, if any, and any approved alterations thereof; that all provisions of the Government Code of the State of California as amended, Sub-sections 1, 2, and 3 of Section 66442(a), and of any local ordinances applicable at the time of approval of the Tentative Map, if any, have been complied with.

Date \_\_\_\_\_ Steven E. Jesberg, City Engineer  
City of Capitola, California  
R.C.E. No. 44,791

**CITY SURVEYOR'S STATEMENT**

I hereby state that I have examined this map pursuant to Government Code Section 66442 (b) , and pursuant to Government Code Section 66442 (a)(4). I am satisfied this map is technically correct.

Date \_\_\_\_\_ Joe L. Akers, City Surveyor  
City of Capitola, California  
R.C.E. No. 20,372

**COMMUNITY DEVELOPMENT DEPARTMENT STATEMENT**

I hereby state that I have examined this map and that the subdivision as shown hereon is substantially the same as it appeared on the Tentative Map of this subdivision as approved by the City Council of the City of Capitola on the \_\_\_\_\_ th day of \_\_\_\_\_, 20\_\_\_\_, and that all relevant permit conditions have been met. Permit No. 12-144

Richard Grunow, Director Dated \_\_\_\_\_

APPLICATION #12-144  
**TRACT NO. 1556**  
SURF AND SAND MOBILE HOME PARK  
SHOWING A 73 LOT SUBDIVISION OF THE LANDS  
AS DESCRIBED IN THE GRANT DEEDS RECORDED IN  
DOC.# 2007-0042476 to AN UNDIVIDED 28.5%  
INTEREST TO SURF AND SAND MOBILE HOME PARK, LLC  
and  
DOC.# 2007-0042477 to AN UNDIVIDED 71.5%  
INTEREST TO SURF AND SAND MOBILE HOME PARK, LLC  
OFFICIAL RECORDS OF SANTA CRUZ COUNTY  
AND AS LOCATED AT  
750 47TH AVE., CITY OF CAPITOLA, CALIFORNIA  
MARCH, 2015  
ROBERT L. DEWITT AND ASSOCIATES, INC.  
MANAGED BY HOGAN LAND SERVICES  
1607 OCEAN STREET, SUITE ONE  
SANTA CRUZ, CALIFORNIA  
SHEET ONE OF FIVE SHEETS



**LEGEND**

- INDICATES FOUND MONUMENT AS NOTED
- ⊙ INDICATES SET 1-1/2" x 30" GALVANIZED I.P., TAGGED RCE 20919 OVER FOUND MONUMENT AS NOTED.
- ⊙ INDICATES SET 1-1/2" x 30" GALVANIZED IRON PIPE, TAGGED RCE 20919
- ( ) INDICATES RECORD DATA PER 48-M-53.
- (( )) INDICATES RECORD DATA PER 18-M-40.
- [ ] INDICATES RECORD DATA PER 79-M-55.
- < > INDICATES RECORD DATA PER 12-M-15.
- { } INDICATES RECORD DATA PER DOC. 2007-0042477, & 2007-0042476.
- I.P. INDICATES IRON PIPE
- R&M INDICATES RECORD AND MEASURED
- S.F. INDICATES AREA IN SQUARE FEET
- AC. INDICATES AREA IN ACRES
- ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.
- TOTAL AREA SUBDIVIDED BY THIS MAP = 4.34 AC.

**LINETYPE LEGEND**

- Indicates exterior boundary of lands subdivided hereon.
- Indicates interior lot line (new).
- Indicates adjacent property lines.
- Indicates existing utility easement.
- Indicates old property lines.
- LOT D: Edge for both R/W and playground for common area.

**BASIS OF BEARINGS**

N 01°01'00" E FROM FOUND STREET MONUMENTS AT 5' OFFSET FROM CENTERLINE OF 49TH AVENUE AS SHOWN HEREON AND AS SHOWN ON THAT CERTAIN RECORD OF SURVEY MAP RECORDED IN VOLUME 48 OF MAPS, AT PAGE 53. SANTA CRUZ COUNTY OFFICIAL RECORDS.

**NOTE:**

THE CABLE TELEVISION EASEMENT AND MAINTENANCE AGREEMENT RECORDED IN BOOK 4793, PAGE 371, OFFICIAL RECORDS OF SANTA CRUZ COUNTY, AS CITED IN THE FIRST AMENDED REPORT, ORDER # 0715013762-JT IS BLANKET IN NATURE AND CANNOT BE LOCATED OF RECORD. SAID EASEMENT IS DESCRIBED IN EXHIBIT A PER 4793-O.R.-371, AND AS SHOWN HEREON. THE EASEMENT IS FOR INSTALLATION, MAINTENANCE, REPAIR, REPLACEMENT AND REMOVAL OF THE EQUIPMENT AND SYSTEM.

APPLICATION #12-144  
**TRACT NO. 1556**  
 SURF AND SAND MOBILE HOME PARK  
 SHOWING A 73 LOT SUBDIVISION OF THE LANDS  
 AS DESCRIBED IN THE GRANT DEEDS RECORDED IN  
**DOC.# 2007-0042476 to AN UNDIVIDED 28.5% INTEREST TO SURF AND SAND MOBILE HOME PARK, LLC and**  
**DOC.# 2007-0042477 to AN UNDIVIDED 71.5% INTEREST TO SURF AND SAND MOBILE HOME PARK, LLC**  
 OFFICIAL RECORDS OF SANTA CRUZ COUNTY  
 AND AS LOCATED AT  
 750 47TH AVE., CITY OF CAPITOLA, CALIFORNIA  
 SCALE: 1"=50' MARCH, 2015  
 ROBERT L. DEWITT AND ASSOCIATES, INC.  
 MANAGED BY HOGAN LAND SERVICES  
 1607 OCEAN STREET, SUITE ONE  
 SANTA CRUZ, CALIFORNIA  
 SHEET TWO OF FIVE SHEETS

**LOT SUMMARY**

(73 Mobile Home Lots)

LOT NO.	AREA SQ. FT.	LOT NO.	AREA SQ. FT.
1	1,957	38	2,724
2	2,534	39	1,576
3	1,729	40	1,770
4	2,008	41	1,820
5	2,280	42	1,684
6	1,864	43	1,961
7	1,556	44	1,517
8	1,604	45	1,666
9	1,772	46	1,760
10	1,721	47	1,530
11	2,082	48	1,975
12	1,816	49	2,128
13	2,130	50	2,780
14	2,624	51	1,885
15	2,163	52	1,950
16	2,056	53	1,858
17	2,855	54	1,780
18	2,742	55	1,904
19	1,696	56	1,754
20	1,778	57	1,823
21	1,929	58	1,741
22	2,063	59	1,939
*		60	1,782
24	2,305	61	2,249
25	1,876	62	1,920
26	2,040	63	1,789
27	1,986	64	1,812
28	3,474	65	1,925
29	1,662	66	1,866
30	1,720	67	1,831
31	1,900	68	1,900
32	1,966	69	1,907
33	1,910	70	1,924
34	1,764	71	2,014
35	1,738	72	2,346
36	1,730	73	1,569
37	2,078	74	1,839

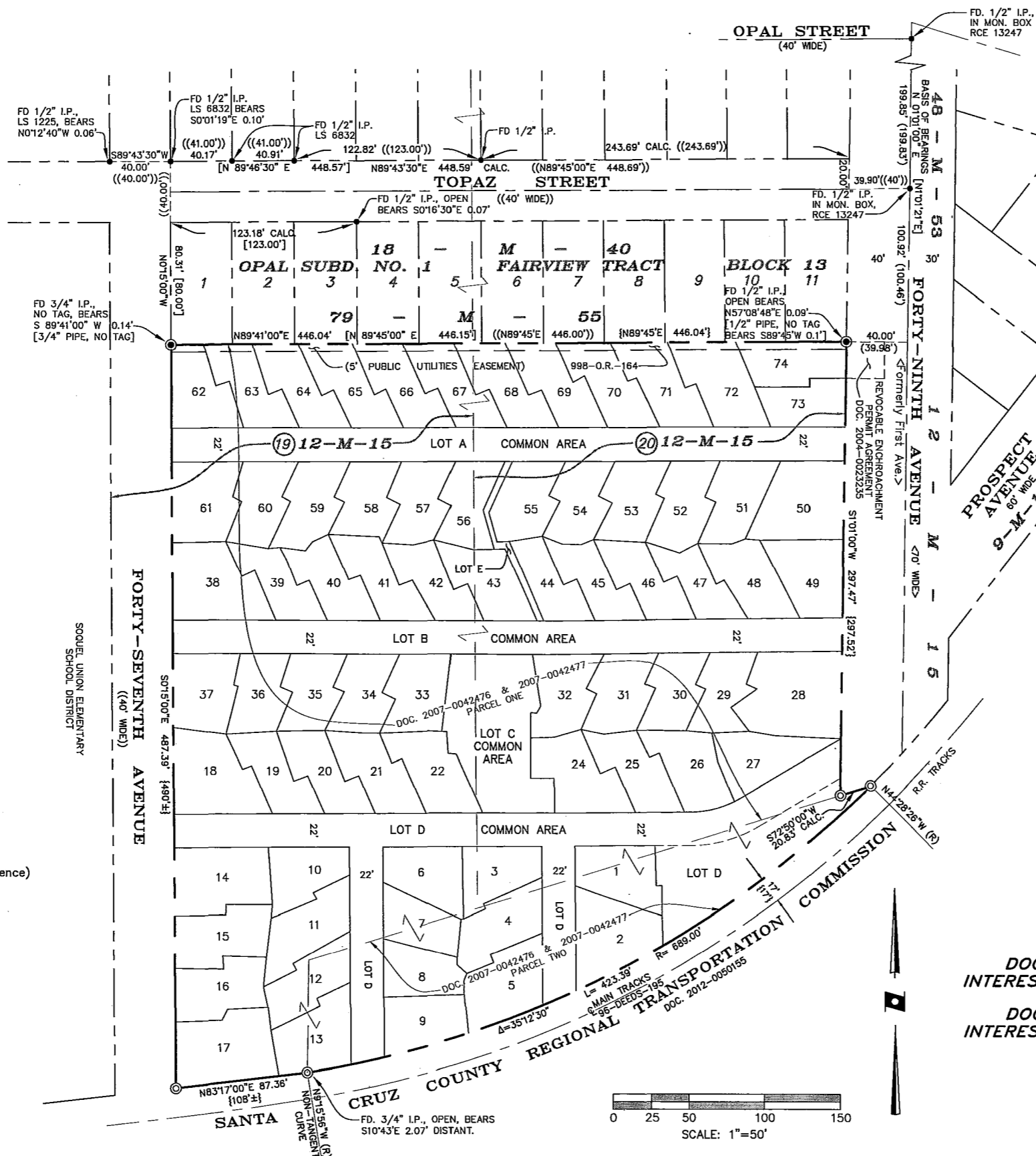
SUBTOTAL: (73 lots) 143,306 sq. ft.

**NOTE:**

\* Lot 23 is missing from owner's information provided to this office. (No. 23 is omitted from number sequence)

**COMMON AREAS**

PARCEL	(S.F.)	ACRES (AC.)
A	9,780 S.F.	0.225 AC.
B	9,720 S.F.	0.223 AC.
C	5,707 S.F.	0.131 AC.
D	20,251 S.F.	0.465 AC.
E	500 S.F.	0.011 AC.
TOTAL	45,958 S.F.	1.055 AC.



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## CITY COUNCIL AGENDA REPORT

**MEETING OF AUGUST 13, 2015**

FROM: OFFICE OF THE CITY MANAGER

SUBJECT: CITY COUNCIL RESPONSE TO THE 2014-2015 SANTA CRUZ COUNTY GRAND JURY FINAL REPORTS

**RECOMMENDED ACTION:** Approve City Council responses to the 2014-2015 Santa Cruz County Grand Jury Final Reports in regards to retirement costs, homeless shelters and organic waste.

**BACKGROUND/DISCUSSION:** The Santa Cruz Grand Jury consists of 19 private citizens solicited, interviewed and empanelled by the supervising judge of the Superior Court to serve for one year. The Grand Jury is an investigative body charged with examining all aspects of city and county governments and special district by initiating its own investigations.

California Penal Code 933.05 requires city administrators to respond to a publication of a Grand Jury within 60 days. The City Council is required to respond to the Report within 90-days, ranging from September 10, 2015, to September 24, 2015. Staff recommends the City Council authorize the Mayor to execute the attached response to the Grand Jury and submit a unified City Manager and City Council response to the Grand Jury.

The 2014-2015 Grand Jury investigated and made recommendations on three topics impacting the City of Capitola.

1. Funded for the Future? Retirement Costs and Obligations in Santa Cruz County;
2. Recipe for Failure: Shrinking Budgets and Increasing Needs for Emergency Homeless Shelters;
3. Composting Organic Waste.

### **Funded for the Future? Retirement Costs and Obligations in Santa Cruz County**

The Grand Jury investigated future retirement costs and the potential impact the increased costs have on local jurisdictions. The Grand Jury made two recommendations. The first being that local jurisdictions should make public their efforts to control future increases. The second recommendation was that the City should include a comprehensive summary of all pension costs in the annual Budget document. As outlined in the attached response, the staff generally agrees with the Grand Jury findings. The response indicates the City will include a new section in this year's final budget, and continue to look at options in the coming year to address the PERS unfunded liability.

### **Composting Organic Waste**

The Grand Jury investigated Organic Waste and the need for a Santa Cruz County-region organic waste recycling facility. The Grand Jury is recommending that the Cities and County of Santa Cruz form a regional agency for large-scale organic waste composting to comply with requirements of AB1826.

In the attached response, staff outlines: how the City contracts with the Monterey Bay Waste Management District for the processing and composting of organic waste; how the City has implemented a pilot program for commercial composting and currently diverts approximately

## Item #: 8.D. Staff Report.pdf

### 8-13-15 AGENDA REPORT: GRAND JURY RESPONSE

40-tons of food waste per month from the landfill; and how Monterey Bay Waste Management District facility projects a 100-year life for span for its organic material composting facility.

The draft response indicates the City will continue to participate on the Santa Cruz County Integrated Waste Management Local Task Force in the evaluation process for a large-scale organics recycling system located in Santa Cruz County.

#### **Recipe for Failure: Shrinking Budgets and Increasing Needs for Emergency Homeless Shelters**

The Grand Jury investigates homelessness in the County of Santa Cruz and availability of temporary housing. The Grand Jury found that local jurisdictions have not provided adequate emergency homeless shelters. They also found that local jurisdictions do not plan to increase the number of emergency shelter beds and the local jurisdictions rely too heavily on the North County Emergency Winter Shelter.

In general the attached response indicates agreement or partial agreement with most of the Grand Jury findings, and three of the four recommendations have already been implemented.

The attached draft responses are consistent with California law, which requires the entity to respond to findings by stating either of the following:

1. Agree with the finding;
2. Disagrees Wholly or Partially: The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons.

Entities are required to respond to recommendations, by stating one of the following:

1. Has been implemented, with a summary regarding the implemented action;
2. Has not yet been implemented but will be implemented in the future, with a timeframe or expected date for implementation;
3. Requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for that analysis or study; this timeframe shall not exceed six months from the date of publication of the Grand Jury Report;
4. Will not be implemented because it is not warranted or is not reasonable, with an explanation.

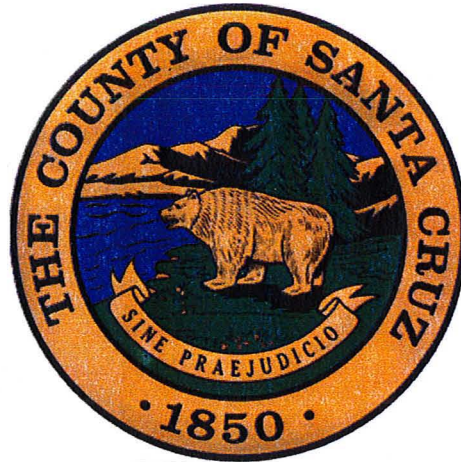
**FISCAL IMPACT:** None.

#### **ATTACHMENTS:**

1. Draft response letter: Funded for the Future? Retirement Costs and Obligations in Santa Cruz County;
2. Draft response letter: Recipe for Failure: Shrinking Budgets and Increasing Needs for Emergency Homeless Shelters;
3. Draft response letter: Composting Organic Waste.

Report Prepared By: Mark C. Welch  
Finance Director

Reviewed and Forwarded  
By City Manager: 



**Santa Cruz County Civil Grand Jury**

**2014-2015 Response Packet**

**Funded for the Future?**

*Retirement Costs and Obligations in Santa Cruz County*

Capitola City Council

**Due date: 90 Days (by Thursday, Sept. 10, 2015)**

When finished, email the completed response packet as a file attachment to:  
[grandjury@co.santa-cruz.ca.us](mailto:grandjury@co.santa-cruz.ca.us)

## Instructions for Respondents

California law PC § 933.05 requires that those responding to a Grand Jury report must provide a response for each individual finding and recommendation within a report, not a generalized response to the entire report. Explanations for disagreements and timeframes for further implementation or analysis must be provided.

Please follow the format below when preparing your response.

## Response Format

1. Find the Responses Required table that appears near the end of the report. Look for the row with the name of the entity you represent and then respond to the Findings and/or Recommendations listed in that row using the custom packet provided to you.
2. For Findings, indicate one of the following responses and provide the required additional information:
  - a. AGREE with the Finding,
  - b. PARTIALLY DISAGREE with the Finding and specify the portion of the Finding that is disputed and include an explanation of the reasons therefor, or
  - c. DISAGREE with the Finding and provide an explanation of the reasons therefor.
3. For Recommendations, select one of the following actions and provide the required additional information:
  - a. HAS BEEN IMPLEMENTED, with a summary regarding the implemented action,
  - b. HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE, with a timeframe or expected date for implementation,
  - c. REQUIRES FURTHER ANALYSIS, with an explanation and the scope and parameters of an analysis or study, and a timeframe for that analysis or study; this timeframe shall not exceed six months from the date of publication of the grand jury report,
  - d. WILL NOT BE IMPLEMENTED because it is not warranted or is not reasonable, with an explanation therefor.

If the respondent is a governing body, please provide the voted response of the body as a whole. Individual responses from members of a governing body will not be published.

If you have questions about the response report please contact the Grand Jury by calling 831-454-2099 or by sending an e-mail to [grandjury@co.santa-cruz.ca.us](mailto:grandjury@co.santa-cruz.ca.us).

### **How and Where to Respond**

1. Please download and fill out the Response Packet provided to you for your responses. Please respond to each finding and recommendation. Be sure to save any changes you make to the packet.
2. Print and send a hard copy of the Response Packet to:  
The Honorable Judge Rebecca Connelly  
Santa Cruz Superior Court  
701 Ocean Street  
Santa Cruz, Ca 95060
3. Email the completed Response Packet, as an attachment, to the Grand Jury at [grandjury@co.santa-cruz.ca.us](mailto:grandjury@co.santa-cruz.ca.us).

### **Due Dates**

Elected officials or administrators are required to respond within 60 days of the Grand Jury report's publication. Responses by the governing body of any public entity are required within 90 days.

## Penal Code § 933.05

1. For Purposes of subdivision (b) of § 933, as to each Grand Jury finding, the responding person or entity shall indicate one of the following:
  - a. the respondent agrees with the finding,
  - b. the respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
2. For purpose of subdivision (b) of § 933, as to each Grand Jury recommendation, the responding person shall report one of the following actions:
  - a. the recommendation has been implemented, with a summary regarding the implemented action,
  - b. the recommendation has not yet been implemented but will be implemented in the future, with a timeframe for implementation,
  - c. the recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of the publication of the Grand Jury report, or
  - d. the recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
3. However, if a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a County department headed by an elected officer, both the department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected department head shall address all aspects of the findings or recommendations affecting his or her department.
4. A Grand Jury may request a subject person or entity to come before the Grand Jury for the purpose of reading and discussing the findings of the Grand Jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.
5. During an investigation, the Grand Jury shall meet with the subject of that investigation regarding that investigation unless the court, either on its own determination or upon request of the foreperson of the Grand Jury, determines that such a meeting would be detrimental.

A Grand Jury shall provide to the affected agency a copy of the portion of the Grand Jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.



6.

**Findings**

**Finding 1:** Continually rising retirement costs and obligations put funding of jurisdictions' services and projects at risk.

- AGREE**
- PARTIALLY DISAGREE** - explain disputed portion below
- DISAGREE** - explain below

**Response explanation (required for responses other than "Agree"):**

As with any projected expenditure increase, the City agrees that rising pension costs will either have to be offset with future revenue increases or reductions in services or projects.

The City partially disagrees with the finding as the City has taken a number of proactive steps to address this issue. For example this fiscal year the City established a PERS Contingency Fund. The Fund was set up to help stabilize the City's finances and to help manage future increases in PERS contributions.

In addition, current long-term projections show the City with a balanced budget position in future years, due to current fiscal policies, increased revenue, and the payoff of Pension Obligation Bonds. However, given the potential for an economic downturn or other revenue contractions, these projections must be consistency analyzed and monitored and City services levels evaluated in the face of changing economic conditions.

**Finding 2:** A clear and complete statement of the total retirement costs and obligations has not been provided in the budget narrative for either the public or elected officials.

- AGREE**
- PARTIALLY DISAGREE** - explain disputed portion below
- DISAGREE** - explain below

**Response explanation (required for responses other than "Agree"):**

The City agrees with this finding. The City believes we have previously included detail of pension costs in several different areas of the budget but the City agrees that having the information in one section would improve the transparency of the City's Budget. A new chart showing the total retirement costs, along with funding ratios and funded status will be included in the Final Fiscal Year 2015-16 Budget and all future budget documents.

## Recommendations

**Recommendation 1:** To prevent reductions in public services, each of the six public agencies studied in this report should increase, and make public, their efforts to manage and reduce retirement costs and obligations.

**HAS BEEN IMPLEMENTED**

**HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE**

- indicate timeframe below

**REQUIRES FURTHER ANALYSIS** - explain scope and timeframe below (not to exceed six months)

**WILL NOT BE IMPLEMENTED** - explain below

### Response summary, timeframe or explanation:

The City of Capitola has been proactive in addressing retirement obligations. The City issued a Pension Obligation Bond in 2007 to pay off the CalPERS side fund that CalPERS established in 2003. The POB allowed the City to reduce the interest rate charged on the side fund from 7.75 percent that CalPERS charges to 6.01 percent.

The City also implemented a cap on the City's contribution to CalPERS. The cap required that employees pay all pension costs above the cap. The City was one of very few jurisdictions in the state with essentially fixed pension costs as a percentage of payroll. The cap allowed for a predictable expenditure stream into future years.

In 2012, the City also implemented a Tier II retirement plan for new hires that required an additional five percent employee contribution towards retirement.

Unfortunately the recent changes in the CalPERS risk pooling formulas have had a significant negative impact on the City. In fact, the scale of the impact effectively made the City's cap on employer CalPERS contributions unsustainable, as it would have required employees to contribute more than 25 percent of their salary toward pension costs in coming years.

The amended employee agreements establish increasing employee retirement contributions rates, projected to be over 15 percent for safety and over 14 percent for miscellaneous upon the end of the term of the existing contracts. The City believes these employee contribution rates are among the highest in the State.

To address the larger actuarial unfunded pension liability requires further analysis. There are several possibilities the City will evaluate in Fiscal Year 2015/16. Some of the possibilities include increased payments to CalPERS to reduce the Unfunded Liability and become fully funded in fewer years, a Pension Obligation Bond to reduce, and lock in, interest rates, and a new idea to set up an irrevocable trust fund for future CalPERS payments.

Lastly, CalPERS continues to examine their long term funding challenges. The City will follow these potential changes closely, and should changes occur, develop plans to address the impacts as quickly as possible.

**Recommendation 2:** Each of the six public agencies studied in this report should provide, in language understandable to the public, the totality of retirement obligations in their annual budget narratives beginning with the fiscal year 2015/16 budget.

**HAS BEEN IMPLEMENTED**

**HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE** - indicate timeframe below

**REQUIRES FURTHER ANALYSIS** - explain scope and timeframe below (not to exceed six months)

**WILL NOT BE IMPLEMENTED** - explain below

**Response summary, timeframe or explanation:**

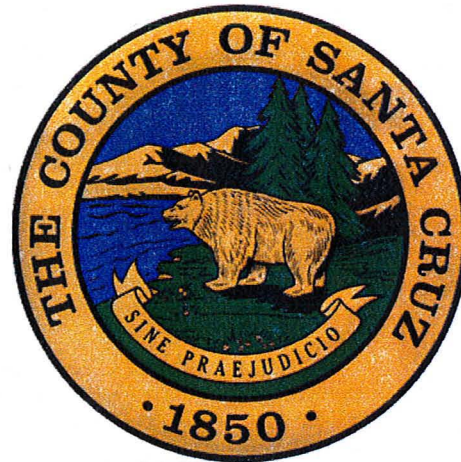
This recommendation will be included in the Final Fiscal Year 2015/16 Budget Document. The City agrees that the City's Budget document should provide readers with the totality of the retirement obligations. The City will include the below chart in its Final Fiscal Year 2015/15 Budget Document:

	2014 Adopted Budget	2015 Adopted Budget	2016 Adopted Budget	2017 Forecast
Pension Cost- Safety	540,502	583,665	372,738	337,558
Unfunded Liability Pension Cost-Safety*	-	-	318,781	395,101
Pension Cost- Misc	484,319	478,697	202,701	199,490
Unfunded Liability Pension Cost-Misc*	-	-	372,627	441,371
Pension Obligation Bond Payments	674,713	672,900	669,204	668,595
OPEB Retiree Health	23,000	33,150	31,940	35,078
OPEB Trust Fund	43,415	39,500	38,600	38,600
PARS	3,340	4,336	3,940	4,046
<b>Total City Retirement Costs</b>	<b>1,769,289</b>	<b>1,812,248</b>	<b>2,010,531</b>	<b>2,119,839</b>
<b>Total Employee Contributions**</b>	<b>549,979</b>	<b>559,282</b>	<b>586,497</b>	<b>604,092</b>
Unfunded Actuarial Liability-Safety	5,933,935	8,042,676	7,144,975	7,472,159
Unfunded Actuarial Liability-Misc	6,348,043	8,036,379	7,118,107	7,452,552
Unfunded OPEB Liability	1,011,800	657,500	618,900	580,300
Funding Ratio PERS Safety	78.9%	73.7%	77.5%	n/a
Funding Ratio PERS Misc	75.3%	71.0%	75.2%	n/a

\*New Budget Item for 2015/16

\*\*The City implemented in-house payroll system in March of 2014. 2013-14 Employee Contribution is estimated based on the available data in new system.

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**Santa Cruz County Civil Grand Jury**

**2014-2015 Response Packet**

**Recipe for Failure: Shrinking Budgets and Increasing  
Needs for Emergency Homeless Shelters**

Santa Cruz County Board of Supervisors

**Due date: 90 Days (by Thursday, September 10, 2015)**

When finished, email the completed response packet as a file attachment to:  
[grandjury@co.santa-cruz.ca.us](mailto:grandjury@co.santa-cruz.ca.us)

## Instructions for Respondents

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  - c. DISAGREE with the Finding and provide an explanation of the reasons therefor.
3. For Recommendations, select one of the following actions and provide the required additional information:
  - a. HAS BEEN IMPLEMENTED, with a summary regarding the implemented action,
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  - c. REQUIRES FURTHER ANALYSIS, with an explanation and the scope and parameters of an analysis or study, and a timeframe for that analysis or study; this timeframe shall not exceed six months from the date of publication of the grand jury report,
  - d. WILL NOT BE IMPLEMENTED because it is not warranted or is not reasonable, with an explanation therefor.

If the respondent is a governing body, please provide the voted response of the body as a whole. Individual responses from members of a governing body will not be published.

If you have questions about the response report please contact the Grand Jury by calling 831-454-2099 or by sending an e-mail to [grandjury@co.santa-cruz.ca.us](mailto:grandjury@co.santa-cruz.ca.us).

### **How and Where to Respond**

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The Honorable Judge Rebecca Connelly  
Santa Cruz Superior Court  
701 Ocean Street  
Santa Cruz, Ca 95060
3. Email the completed Response Packet, as an attachment, to the Grand Jury at [grandjury@co.santa-cruz.ca.us](mailto:grandjury@co.santa-cruz.ca.us).

### **Due Dates**

Elected officials or administrators are required to respond within 60 days of the Grand Jury report's publication. Responses by the governing body of any public entity are required within 90 days.

## Penal Code § 933.05

1. For Purposes of subdivision (b) of § 933, as to each Grand Jury finding, the responding person or entity shall indicate one of the following:
  - a. the respondent agrees with the finding,
  - b. the respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
2. For purpose of subdivision (b) of § 933, as to each Grand Jury recommendation, the responding person shall report one of the following actions:
  - a. the recommendation has been implemented, with a summary regarding the implemented action,
  - b. the recommendation has not yet been implemented but will be implemented in the future, with a timeframe for implementation,
  - c. the recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of the publication of the Grand Jury report, or
  - d. the recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
3. However, if a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a County department headed by an elected officer, both the department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected department head shall address all aspects of the findings or recommendations affecting his or her department.
4. A Grand Jury may request a subject person or entity to come before the Grand Jury for the purpose of reading and discussing the findings of the Grand Jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.
5. During an investigation, the Grand Jury shall meet with the subject of that investigation regarding that investigation unless the court, either on its own determination or upon request of the foreperson of the Grand Jury, determines that such a meeting would be detrimental.

A Grand Jury shall provide to the affected agency a copy of the portion of the Grand Jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.



## Findings

**Finding 1:** Local jurisdictions have not provided adequate emergency shelter to accommodate the vast majority (80%) of the more than 3,500 total homeless persons in Santa Cruz County (using 2013 PIT data).

**AGREE**

**PARTIALLY DISAGREE** - explain disputed portion below

**DISAGREE** - explain below

**Response explanation (required for responses other than “Agree”):**

Capitola along with the County and the other cities work together under the auspices of the Homeless Action Partnership (HAP). The HAP’s strategy is to prioritize permanently ending homelessness for people experiencing it through national best practice strategies such as permanent supportive housing and homelessness prevention and rapid re-housing programs. While we believe this is the right approach to end homelessness for individuals experiencing it, we recognize the on-going need for emergency shelter and we have worked to fund and ensure availability of emergency winter shelter each year in both north and South County.

**Finding 2:** Despite persistent unmet needs, local jurisdictions have chosen not to fund or plan to increase the number of emergency shelter beds and services.

**AGREE**

**PARTIALLY DISAGREE** - explain disputed portion below

**DISAGREE** - explain below

**Response explanation (required for responses other than “Agree”):**

Over the last several years number of emergency shelter beds and services in North County has increased. Those projects include the Paul Lee Loft in 2008, and the Recuperative Care Center serving medically vulnerable people who are homeless and being discharged from hospitals in January of 2014. In addition, while not the subject of this report, additional shelter beds in Watsonville have been or are being opened through the Pajaro Rescue Mission/Teen Challenge and the Paget Center serving homeless veterans, which opened in 2013.

Although as a region we are prioritizing permanent supportive housing, rapid rehousing and prevention, considering additional emergency and interim services is a key action strategy under *All-In*, the recently adopted county-wide strategic plan, which states:

“Engage the community around developing additional emergency and interim services for unmet health and safety needs of persons living outdoors, including small shelters around the county, warming centers and improvements to existing shelters.” (*All-In* page 28)

Obviously, as long as people are sleeping outside more needs to be done to identify the resources needed to end homelessness and to shelter individuals who are experiencing it. The FY 2015/16 budget adopted by the County includes an additional Homeless/Housing Coordination staff person who will be located in the County Administrator’s Office and will work with the Inter-agency Staff Coordinating Group.

**Finding 3: Reliance on the National Guard Armory with its strict rules and regulations limits the effectiveness of the North County Emergency Winter Shelter.**

AGREE

PARTIALLY DISAGREE - explain disputed portion below

DISAGREE - explain below

**Response explanation (required for responses other than “Agree”):**

The National Guard Armory is accessed through a “License to Use State Military Facility” between the County of Santa Cruz and the Military Department, State of California. The License makes the armory facility available for use as an Emergency Shelter nightly between the hours of 6:00 PM through 7:00 AM October 15<sup>th</sup> through April 15<sup>th</sup> except “during any period that any organization of the State Militia or of the Armed Forces of the United States is conducting drills or other military training or activity at the armory.” Besides limiting hours of use the License prohibits the use of intoxicating beverages and tobacco, and stipulates daily cleaning requirements.

Use of the facility is controlled by California Government Code §15301-15301.6 as an emergency response operation in order to prevent “the loss of life” of homeless persons during winter weather conditions. The State requires the operator to ensure basic safety and security.

Limited nighttime-only access to shelter in a crowded cavernous facility is not a program that anyone would design to effectively end homelessness. The goal of the winter shelter program is to provide emergency night-time shelter. Cold weather emergency shelter does not solve homelessness for individuals but is a last resort humanitarian provision of shelter.

Parameters set by the State Military Department are not the primary factor limiting effectiveness of the Armory; it is likely that any site used for this purpose would have many of the same limitations. The primary factors that limit the effectiveness of the Armory are outlined elsewhere in the Grand Jury report, and include the number of beds and the costs associated with transporting clients to the site.

**Finding 4: The absence of a back-up plan to replace the National Guard Armory threatens the continuing existence of the North County Emergency Winter Shelter program.**

AGREE

PARTIALLY DISAGREE - explain disputed portion below

DISAGREE - explain below

**Response explanation (required for responses other than “Agree”):**

As described above, the Armory is a facility that provides minimal emergency winter shelter. The building is owned by the State Department of the Military and access to it for cold weather shelter is dependent on the State’s ability to provide staffing at the facility. While the State’s

ability to provide access is assessed annually, the Military Department has demonstrated a commitment to continue the program.

The County and the four cities jointly provide funding to operate emergency winter shelter programs through the Homeless Action Partnership (HAP) and have demonstrated their commitment to emergency winter shelter by providing decades of funding for the programs.

On multiple occasions the jurisdictions have sought to identify alternative sites for winter shelter.

There are very limited sites that could serve this purpose. Potential alternative sites have been ruled out for reasons ranging from neighborhood concerns, transportation requirements, access to services required to safely run an emergency program (meals, bathrooms, showers) and funding. Finally, an alternative site would require significant investments of financial capital and political will.

As stated above, emergency shelter does not end or shorten an individual's experience of homelessness and the significant reduction of homelessness our community has experienced recently (44% reduction since 2013 according to the 2015 Santa Cruz County Homeless Census and Survey) can be attributed, at least in part, to prioritizing effective programs proven to end homelessness. These programs include permanent supportive housing and prevention and rapid re-housing. Each of the jurisdictions participates in funding for programs that employ these strategies.

The jurisdictions appreciate the Grand Jury's concern with the issues at the Armory and will continue to seek alternative sites for emergency cold weather shelter.

**Finding 5: Insufficient emergency shelter capacity limits access to coordinated entry services for the homeless population.**

AGREE

PARTIALLY DISAGREE - explain disputed portion below

DISAGREE - explain below

**Response explanation (required for responses other than "Agree"):**

Developing a coordinated entry system is a key strategy identified in *All-In* the county-wide strategic plan to address homelessness. A coordinated entry system streamlines and targets crisis response to quickly assess a household's needs and provides tailored resources for persons in crisis. Coordinated entry is required by the Department of Housing and Urban Development for Continuum of Care under the HEARTH Act. The HAP is in the process of developing and identifying funding to implement such a system.

The essential premise of a coordinated entry system is to streamline access to services so that there is no "wrong door" for entry to services. While we agree with the Grand Jury's assessment that emergency shelter is a potential point for a homeless person to access a coordinated entry system, it is not the only access point for services and we are striving to provide a streamlined range of access to homeless services. We fully intend to have all County and City funded emergency shelters participate in the coordinated entry system.

**Finding 6: Insufficient numbers of personnel and case managers at the emergency shelters limit the services that can be provided to homeless individuals.**

AGREE

PARTIALLY DISAGREE - explain disputed portion below

DISAGREE - explain below

**Response explanation (required for responses other than “Agree”):**

There is no question that case management services are a key component to ending homelessness for many individuals. This need is recognized by local nonprofit agencies, jurisdictions, the Homeless Action Partnership and Smart Solutions to Homelessness. Case management support linked with access to housing is the solution to homelessness for a significant share of the people experiencing it and there are shelter programs focused specifically on pairing emergency shelter to case management to lead to permanent housing.

Services that are offered at the Armory are limited to those required to operate a safe cold weather shelter. Homeless individuals can and do form relationships and build trust with staff with the Homeless Services Center, the program operator, but case management is not specifically part of the program. There is a much more pressing need for case management services for people who are on a path to permanent housing. Recognizing the role of year round shelter programs to resolve homelessness, HSC has recently adapted their program at the Pau Lee Loft to pair case management with housing resources for people on a pathway to permanent housing.

While resources are constrained, we are constantly looking for opportunities for additional case management funding. In the absence of sufficient funding the community has been providing volunteer resources such as the Wings and the Housing Navigator programs associated with the 180/2020 Initiative. Additional case management is supported through Community Grant programs and has been included in an application for CDBG funds submitted by the County.

**Finding 7: Insufficient number of staff dedicated to grant writing results in missed grant funding opportunities.**

AGREE

PARTIALLY DISAGREE - explain disputed portion below

DISAGREE - explain below

**Response explanation (required for responses other than “Agree”):**

When it was announced this spring that the Homeless Services Center (HSC) was not awarded funding through the State’s Emergency Solutions Grant program it became clear that funding and operating a multi-service program is complex and dynamic. Skilled response to varied and changing funding opportunities is a vital component to stability, and the level of staffing dedicated to fund development is determined by HSC.

The HAP has been very successful in raising funds for homeless services from federal and State sources, bringing in close to \$30,000,000 since 2001.

## Recommendations

**Recommendation 1:** Santa Cruz County Board of Supervisors and the cities of Santa Cruz, Capitola and Scotts Valley should develop plans to provide increased emergency shelter on a priority basis to the most vulnerable populations first, including families, youth, women, and the elderly.

**HAS BEEN IMPLEMENTED**

**HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE**

- indicate timeframe below

**REQUIRES FURTHER ANALYSIS** - explain scope and timeframe below (not to exceed six months)

**WILL NOT BE IMPLEMENTED** - explain below

### Response summary, timeframe or explanation:

Strategies to end homelessness for vulnerable populations is underway. These include the following:

- The County's Human Services Department is providing CalWorks housing support program through a partnership with the Homeless Services Center Rebele Shelter that is shortening the length of stay for homeless families and transitioning them to stable housing quickly;
- The County's Planning Department provides the maximum funding allowed for its former redevelopment funds in the Low and Moderate Income Housing Asset Fund for homeless prevention and rapid rehousing targeted to prevent and shorten family and individual experiences of homelessness;
- The Homeless Action Partnership is developing a Coordinated Entry system that will streamline access to services and end homelessness quickly.
- The Coordinated Entry system will implement the VI-SPDAT, a vulnerability index that ensures that the most vulnerable homeless individuals in our community access appropriate services;
- Community Programs funding across jurisdictions is focused on outcome based approaches;
- The opening of the Paul Lee Loft in 2008 provided 48 year round emergency shelter beds. This program is currently being revised to focus on vulnerable populations on a path to housing;
- The Recuperative Care Center was opened in 2014 providing medical respite for people who are homeless and are being discharged from the hospital but require follow up care and a safe and healthy environment;
- The County has established an Inter-agency Staff Coordinating Group to ensure that a system approach for care coordination is in place for vulnerable populations.

The jurisdictions believe that these and other strategies more quickly and effectively end homelessness among the most vulnerable individuals experiencing homelessness than emergency shelter.

**Recommendation 2:** Santa Cruz County Board of Supervisors and the cities of Santa Cruz, Capitola and Scotts Valley should seek a more permanent, accessible and expandable site for the North County Emergency Winter Shelter program.

**HAS BEEN IMPLEMENTED**

**HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE**

- indicate timeframe below

**REQUIRES FURTHER ANALYSIS** - explain scope and timeframe below (not to exceed six months)

**WILL NOT BE IMPLEMENTED** - explain below

**Response summary, timeframe or explanation:**

Jurisdictions have been and will continue to seek to identify an alternative site to the Armory for emergency winter shelter. Considerations include neighborhood impacts and competing priorities for funding.

**Recommendation 3:** Santa Cruz County Board of Supervisors and the cities of Santa Cruz, Capitola and Scotts Valley should allocate more funds for additional case managers for the local emergency shelters.

**HAS BEEN IMPLEMENTED**

**HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE**

- indicate timeframe below

**REQUIRES FURTHER ANALYSIS** - explain scope and timeframe below (not to exceed six months)

**WILL NOT BE IMPLEMENTED** - explain below

**Response summary, timeframe or explanation:**

Additional funding for case management has been a priority of both local jurisdictions and nonprofit agencies. Funding has been provided by County Human Services CHAMP program, identified above, HSC has been awarded HUD funds through the HAP to provide case management and permanent housing for chronically homeless disabled individuals, a County application for CDBG funds has been submitted that, if successful, would provide three additional case managers for chronically homeless and medically vulnerable people. In addition, case management positions have been funded through Supportive Services for Veteran Families grants and the HUD VA Supportive Housing (VASH) program.

All jurisdictions have adopted *All-In* and are coordinating funding efforts for implementation based upon its principles.

**Recommendation 4:** Santa Cruz County Board of Supervisors and the cities of Santa Cruz, Capitola and Scotts Valley should allocate additional staff to seek more grant funding for emergency shelters.

**HAS BEEN IMPLEMENTED**

**HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE**

- indicate timeframe below

**REQUIRES FURTHER ANALYSIS** - explain scope and timeframe below (not to exceed six months)

**WILL NOT BE IMPLEMENTED** - explain below

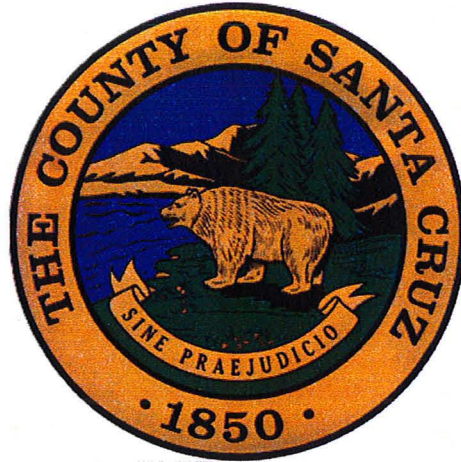
**Response summary, timeframe or explanation:**

The County's Fiscal Year 2015-16 Budget includes funding for a full time Homeless Coordinator working out of the County Administrator's Office.

The HAP is providing funding to the Homeless Services Center for technical assistance to support the organization's competition for future State Emergency Solutions Grant program funding.

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**Santa Cruz County Civil Grand Jury**

**2014-2015 Response Packet**

**Composting Organic Waste in Santa Cruz County**

Time for a Regional Solution

Capitola City Council

**Due date: 90 Days (by Sept. 24, 2015)**

When finished, email the completed response packet as a file attachment to:

[grandjury@co.santa-cruz.ca.us](mailto:grandjury@co.santa-cruz.ca.us)

## Instructions for Respondents

California law PC § 933.05 requires that those responding to a Grand Jury report must provide a response for each individual finding and recommendation within a report, not a generalized response to the entire report. Explanations for disagreements and timeframes for further implementation or analysis must be provided.

Please follow the format below when preparing your response.

### Response Format

1. Find the Responses Required table that appears near the end of the report. Look for the row with the name of the entity you represent and then respond to the Findings and/or Recommendations listed in that row using the custom packet provided to you.
2. For Findings, indicate one of the following responses and provide the required additional information:
  - a. AGREE with the Finding,
  - b. PARTIALLY DISAGREE with the Finding and specify the portion of the Finding that is disputed and include an explanation of the reasons therefor, or
  - c. DISAGREE with the Finding and provide an explanation of the reasons therefor.
3. For Recommendations, select one of the following actions and provide the required additional information:
  - a. HAS BEEN IMPLEMENTED, with a summary regarding the implemented action,
  - b. HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE, with a timeframe or expected date for implementation,
  - c. REQUIRES FURTHER ANALYSIS, with an explanation and the scope and parameters of an analysis or study, and a timeframe for that analysis or study; this timeframe shall not exceed six months from the date of publication of the grand jury report,
  - d. WILL NOT BE IMPLEMENTED because it is not warranted or is not reasonable, with an explanation therefor.

If the respondent is a governing body, please provide the voted response of the body as a whole. Individual responses from members of a governing body will not be published.

If you have questions about the response report please contact the Grand Jury by calling 831-454-2099 or by sending an e-mail to [grandjury@co.santa-cruz.ca.us](mailto:grandjury@co.santa-cruz.ca.us).

### **How and Where to Respond**

1. Please download and fill out the Response Packet provided to you for your responses. Please respond to each finding and recommendation. Be sure to save any changes you make to the packet.
2. Print and send a hard copy of the Response Packet to:  
The Honorable Judge Rebecca Connelly  
Santa Cruz Superior Court  
701 Ocean Street  
Santa Cruz, Ca 95060
3. Email the completed Response Packet, as an attachment, to the Grand Jury at [grandjury@co.santa-cruz.ca.us](mailto:grandjury@co.santa-cruz.ca.us).

### **Due Dates**

Elected officials or administrators are required to respond within 60 days of the Grand Jury report's publication. Responses by the governing body of any public entity are required within 90 days.

## Penal Code § 933.05

1. For Purposes of subdivision (b) of § 933, as to each Grand Jury finding, the responding person or entity shall indicate one of the following:
  - a. the respondent agrees with the finding,
  - b. the respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
2. For purpose of subdivision (b) of § 933, as to each Grand Jury recommendation, the responding person shall report one of the following actions:
  - a. the recommendation has been implemented, with a summary regarding the implemented action,
  - b. the recommendation has not yet been implemented but will be implemented in the future, with a timeframe for implementation,
  - c. the recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of the publication of the Grand Jury report, or
  - d. the recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
3. However, if a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a County department headed by an elected officer, both the department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected department head shall address all aspects of the findings or recommendations affecting his or her department.
4. A Grand Jury may request a subject person or entity to come before the Grand Jury for the purpose of reading and discussing the findings of the Grand Jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.
5. During an investigation, the Grand Jury shall meet with the subject of that investigation regarding that investigation unless the court, either on its own determination or upon request of the foreperson of the Grand Jury, determines that such a meeting would be detrimental.

A Grand Jury shall provide to the affected agency a copy of the portion of the Grand Jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

**Findings**

**Finding 1:** Compostable organic waste, which makes up approximately one third of municipal solid waste, must be diverted in order to extend the life of Santa Cruz County landfills and meet state mandates, specifically AB 1826.

- AGREE**
- PARTIALLY DISAGREE** - explain disputed portion below
- DISAGREE** - explain below

**Response explanation (required for responses other than “Agree”):**

The City of Capitola is fully committed to extending the life of the Santa Cruz County landfill. Capitola will continue to find ways to increase diversion rates of waste, including promoting greater commercial participation in the food waste and food scrap program and educating consumers on the proper use of the different waste bins.

**Finding 2:** Unless Santa Cruz County and the cities of Santa Cruz, Capitola, Scotts Valley and Watsonville invest politically and financially in large-scale organics recycling systems, they will be out of compliance with AB 1826 by the year 2020 or sooner.

- AGREE**
- PARTIALLY DISAGREE** - explain disputed portion below
- DISAGREE** - explain below

**Response explanation (required for responses other than “Agree”):**

As noted in the Grand Jury report, the City of Capitola currently sends organic material to the Marina facility operated by the Monterey Regional Waste Management District (MRWMD). MRWMD anticipates that the life span of its permitted organic processing capabilities will be at least equal to the life span of the District’s landfill disposal operations; a life span that is predicted to exceed 100 years at this time.

**Finding 3:** Santa Cruz County and the cities of Capitola, Scotts Valley, and Watsonville all passed resolutions in 2005 recommending a regional composting facility, but as of 2015, no facility has been constructed, nor is there a completed plan to do so.

- AGREE**
- PARTIALLY DISAGREE** - explain disputed portion below
- DISAGREE** - explain below

**Response explanation (required for responses other than “Agree”):**

The City of Capitola will continue to participate on the Santa Cruz County Integrated Waste Management Local Task Force in working on finding a suitable location for a Santa Cruz County composting facility.

**Finding 5:** Unless the Monterey Regional Waste Management District decides to expand its current organic composting facility, Santa Cruz County jurisdictions cannot rely on it as a long-term solution for their organic waste recycling needs.

**AGREE**

**PARTIALLY DISAGREE** - explain disputed portion below

**DISAGREE** - explain below

**Response explanation (required for responses other than “Agree”):**

MRWMD anticipates that the life span of its permitted organic processing capabilities will be at least equal to the life span of the District’s landfill disposal operations; a life span that is predicted to exceed 100 years at this time.

**Finding 7:** Rules about what can be put in the “green cart” are inconsistent and not well understood by the general public.

**AGREE**

**PARTIALLY DISAGREE** - explain disputed portion below

**DISAGREE** - explain below

**Response explanation (required for responses other than “Agree”):**

In order to help Capitola businesses and residents better understand the rules regarding rules associated with green carts, Capitola communicates this information in a number of ways. The City and GreenWaste issue bi-annual newsletters to all Capitola addresses, the City advertises the requirements in the local phone book and the City will continue to keep its website up to date with all the cart requirements and rules.

**Recommendations**

**Recommendation 1:** In order to comply with AB 1826 mandates, the cities of Capitola, Santa Cruz, Scotts Valley, and Watsonville should join with Santa Cruz County to form a regional agency to develop a large-scale organics recycling system located in Santa Cruz County.

- HAS BEEN IMPLEMENTED**
- HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE**  
- indicate timeframe below
- REQUIRES FURTHER ANALYSIS** - explain scope and timeframe below (not to exceed six months)
- WILL NOT BE IMPLEMENTED** - explain below

**Response summary, timeframe or explanation:**

As noted in the Grand Jury report, organic material from the City of Capitola currently is taken to the MRWMD organic composting facility pursuant to a long term agreement. MRWMD anticipates that the life span of its permitted organic processing capabilities will be at least equal to the life span of the District's landfill disposal operations; a life span that is predicted to exceed 100 years at this time. Capitola will continue to participate in the evaluation process for developing a large-scale organics recycling system located in Santa Cruz County.

When the current contract with GreenWaste and the MRWMD expires, or final funding decisions regarding a regional large-scale organics recycling system located in Santa Cruz County are required, the City of Capitola will evaluate its options and determine the best option for the City and its residents.

**Recommendation 2:** The current pilot program for composting food waste from restaurants and other large institutions in Capitola and Santa Cruz County should be expanded to serve other businesses in the AB 1826 first and second tiers throughout Santa Cruz County, including Scotts Valley and Watsonville, until a regional facility can be developed.

- HAS BEEN IMPLEMENTED**
- HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE**  
- indicate timeframe below
- REQUIRES FURTHER ANALYSIS** - explain scope and timeframe below (not to exceed six months)
- WILL NOT BE IMPLEMENTED** - explain below

**Response summary, timeframe or explanation:**

The City of Capitola uses the MRWMD Marina facility for organics recycling. Over the past 3 years, Capitola has averaged approximately 40-tons of food waste per month, the current contract allows for up to 10,000 tons of organic material per year.

Capitola implemented a program designed to serve businesses in the AB 1826 first and second tiers in 2010. Capitola will continue to reach out to the business community to increase overall participation in organics recycling. The City of Capitola will continue to participate in the pilot food composting program and work with businesses to expand participation in the program.

**Recommendation 3:** After selection of a composting contractor and technology by the Local Task Force, Santa Cruz County and the cities of Capitola, Santa Cruz, Scotts Valley and Watsonville should create a coordinated outreach program to inform businesses and the public about the benefits and requirements of the new organics recycling program.

**HAS BEEN IMPLEMENTED**

**HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE**

- indicate timeframe below

**REQUIRES FURTHER ANALYSIS** - explain scope and timeframe below (not to exceed six months)

**WILL NOT BE IMPLEMENTED** - explain below

**Response summary, timeframe or explanation:**

The City of Capitola works locally with its hauling franchisee, GreenWaste, to increase participation in the organics recycling program. Public outreach and communication with local businesses and residents will continue.

The City of Capitola is committed to participating with the Santa Cruz County Integrated Waste Management Local Task Force in developing coordinated outreach to the business and residential communities to improve participation in organic recycling programs. A coordinated approach can be beneficial, however it will have to be determined if the specifics of such effort will be in the best interest of the City of Capitola and its citizens.

**Recommendation 4:** Curbside "green carts" and bins should be clearly labeled to instruct residential and commercial customers specifying what materials are acceptable.

**HAS BEEN IMPLEMENTED**

**HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE** - indicate timeframe below

**REQUIRES FURTHER ANALYSIS** - explain scope and timeframe below (not to exceed six months)

**WILL NOT BE IMPLEMENTED** - explain below

**Response summary, timeframe or explanation:**



Capitola will work with GreenWaste to improve labeling in order to facilitate better understanding of the “green carts.” Capitola will work with the other jurisdictions through the Santa Cruz County Integrated Waste Management Local Task Force to promote consistency in the instruction and labeling of the “green carts.”

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# CITY COUNCIL AGENDA REPORT

MEETING OF AUGUST 13, 2015

FROM: CITY MANAGER'S DEPARTMENT

SUBJECT: LIABILITY CLAIM

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**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:

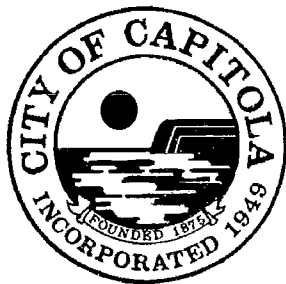
1. Donna Ealy, undetermined amount

**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 JULY 23, 2015

FROM: DEPARTMENT OF PUBLIC WORKS

SUBJECT: REPORT ON MCGREGOR PARK SOIL CONTAMINATION ISSUES AND  
CONSIDERATION OF CONTRACT AMENDMENTS

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**RECOMMENDED ACTION** Accept report and take the following action:

1. Authorize an amendment to MG Creations Construction Contract for the skate park by adding \$34,600 for pouring concrete on the floor of the skate park; and
2. Authorize an amendment to Earthworks Contract to increase the Contract not to exceed \$90,000 for remediation of arsenic and lead on the site, and decrease the Contract by \$14,040 by removing bid item No. 24 which was to pave the floor of the skate park, for a net increase to the contract of \$75,960; and
3. Approve transferring \$110,560 within the Capital Improvement Program to the McGregor Park Project and taking it from the Utility Undergrounding Project.

**BACKGROUND:** Last October, soon after Earthworks paving began construction on the McGregor Park Project, the City was notified by Santa Cruz County Environmental Health that some previous soil samples on the property indicated elevated levels of lead and arsenic and ordered a full site assessment. At that time all work ceased and an environmental engineering firm was brought in to complete the assessment and develop a remediation plan. The site assessment identified two small discrete areas with elevated lead that can be abated by removal. The arsenic results determined that the site has an average arsenic level of 7.6 mg/kg. The abatement rules for arsenic abatement are at best confusing as various agencies have established maximum levels and other require the levels on contamination to be reduced to the level that is naturally occurring (background) in surrounding native soils. In this case, the background level was initially determined to be 2.2 mg/kg. A remediation plan was filed with Santa Cruz County (County) in March 2015, outlining a plan to remove the highest arsenic areas that would reduce the arsenic levels to 5.9 mg/kg which is typically an acceptable level. Unfortunately, the County's policy uses the background level threshold; following extensive negotiations and proposed plan revisions this plan was ultimately rejected by the County. More recently the County agreed to allow the City to take additional samples to verify the background levels. This work was completed in July and the results raised the background level from 2.2 mg/kg to 3.6 mg/kg. Based on this information two remediation options were developed. The first caps the existing soils to prevent contact and distribution of the soil. The other involves removal and replacement of the highest elevated areas.

During this testing process the County authorized the City to proceed with construction of the skate park element within McGregor Park. Work has proceeded with the skate park to the point where the major elements are constructed. The original plans call for concrete ramps and elements to be connected with asphalt paving. The skate park designer/builder has strongly recommended that the asphalt paving be replaced with concrete. This recommendation is due to anticipated maintenance problems at the interface of the concrete and asphalt and improved riding surface for the park.

## Item #: 9.A. Staff Report.pdf

AGENDA STAFF REPORT August 13, 2015

REPORT ON MCGREGOR PARK SOIL CONTAMINATION ISSUES AND CONSIDERATION OF CONTRACT AMENDMENTS

**DISCUSSION:** At this time the least expensive remediation plan appears to be a combination capping and excavation and removal of the lead and highest concentrated arsenic areas and backfilling the excavation with clean fill material. The bicycle park and skate park are effectively being capped as originally designed. The dog park and parking lot is where the removal is necessary. Earthworks has priced the excavation, removal, import, for the parking lot and dog park out at \$90,000. Earthworks, the environmental engineer, and the City are continuing to look at capping options for these areas including paving and then bringing in 1 - 2 feet of material for the dogs to run on. An update and final recommendations will be made at the council meeting.

Concerning finishing the skate park, staff concurs with the recommendation to complete the park with concrete. MG Creations has priced this work out at \$34,600. This work will be partially offset by the price of paving included in Earthworks contract of \$14,040.

**FISCAL IMPACT:** The recommended changes in the project result are an increase of \$34,600 in MG Creations Contract and a net increase of \$75,960 in Earthworks Contract. The total increase to the overall project is \$110,560. To fund these increases in cost, staff is recommending approval of a transfer of funds from the Utility Undergrounding Project at Bay Avenue and Capitola Avenue. The final costs of the undergrounding project are unknown at this time and any expenditure will not be necessary until next year. The 2016/2017 Capital Improvement Program will include replacement funding at the required level.

### **ATTACHMENTS:**

1. Remedial Action Plan, March 23, 2015 Executive Summary
2. Lead and Arsenic Concentration Level Maps
3. Proposal from MG Creations
4. Proposal from Earthworks Paving

Report Prepared By: Steven Jesberg  
Public Works Director

Reviewed and Forwarded  
By City Manager: \_\_\_\_\_



**Weber, Hayes & Associates**  
*Hydrogeology and Environmental Engineering*  
120 Westgate Drive, Watsonville, CA 95076  
(831) 722-3580 [www.weber-hayes.com](http://www.weber-hayes.com)

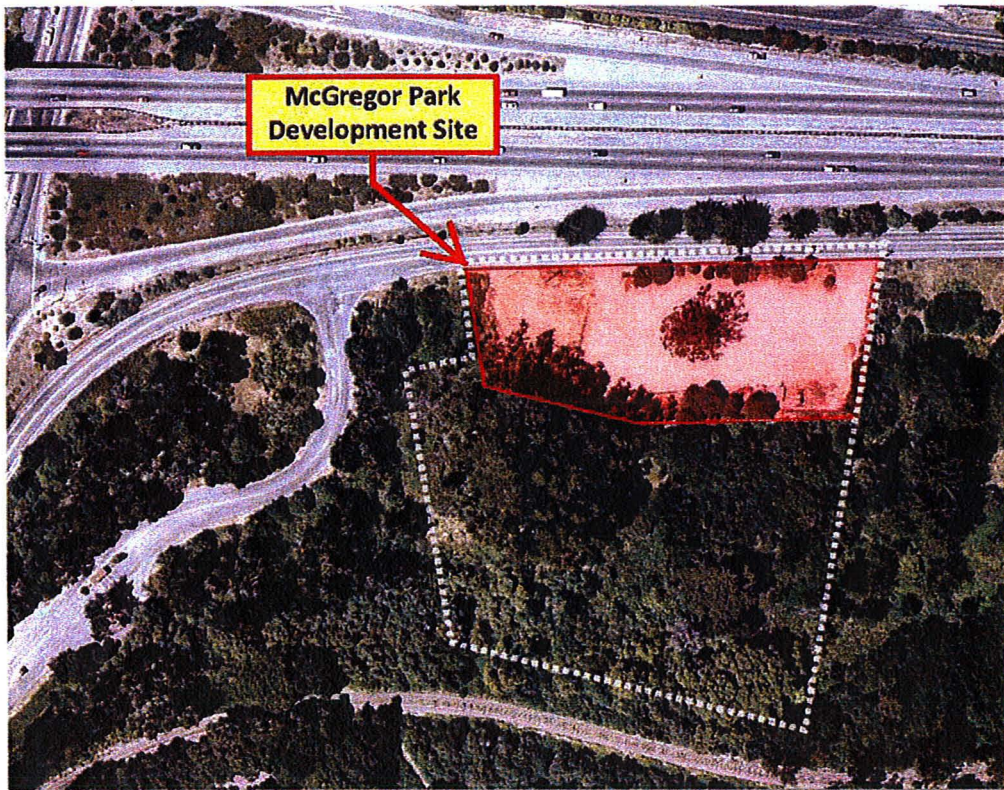
## REMEDIAL ACTION PLAN

### *McGregor Community Park Development Property*

1560 McGregor Drive, Capitola, California

GeoTracker Global ID # T10000006291

March 23, 2015



*Prepared for:*

**City of Capitola Public Works**  
**Steven Jesberg, Director**  
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*For Submittal To:*

**County of Santa Cruz Health Service Agency (SC-HSA)**  
**Attention: Tim Fillmore and Scott Carson**  
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**REMEDIAL ACTION PLAN**  
**McGregor Community Park Development Property**

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ACRONYMS & ABBREVIATIONS

bgs:	below ground surface
Cal/EPA:	California Environmental Protection Agency
CHHSL:	California Human Health Screening Level
COPCs:	Chemical of Potential Concern
DTSC:	Department of Toxic Substances Control
EPA:	Environmental Protection Agency
ESA:	Environmental Site Assessment
ESL:	Environmental Screening Level
SCM:	Site Conceptual Model
LUC:	Land Use Covenant
MCL:	Maximum Contaminant Level
PCBs:	Petroleum Hydrocarbons, Polychlorinated Biphenyls
ppm (mg/kg):	parts per million
PAHs:	Polynuclear Aromatic Hydrocarbons
PEA:	Preliminary Endangerment Assessment
RAP:	Remedial Action Plan
RAO:	Remedial Action Objective
RBSLs:	Risk Based Screening Levels
RDIP:	Remedial Design and Implementation Plan
SC-HSA:	County of Santa Cruz Environmental Health Services Agency
TBCs:	To-Be-Considered Criteria
TPH-mo:	Total Petroleum Hydrocarbons as motor oil
Water Board:	California Regional Water Quality Control Board, Central Coast Region
UCL:	Upper Confidence Limit
USA:	Underground Service Alert
VOCs:	Volatile Organic Compounds
WET:	Waste Extraction Test
WHA:	Weber, Hayes and Associates

## EXECUTIVE SUMMARY

This *Remedial Action Plan (RAP)* has been prepared behalf of the City of Capitola Public Works Department (the City) in order to: 1) describe the magnitude and extent of impacted fill soils at the subject Site, and 2) propose an acceptable remedial approach designed to eliminate potential risks at the Site.

Site Land Use (historic, current, proposed redevelopment): The subject Site is currently a commercially zoned parcel and a planned commercial redevelopment has been approved and is currently funded. The redevelopment is a multi-use park containing an above-ground “pump track” consisting of bike jumps and turns, a skateboard park, a dog run and a gravel parking area (the “Site”). A topographic Location Map and a detailed Site Map are provided as Figures 1 and 2. The park redevelopment is currently a rectangular, gravel-topped parking lot that is approximately 58,000 ft<sup>2</sup> in size and located in the northern portion part of a larger, 181,000 ft<sup>2</sup> parcel owned by the City (see aerial on report cover). Historical air photos indicate the Site was part of an orchard prior to approximately 1964, when it appears that the Site was built up with soils generated from the nearby Park Avenue interchange and Highway 1 construction interchange. Since that time, the Site has been used as well as a periodic staging area for Public Works street projects and was built up to the current elevation with project generated fill soil and asphalt grindings.

Contaminant Discovery: In 2012, the Soquel Creek Water District (SCWD) acquired a small 7,100 ft<sup>2</sup> rectangular portion of the property, located immediately west of the Site for the constructing a booster pump station for their water supply distribution system. Prior to the acquisition, SCWD completed a Phase II, pre-development soil sampling and analysis program<sup>1</sup>. The results indicated that fill soil samples collected from along the eastern property line of SCWD’s small, adjoining parcel contained: 1) elevated concentrations of Total Lead, and 2) Arsenic at concentrations above the naturally-occurring background levels in (see Figure 2, and Appendix A). As a result of these detections, the City of Capitola received a notice in October 2014 from the County of Santa Cruz Health Services Agency-Environmental Health (SC-HSA)<sup>2</sup> indicating further investigation was warranted.

Characterization Testing of Contaminant Extent and Magnitude: Initial grading and Site preparation tasks for the community park redevelopment project was halted in order to complete Site-wide characterization of the elevated Total Lead and Arsenic concentrations, which posed an unacceptable use for the proposed land use. Subsequent test results of 58 shallow soil samples obtained from across the Site have identified areas containing elevated concentration of Total Lead and Arsenic above naturally occurring, “background” levels. No additional *Chemicals of Potential Concern (COPCs)* were identified during the Site-wide testing program, including solvents, fuels and other metals. The testing indicated

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<sup>1</sup>: SCWD data submittal: [http://geotracker.waterboards.ca.gov/profile\\_report.asp?global\\_id=T10000006291](http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000006291)

<sup>2</sup>: SC-HSA directive: Notice of Intent to Open Remedial Action Case under Voluntary Cleanup Program, dated October 21, 2014.

contaminants were restricted to shallow depths (relatively immobile), and limited to two, non-volatile metals, specifically Total Lead and Arsenic.

Risk Assessment: A follow-up, site-specific Tier 2 *Health Risk Assessment* (HRA) was completed to identify health *risk-based concentrations* (RBCs, i.e., cleanup goals) for soil for these two identified *Chemicals of Potential Concern*. The cleanup goals (i.e., RBCs) were generated to assist risk management decisions in regard to the redevelopment of the site. The risk assessment concluded:

*Total Lead:* The *California Human Health Screening Level* (CHHSL), is an appropriate value for use as the Site's risk based concentration (RBC) limit. The established CHHSL values for Total Lead are 130 mg/kg for a commercial land use scenario, and 80 mg/kg for the residential land use scenario.

*Arsenic:* Based on the conservative exposure assumptions for the site-specific, recreational exposure scenario (i.e., for a 5 to 18 year old youth), the Tier 2 Health Risk Assessment established a RBC (cleanup goal) associated with a one-in-one million *Incremental Lifetime Cancer Risk* is 14 mg/kg (details in Section 3 of this report). For purposes of risk management decisions this RBC has been selected as an appropriate exposure concentration for Site soils. In addition, based on the size of the site, the concentration distribution of arsenic in site soil, and the exposure scenario, a 95th-percent upper confidence limit (95-UCL) can be reasonably used as the site-specific exposure concentration (see Appendix E for additional details). The Site wide UCL-95% concentration of 7.6 mg/kg is well below the RBC threshold of 14 mg/kg indicating that anthropogenic Arsenic concentrations at the subject Site are not an unacceptable risk.

Selected Remedial Action: Based on the evaluation relative to the three (3) remedial alternatives described in Section 5.1, **Alternative 2 (Targeted Excavation and Off-Site Disposal of COPCs-Impacted Soils)** has been selected as the most reasonable and appropriate remedial option because it is protective of human health, is effective over both the short and the long term, removes the main *COPC* (Total Lead), and reduces the potential increased risk of the remaining *COPC* (Arsenic), is implementable, and is relatively cost effective.

Specifically, the City of Capitola will remediate two areas of the park having: unacceptable Total Lead concentrations (see Figure 4a), and two areas having the highest anthropogenic concentrations of Arsenic (see Figure 3a). The arsenic remedial action, although unnecessary for the protection of site-wide risk, will be conducted as a good faith effort designed to reduce site-wide Arsenic concentrations. Specifically, this remedial action will be designed to remove the two (2) highest Arsenic outliers (Figure 3a) and would therefore reduce the site-wide, UCL-95% down from 7.6 to 5.9 mg/kg.

Initial grading and Site preparation tasks for the community park redevelopment project was initiated in September 2014 but the project was put on hold till the *COPCs* issue was resolved. The earthworks contractor is ready to mobilize immediately upon agency approval of this *Remedial Action Plan*. Remedial earthworks (digging, stockpiling, loading, & trucking) will be completed on a parallel track with other Site redevelopment and construction tasks.

**REMEDIAL ACTION PLAN**  
**McGregor Park Development**  
**1560 McGregor Drive, Capitola**

## 1.0 INTRODUCTION

This *Remedial Action Plan*: 1) provides site-wide characterization test results that were completed to define *potential* environmental risks resulting from previous land uses, 2) analyzes the risk to potential receptors, and 3) proposes a remedial action to eliminate potential risks. The subject Site is identified as the "McGregor Park Development" property, which is located at 1560 McGregor Drive in Capitola (the "Site", see Location Map, Figure 1). The County of Santa Cruz Health Services Agency (SC-HSA) has jurisdiction for providing regulatory in accordance with *Memorandum of Understanding* notifications to sister agencies and a cost-recovery agreement with the City of Capitola.

The purpose of the *Remedial Action Plan* (RAP) is to describe the nature and extent of the contamination, determine the "remedial action objective" based on land use and redevelopment plans, evaluate possible remedial action alternatives, and propose/select a remedial action alternative that will satisfy the remedial action objective. This *Remedial Action Plan* presents the following:

- A description of the land use history of the Site.
- A summary of previous soil investigations, which have been used to characterize the distribution of *Chemicals of Potential Concern (COPCs)* detected in shallow soil at the Site.
- A summary of potential health risks posed impacted soils, including a site-specific, *Health Risk Assessment to Derive Risk-Based Soil Concentrations*.
- A description of the Remedial Action Objective, a summary of possible remedial action alternatives, and a comparative evaluation of the potential effectiveness of these alternatives. And,
- A description of the selected remedial action alternative.

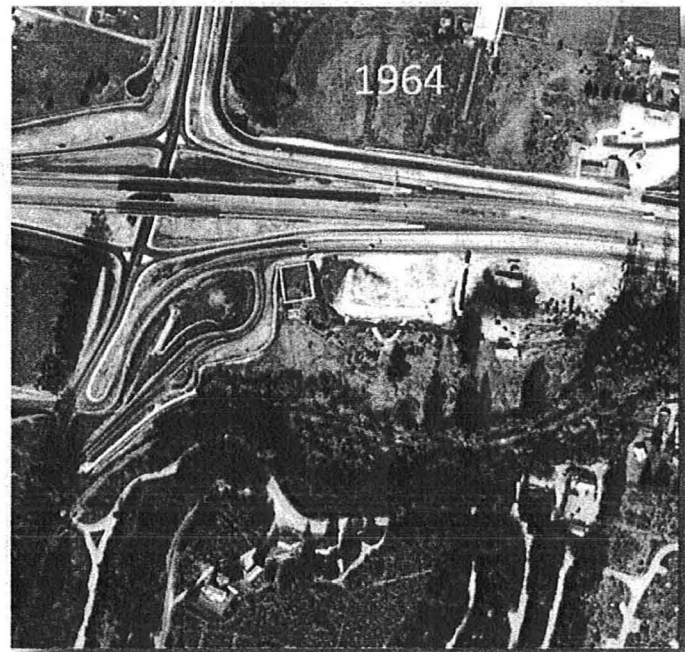
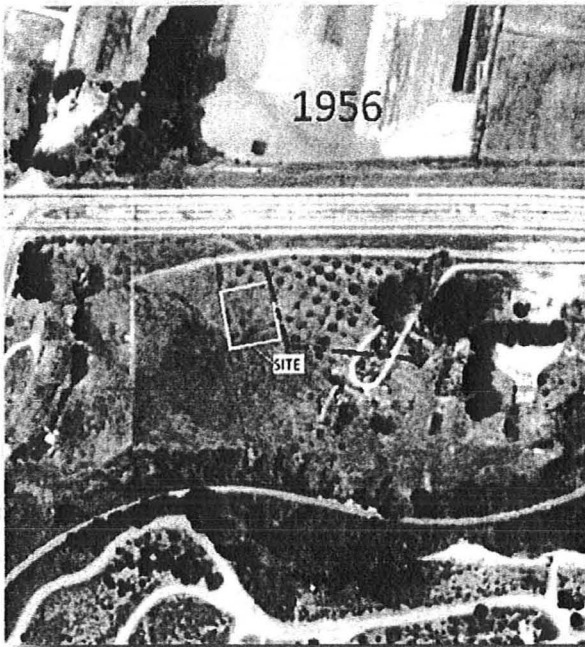


### 1.1 Site Description & Current Land Use

The subject Site, is a rectangular, gravel-topped parking lot that is approximately 58,000 ft<sup>2</sup> in size and located in the northern portion part of a larger, 181,000 ft<sup>2</sup> parcel (APN 036-341-05) owned by the City (see aerial clip, right). The Site is being redeveloped as a multi-use, Community Park to include areas having skate and bike jumps and tracks, a dog run and parking (the "Site").

The subject property is located within the City of Capitola and is bordered by McGregor Drive to the north, a Soquel Creek Water District pump station and the New Brighton State Beach Campground entrance to the west, the Southern Pacific Railroad to the south, and undeveloped land to the east (see Location Map, Figure 1, and Site Map, Figure 2). The closest water body is the Pacific Ocean, located approximately 1,900-ft south of the Site although the vicinity is incised by local drainages.

Historical air photos indicate the Site was part of an orchard prior to approximately 1964, when it appears that the Site was built up with soils generated from the nearby Park Avenue interchange and Highway 1 construction interchange (see historical aerials, below).



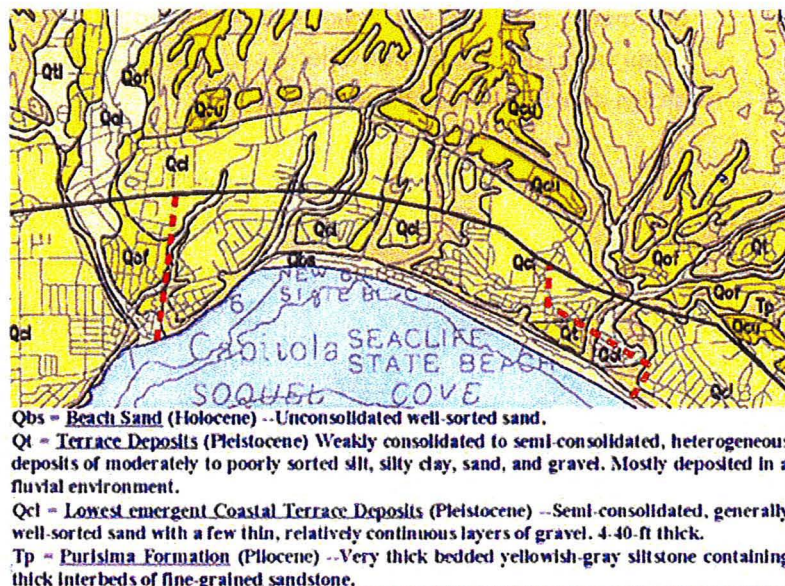
Historical aerials (1956 and 1964)

### 1.2 Site Subsurface Conditions

The Site is located near the north end of Monterey Bay, at the western base of the Santa Cruz Mountains (Coast Ranges Geomorphic Province).

Soils underlying the Site and vicinity have been mapped as terrace deposits and are part of the *Lowest Emergent Coastal Terrace (Qcl)* – see the clip of local geology, below-right). The Qcl is documented to vary in thickness from 4 to 40-ft, and is made up unconsolidated surficial and shallow soils (generally well-sorted sand). Underlying the terrace is the older *Purisima Formation (Tp)*, a very thick-bedded, yellowish-gray siltstone bedrock.

First groundwater in the terrace deposits is generally encountered at the interface with the underlying, relatively impermeable bedrock (Purisima), which locally can vary between 12 and 21 feet below ground surface (bgs). The saturated zone varies in thickness seasonally and can be very thin in the dry season (few feet) to ten or more feet thick in the wet season. The regional groundwater gradient is generally southward, towards the Monterey Bay. Groundwater was not encountered during the two, shallow soil investigations completed at the Site (2012 and 2014).



### 1.3 Land Use History

Historical aerial photos show that between 1928 and 1961, the Site was part of a larger orchard that contained several small buildings that were likely residences and barns to the east and south of the Site (see 1956 aerial clip, above). An aerial photo from 1964 shows the construction/expansion of State Highway 1 and the interchange at Park Avenue. On-site buildings are no longer present and the photo clearly shows evidence of earthwork and replacement fill soils (bright shaded) along northern part of the subject property as well as at the nearby Park Avenue interchange (see 1964 clip above). Since that time, the limits of the infilled orchard appear to have remained the same general configuration with reported infilling to the current elevation with Public Works project generated fill soil and asphalt grindings. The relatively flat, gravel topped subject Site has been used by the City for seasonally for overflow beach overflow parking, for periodic construction equipment storage and staging,

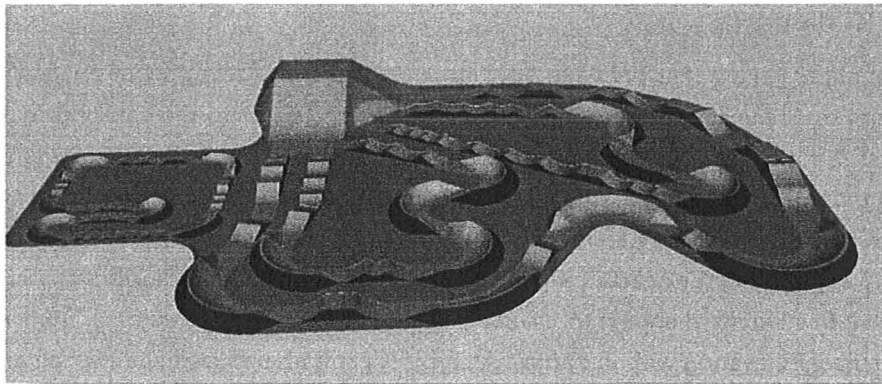
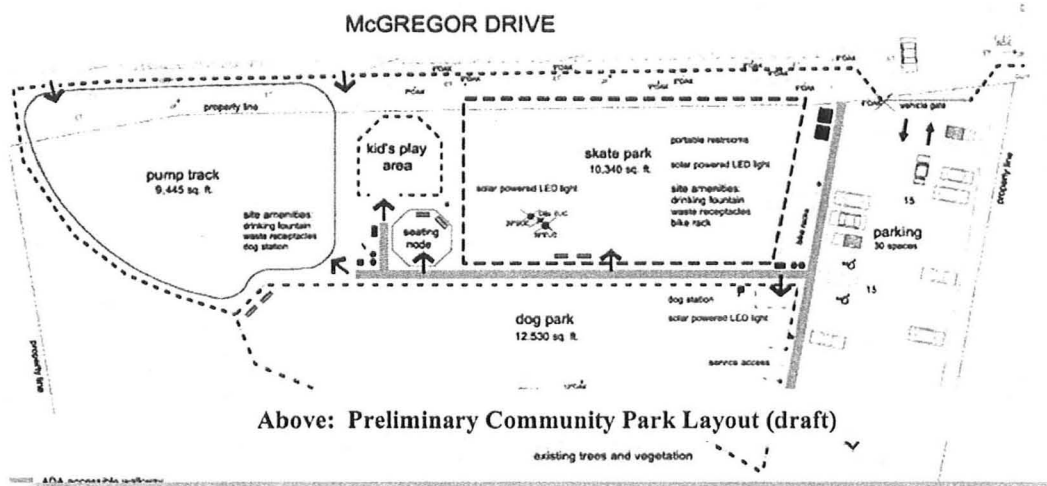
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McGregor Park Development Property  
March 23, 2015

In 2012, the Soquel Creek Water District (SCWD) acquired a small 7,100 ft<sup>2</sup> rectangular portion of the property, located immediately west of the Site for the construction of a booster pump station for their water supply distribution system.

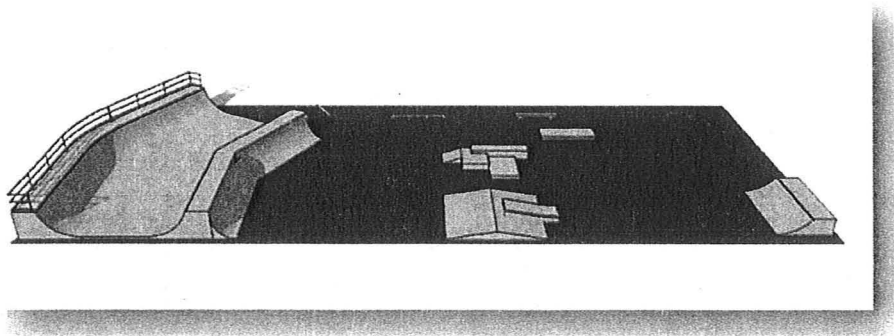
## 1.4 Future Land Use

Proposed redevelopment plans include construction of a new multi-use community park (the McGregor Community Park) that will include a parking area, a concrete and/or asphalt covered skate park, a bicycle pump track constructed with at least one foot of clean fill soil, and dog park area. Preliminary conceptual design drawings are provided below.



Conceptual Designs (preliminary) for the Pump Track (above) and the Skate Park (below).





### 1.5 Overview Summary of Soil Investigations (2 Mobilizations)

Two (2) shallow soil investigations have been completed at the property and described in the sections below. They include:

- March 2012: A soil investigation was completed in March 2012, as part of a due-diligence screening for a potential property transaction (Soquel Creek Water District, March 20, 2012). A copy of the investigation findings is included in Appendix A
- November 2014: Initial grading and Site preparation tasks for the community park redevelopment project was halted in October 2014 when SC-HSA indicated additional soil characterization work would be required<sup>3</sup> based on the elevated detections of Total Lead obtained in the aforementioned March 2012 screening work.

As a result of the work stoppage, site-wide soil screen testing was completed, which included the collection of shallow soil samples from 51 locations spaced across the Site (November 2014). Field observations and laboratory-tested shallow soil data affirmed that the fill and asphalt grindings present at the Site included: 1) two limited, shallow areas containing elevated Total Lead concentrations, and 2) anthropogenic Arsenic concentrations that exceeded naturally-occurring background concentrations. In addition to the Site-wide Arsenic and Total Lead testing, ten percent of the samples were also analyzed for a standard suite of urban contaminants of concern (fuels, solvents, pesticides and metals) and aside from the immobile asphalt grindings, no other chemical compounds were detected at elevated concentrations (Figure 5). With one exception, the testing confirmed *Chemicals of Potential Concern (COPCs)* for the Site are limited to 1) Total Lead, and 2) Arsenic, both of which appear to be limited to shallow depths (i.e., < 2-feet). Detected ranges and screening levels of these two *COPCs* are presented below:

<sup>3</sup>: SC-HSA directive: Notice of Intent to Open Remedial Action Case under Voluntary Cleanup Program, dated October 21st, 2014.

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<u>Detected Chemicals of Potential Concern (COPCs)</u>			
Chemical of Concern	Minimum Concentration (mg/kg)	Maximum Concentration (mg/kg)	Risk Screening Level (mg/kg)
Arsenic	0.58	40	14 (RBC)
Total Lead	0.6	520	80 / 320 (ESL) (residential / commercial)

Concentration units presented in milligrams per kilogram (mg/kg), which is equivalent to parts per million (ppm)

RBC = Calculated, Site-specific, *Risk-Based Concentration* for Arsenic This calculated a Site-specific risk-based concentration (RBC) for Arsenic in soil for a hypothetical youth who may come into contact with Site soil based on land-use redevelopment plans (see section 3.1 for details).

ESL<sup>4</sup> = Environmental Screening Level. The ESLs are intended to provide guidance on whether or not risk-based remediation of detected contamination is warranted. The ESLs also provide threshold values for various media and sensitive receptor scenarios (see Table 1 for details).

In summary, there were no detections of significance of volatile organic solvents, pesticides or fuel contaminants. Additionally, with the exception of a single elevated Total Lead detection at 4 feet, the vertical extent of all elevated detections were limited to the upper 1-to-2 feet of soils at the Site. The two contaminants of concern at the Site are non-volatile metals (Arsenic and Total Lead), the vertical extent is limited, and the source of the impacts is linked to imported fill soils. A discussion of naturally occurring (background) vs. anthropogenic (impacted) Arsenic concentrations is presented in Section 1.6.1. Contaminant impacts associated with soil vapor and groundwater transport are not considered viable pathways given the detected *Chemicals of Potential Concern* (i.e., relatively immobile, non-volatile shallow contaminants), land use, and investigation results.

The following sections describe in more detail, the particulars of the two, aforementioned shallow soil investigations completed at the Site. The soil boring locations are shown of Figure 2. Soil sample analytical results from the 2012 (SCWD pump station) and 2014 (pre-construction Site soil clearance) investigations are summarized on Figures 3 (-a & b), 4 (-a & -b), and 5, and Tables 1, 2, and 3.

<sup>4</sup>: California Regional Water Quality Control Board, SF-Bay Region: Screening for Environmental Concerns at Sites with Contaminated Soil and Groundwater, Interim Final, revised December 2013).

### 1.5.1 Details of the Adjoining Parcel's Due Diligence Property Transaction Soil Screening

In March 2012, the Soquel Creek Water District (SCWD) collected and analyzed a number of soil samples as part of a due diligence check of shallow soils prior to acquiring 9,000-ft<sup>2</sup> of land for a proposed water distribution pump station (see Figure 2). Eight soil samples ("Fill-1 through Fill-8") were collected from northwest toe of a sloped, fill wedge (see photo clip, right) as well as 4 soil sample within the former orchard ("Orchard-1 through Orchard-4"). Soil samples were collected at depths varying from 1 foot to 4 feet below the ground surface (bgs) and tested for:



Fill Slope Bordering the SCWD Parcel (right)  
and the McGregor Park Parcel (left)

- **CAM 17 Metals & Pesticides/PCBs Suites:** All twelve (12) Fill and Orchard samples.
- **Semi-Volatile Compounds, and Asbestos-Containing Materials (ACM):** The eight (8) "fill" samples collected from the fill wedge.

1.5.1 (A.) *Adjoining Parcel's Soil Investigation Results:* There were no detectable concentrations of Pesticides/PCBs, Semi-Volatile Compounds, or ACM. Naturally occurring metals concentrations did not exceed the commercial or residential *Environmental Screening Levels (ESLs)* in any of the (12) discrete samples collected at this commercially-zoned parcel with the exceptions of:

1. **Total Lead** (Figure 4a): Of the twelve (12) discrete soil samples collected at this commercial Site, two locations contained elevated Total Lead detections that exceeded the established, risk-based thresholds for:
  - **Commercial/Industrial Land Uses** (i.e., **ESL threshold limit = 320 mg/kg**): Specifically, sample "Fill-6", which was collected at the toe of the fill slope at a depth of 1.5-ft, contained an elevated Total Lead concentration of 520 mg/kg.
  - **Residential Land Uses** (i.e., **ESL threshold limit = 80 mg/kg**): Specifically, the aforementioned "Fill-6" also exceeded the residential limit, as well as the adjoining sample "Fill-5", which contained a Total Lead concentration of 140 mg/kg. Sample "Fill-5" was collected just above the toe of the fill slope at a depth of 4-ft.
  - Figure 4a shows an approximate lateral extent of Total Lead-impacted area.
2. **Arsenic** (Figure 3a): Arsenic detections in soil can be problematic for risk assessment purposes because detected metal concentrations in general can originate as naturally-occurring, with potential contributions from anthropogenic sources (urban), and/or resulting from a Site-specific release. The Tier 1, risk-based ESL for Arsenic is extremely low (i.e., **1.6 mg/kg for commercial land uses and 0.39**

mg/kg for residential land uses). These extremely low, risk-based threshold limits are most always exceeded since California regional studies have shown that most areas contain naturally-occurring "background" concentrations in the 11 to 12 mg/kg range. [Note: Site-specific (local) background concentrations can range lower or higher<sup>5</sup>].

- **95<sup>th</sup>-Percential Confidence Interval Analysis<sup>6</sup> (Chart 1):** The collected data shows that Arsenic concentrations detected in the 12 samples ranged from 1.4 to 11 mg/kg. A 95-percential confidence interval analysis of the data set shows that a soil Arsenic concentration of 6 mg/kg would be encountered within this sampling footprint over 95% of the parcel (i.e., UCL-95%). This statistical analysis is used by risk assessors to evaluate what concentration of Arsenic would be encountered by person coming onto the Site as they walk, skate or bike across the property.

The SCWD reduced the acquisition lot size down to 7,110 ft<sup>2</sup> due to the elevated Total Lead concentrations detected in the samples collected from the toe and slope of the Site fill wedge. Property transaction sample locations are shown on Figure 2, analytical results are summarized in Tables 1, 2, and 3, and additional SCWD due diligence soil assessment data is included in Appendix A.

#### 1.5.2 Details of the On-Site, Follow-up Soil Characterization Investigation

This section describes follow-up, soil screen testing completed in November 2014, which included the collection of shallow soil samples from 51 locations spaced across the Site (Figure 2). As previously described, initial grading and Site preparation tasks for the community park redevelopment project was halted in October 2014 when SC-HSA notified the City that additional Site-wide assessment was warranted as a consequence of the SCWD property screening results (described above, in Section 1.41).

A shallow soil sampling investigation was conducted in accordance with a conditionally-approved Workplan<sup>7</sup>, in order to resolve potential health-based concerns prior to Site redevelopment. The shallow soil screening program included:

- Site-wide collection of shallow soil samples and testing of shallow soils for previously detected contaminants of concern (Arsenic and Total Lead) from 51 locations (Figure 2),

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<sup>5</sup>: Examples of two (2) such studies include:

- A statistical analysis of a large data set from school Sites in five (5) counties in Southern California generated 95<sup>th</sup> percentile upper-confidence limit (UCL-95%) background arsenic concentration of 12 mg/kg. Source: *Determination of a Southern California Regional Background Arsenic Concentration in Soil*, DTSC 2008.
- The SF-RWQCB's *Environmental Screening Levels (ESLs)* reference document calculated that 11 mg/kg is the regional upper estimate for background arsenic (99th percentile) for undifferentiated urbanized flatland soils in the San Francisco Bay Region (source: *Establishing Background Arsenic in Soil of the Urbanized San Francisco Bay Region*, December 2011).

<sup>6</sup>: A **Confidence Interval** measures the probability that a statistical parameter will fall between the upper and lower bound of a probability distribution and is calculated using the average mean and the standard deviation. A 95<sup>th</sup> percentile upper-confidence limit (UCL-95%) is a risk based calculation establishing the upper (maximum) concentration that will be encountered within a sampling footprint, 95% of the time.

<sup>7</sup>: Weber, Hayes and Associates report: *Workplan: McGregor Park Development Sampling Plan*, Nov-11, 2014

- [http://geotracker.waterboards.ca.gov/view\\_documents.asp?global\\_id=T10000006291&enforcement\\_id=6227713](http://geotracker.waterboards.ca.gov/view_documents.asp?global_id=T10000006291&enforcement_id=6227713)

- Laboratory analysis of a full suite of analyses (fuels, solvents, pesticides and metals) of ten (10) percent of the sample locations (Figure 5)
- Clearance testing of fill soils stockpiled on-site that were imported as excess soils generated from a local ball field improvement project (approximately 150 yards<sup>3</sup>)

The following sub-sections document the field effort and laboratory testing results:

*1.5.2 (A.) Sample Collection at the McGregor Park Parcel* (Figure 2): Site-wide collection of shallow soil samples was completed using a hydraulic driven probe drill rig and/or a hand augur. Borings were extended to depths of 1-to-2-feet below ground surface (bgs) in accordance with the following sampling frequency:

- The redevelopment area having an asphalt, concrete and/or compacted baserock/gravel (i.e., the parking lot and skate park) had samples collected on ~40-foot centers (**S-1 through S-12**);
- The redevelopment area having a minimum of a one-foot thick cap of clean fill (i.e., pump track) and the dog park had samples collected on ~30-foot centers (**S-13 through S-51**), and
- Five background samples were collected along the periphery of the Site to assess variation in naturally occurring metal concentrations (**BG-1 through BG-5**).

Driven probe and hand augur sampling was completed in accordance with standard protocols described in our *Field Methodology for Hydraulic Driven Probes* and our *Field Methodology for Shallow Soil Sampling* (Appendix B). Field staff did not note any unusual chemical odor or discoloration but did note asphalt content in the areas of sampling (source: asphalt grindings). Field notes and photo sheets are included in Appendix C.

*1.5.2 (B.) Laboratory Analysis Selected for the McGregor Park Parcel* (samples S-1 through S-51): Soil cores were collected from depths of 1-foot and 2-feet bgs from each exploratory boring. All 1-foot samples were analyzed and the 2-foot samples were held at the laboratory for potential analyses pending results of the shallower 1-foot samples. The State-certified laboratory issued reports and associated chromatograms are included in Appendix D. Soil sample analyses was completed as follows:

1. Site-wide, Shallow Soil Analysis (Arsenic and Total Lead): All fifty-one (51) soil samples collected from a depth of 1 foot were analyzed for Total Lead and Arsenic as the primary *contaminants of concern* based on previous testing. The testing was for Total Threshold Limit Concentration (TTL) metals analysis by EPA Method 6020.
  - *2-foot deep samples*: Ten (10) of the soil samples collected from a depth of 2-foot were additionally tested where elevated concentrations were detected in shallow, 1-foot samples. Specifically, 2-foot deep samples were analyzed from the following sample locations: #S-2, -12, -24, -28, -31, -38, -39, -43, -46, -48, and -49 (locations and results presented on Figures 3b, and -4b, and tabulated on Tables 1 and 2).

2. Underlying Fill Soils Clearance Assessment (Figure 5): As described in the land use history write-up (section 1.2), over the last 4 decades the Site appears to have periodically been infilled to its current elevation with fill soils generated from the construction the nearby Highway 1 off-ramp and from various Public Works project generated fill soil and asphalt grindings. In order to assess the shallow soil quality, ten (10) percent of the sample locations analyzed for Arsenic and Total Lead were also laboratory tested for a full suite of potential urban pollutants (i.e., fuels, solvents, pesticides/ PCBs, and metals). The selected sample locations were spaced across the Site and include #'s: S-8, -17, -28, -33, and -46. These samples were analyzed for:
  - Total Extractable Petroleum Hydrocarbons as Motor Oil and Diesel by EPA Method 8015M, and volatile solvent compounds by EPA #8260B;
  - Persistent Organochlorine Pesticides and PCBs by EPA Method 8081B; and
  - CAM 17 Metals by EPA Method 6020 (TTLC)
3. Imported Stockpiled Soils Clearance: Approximately 150 yard<sup>3</sup> imported fill was recently imported from surplus soils generated from a local ball field improvement project at Soquel High School. Three (3) discrete samples (#SP-1, -2, and -3, see Figure 2) were collected from the stockpile (one per 50 yd<sup>3</sup>) and analyzed for potential contaminants of concern that could be associated with a mature athletic field:
  - Persistent Organochlorine Pesticides and PCBs by EPA Method 8081B; and
  - CAM 17 Metals by EPA Method 6020 (TTLC)

1.5.2 (C.) Certified Laboratory Analysis Results of the McGregor Park Parcel Soil Sampling (samples S-1 through S-51):

- **Site-Wide Arsenic Results:** Both shallow soil assessments associated with this Site contained arsenic concentration that exceed the Tier 1, *Environmental Screening Level (ESL)* thresholds of 1.6 mg/kg for commercial land uses and 0.39 mg/kg for residential land uses. These risk-based threshold limits for Arsenic are always exceeded because naturally-occurring "background" concentrations that exceed those levels. This unique condition for Arsenic is described in much greater detail in Section 1.6 below [*"Arsenic Concentrations (Background & Anthropogenic)"*].

Because of this unique, chemical-specific risk condition for naturally-occurring Arsenic, a *Site-Specific Health Risk Assessment to Derive Risk-Based Concentrations (RBC) for Arsenic* was completed based on the site-specific data set (described in detail in section 2.0, below) Specifically, a UCL-95% of 14 mg/kg for Arsenic was calculated to be a safe RBC based on the redevelopment plans. A full copy of the *Site-Specific Health Risk Assessment to Derive RBCs*<sup>8</sup> calculations and write-up is included in Appendix E.

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<sup>8</sup>: Copeland and Associates (Teri Copeland, M.S., DABT), *Site-Specific Health Risk Assessment to Derive RBCs*, February 2015.

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- **Site-Wide Total Lead Results:** Two of the 51 shallow soil samples contained elevated Total Lead concentrations that exceed the residential (unrestricted) land use ESL threshold limit (80 mg/kg) but do not exceed the commercial land use limit of 320 mg/kg. However, Total Lead concentrations in the deeper samples, collected from a depth of two-feet, decreased to below the ESL threshold limits. Specifically, Total Lead concentrations in #S-12 dropped from 120 to 5.8 mg/kg, and in #S-49 from 220 down to 18 mg/kg (see Figures 4a and 4b, which show the limited extent of the Total Lead impacts).
  - **Underlying Fill Soils Clearance Assessment Results** (Figure 5): As previously noted, ten (10) percent of the Site-wide sample locations were tested for a full suite of potential urban pollutants (i.e., screen for fuels, solvents, pesticides/PCBs, and metals). There were no elevated concentrations of persistent organochlorine pesticides/PCBs, volatile organic compounds (solvents), or CAM 17 metals. As described below, petroleum hydrocarbons detections were attributed to the immobile asphalt grindings present in the shallow soils.
    - **Total Extractable Petroleum Hydrocarbons Results:** Initial sample results suggested elevated TPH-motor oil and diesel were present in shallow soils at two locations (2,100-3,000 mg/kg at S-28 @1 ft and S-46 @1 ft). However chromatograph analysis by the State-certified testing laboratory of duplicate confirmation samples confirmed these TPH results were from the asphalt grindings found in the soils samples<sup>9</sup>.

Specifically, two confirmation samples were analyzed since there were no field observations indicative of chemical contamination during our initial mobilization (i.e., no chemical staining or chemical odors were observed). Two confirmation samples (S-31a and S-46a) were collected in the immediate vicinity of the original samples (as shown on Figure 5, sample locations were moved slightly to avoid locations having asphalt grindings). The duplicate/confirmation soil samples were specifically collected and analyzed to confirm whether the original sample results were the result of observed, asphalt grindings (again, no chemical staining or odors were observed). The State-certified testing laboratory compared collected samples S-31a and S-46a with two pieces of asphalt collected at the S-31a and S-46a locations. As noted above, the State-certified testing laboratory confirmed the detected TPH results were from the asphalt grindings found in the soils samples and not from a release of motor oil or diesel.
  - **Stockpiled Import Soil Clearance Testing Results:** The 150 cubic yards of surplus athletic field, fill soils stockpiled on site had no elevated detections of target contaminants associated with a mature athletic field (persistent pesticides/CAM 17 Metals).

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<sup>9</sup>: BC Laboratory Report #1428139 Case Narrative: "The two asphalt samples submitted 1428139-07 and -08 match nearly identically with the soil samples submitted 1428139-01 and -04 as shown in the attached chromatograms", Report dated 2/21/2005 (Copy in Appendix D).

### 1.6 Arsenic Concentrations (Background & Anthropogenic)

As discussed earlier, background metal concentrations in soil can prove problematic for risk assessment purposes because metals detected at any site may be the cumulative sum of naturally occurring metals, regional urban (anthropogenic) contributions, and/or an industrial waste release. Chemical concentrations in soil are controlled by the chemical composition of the parent rocks and the geochemical processes that occur during soil formation; therefore, in natural soils, certain metals are naturally occurring. As an example, San Francisco Bay area soils are known to contain naturally occurring Arsenic at concentrations up to 20 mg/kg (Environmental Resource Management, July 2006, Lawrence Berkeley National Laboratory, August 1995).

#### 1.6.1 Site-Wide Arsenic Testing Results

As described above, Arsenic (and other metals) detected in soil can be the result of background, naturally-occurring concentrations potentially supplemented with anthropogenic sources (i.e., emission particulates, chemical discharges, or imported fill soils). The Tier 1, risk-based ESL for Arsenic, which is based on conservative toxicological animal studies, is extremely low (i.e., 1.6 mg/kg for commercial land uses and 0.39 mg/kg for residential land uses). This extremely low, risk-based threshold limit is most always exceeded because most areas. Locally, regionally and nationally, contain naturally-occurring "background" concentrations of Arsenic that exceed those levels. Examples of two (2) California studies that document this include:

- A statistical analysis of a large data set from school Sites in five (5) counties in Southern California generated 95th percentile upper-confidence limit (UCL-95%) background arsenic concentration of 12 mg/kg<sup>10</sup>.
- SF-RWQCB's *Environmental Screening Levels* (ESLs) reference document calculated that 11 mg/kg is the regional upper estimate for background arsenic (99th percentile) for undifferentiated urbanized flatland soils in the San Francisco Bay Region<sup>11</sup>.

As described in the sections below 93% of samples collected for the shallow soil assessments on the adjoining parcel and the subject Site (i.e., 83 of 89 samples), contained relatively low-level Arsenic concentration that still exceeded the Tier 1, ESL thresholds of 1.6 mg/kg for commercial land uses and 0.39 mg/kg for residential land uses (Table 1):

#### 1.6.1 (A) Analysis of the Arsenic Detections in the 2012 SCWD Soil Assessment Data Set (Chart 1):

- "Orchard-1 through Orchard-4" soil samples were obtained in areas where historical aerial photographs showed orchard land use (see Figure 2, and aerial photo clip on page

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<sup>10</sup>: DTSC research document: Determination of a Southern California Regional Background Arsenic Concentration in Soil, 2008.

<sup>11</sup>: SF-RWQCB's reference document on the ESL website: Establishing Background Arsenic in Soil of the Urbanized San Francisco Bay Region, December 2011



2). These samples which were obtained on the adjoining SCWD Site from a depth of 1-foot bgs, contained arsenic concentrations that ranged from 1.4 to 3.3 mg/kg.

- "Fill-1 through Fill-8" these eight, additional soil samples were collected from northwest toe of the sloped, fill wedge at the eastern side of the parcel (Figure 2). These eight samples contained arsenic concentrations that ranged from 3.6 to 11 mg/kg.

Chart 1 graphically presents the Arsenic concentrations detected in these 12, adjoining-site samples. Chart also presents the calculated, 95th-percentile confidence interval analysis of the site-wide data set, which indicates that an **Arsenic concentration of 6 mg/kg would be encountered over 95% of this sampling footprint** (i.e., UCL-95%). The trend line shown in Chart 1 suggests that there is a single outlier ("Fill-7" at 11 mg/kg) that steps out of the trend line (see Chart 1).

*1.6.1 (B.) Analysis of the Arsenic Detections in the 2014 McGregor Park Soil Data Set* (Chart 2): Chart 2 graphically presents the Arsenic concentrations detected across the Site (which also includes the 8 "fill wedge" samples analyzed by SCWD). Graphically, Chart 2 shows there is an Arsenic concentration trend line break at 9.6 mg/kg, above which there are eleven samples including two distinct, outlier detections at 31 and 40 mg/kg. These two outliers (adjoining sample locations S31 & S-38, shown on Figure 3a) and the remaining nine-sample population of slightly elevated Arsenic concentrations (i.e., above the break in the Chart 2 trend line), include #'s: S-2, -24, -28, -31, -38, -39, -43, -46, -48, -49, and F-7). The 95% upper confidence level (UCL-95%) for the entire shallow sample set (59 samples total) was **calculated to be 7.6 mg/kg across the Site** (see Chart 3).

- Note: Chart 3 also contains a reduced UCL-95% based on the removal of soils containing the two (2) highest Arsenic outliers (remedial option). Removal of soils containing the two elevated Arsenic outliers would reduce the **site-wide, UCL-95% down from 7.6 to 5.9 mg/kg** (Charts 2 graphically presents the trend line with the removal of the two outliers, and Chart 3 presents the reduced UCL-95% calculations following soil removal of the two outliers).

*1.6.1 (C.) "Background" Sample Collection & Arsenic Analysis:* Five background samples were collected from a depth of 1 foot below ground surface along the periphery of the Site to assess variation in naturally occurring metal concentrations (see BG-1 through BG-5, Figure 3a). Laboratory results of these five samples contained Arsenic concentrations ranging from 1.8 to 3.1 mg/kg (Table 1), which exceed the ESL thresholds for commercial and residential land uses. The 95%-UCL for the background sample set is 2.7 mg/kg (see Chart 4). The presence of Arsenic in native soils at concentrations above the ESLs is attributed to naturally-occurring levels of Arsenic.

## 2.0 NATURE AND EXTENT OF CONTAMINATION

The soil sample locations referred to in the following discussion are shown on Figure 2. The analytical results of the tested soil samples are presented for Arsenic (Figures 3a, and 3b), Total Lead (Figures 4a, and 4b), and remaining tests (Figure 5). All results have been tabulated in summary Tables 1, 2, and 3.

Soil investigations of shallow soil across the Site indicate impacts that exceed Tier 1, risk-based soil screening thresholds are limited to Arsenic and Total Lead that are attributed to imported fill soil. Only two of the 51 shallow soil samples contained elevated Total Lead concentrations that exceeded the residential (unrestricted) land use ESL threshold limit (80 mg/kg) indicating remediation of these areas would be limited.

However, as noted in the preceding section (section 1.6) the Tier 1, risk-based ESL for Arsenic, which is based on conservative toxicological studies, is extremely low (i.e., 1.6 mg/kg for commercial land uses and 0.39 mg/kg for residential land uses) and the threshold limit is most always exceeded because most areas contain naturally-occurring "background" concentrations that exceed those limits. The 95% upper confidence level (UCL-95%) for the entire shallow sample set (59 samples total, see Figure 3) was calculated to be 7.6 mg/kg across the Site (see Chart 3), which exceeds the conservative, Tier 1 screening threshold limits for commercial/residential land uses. Therefore, in order to reasonably evaluate whether the Arsenic levels found in the imported fill posed a risk to the proposed redevelopment land use, a Tier 2, *Site-specific Health Risk Assessment to Derive Risk-Based Concentrations* was completed by an experienced toxicologist (copy included as Appendix E). As summarized below in Section 3, the analysis, based on conservative exposure assumptions, calculated the safe, site-specific *Risk-Based Concentration (RBC)* for Arsenic for potential users of the proposed multi-use, community park to be 14 mg/kg (discussed further below). This RBC (cleanup goal) of 14 mg/kg is well above the UCL-95% for the Site (calculated to be 7.6 mg/kg). Again, the UCL-95% is a site-specific statistical analysis used by risk assessors to evaluate what concentrations would be commonly encountered (95% of the time) by person coming onto the Site, in this case as they walk, skate or bike around the property.

### 2.1 Site Conceptual Model

A *Site Conceptual Model (SCM)* has been developed to describe: 1) the distribution of *Chemicals of Potential Concern* at the Site; 2) potential sources of the *COPCs*; and 3) the media (soil, soil vapor, water, air) affected by the *COPCs*. Our review of previous land use activities that occurred at the Site and follow-up testing of soils indicate the site-specific *COPCs* are Arsenic and Total Lead both of which may be associated with one or more of the historic land uses at the site:

- 1) Imported fill soil and asphalt grindings generated from local public works projects,
- 2) Periodically a construction staging area may have also contributed.
- 3) Long term, season overflow parking area for beach traffic

It is likely the at the *COPCs*'s detected at the site are primarily associated with imported fill soils with were generated from local projects (i.e., the nearby Park Avenue Highway 1 interchange) and assorted Public Works projects. Testing revealed that shallow soil is the only media affected by the *COPCs* because of the limited vertical extent and the non-volatile characteristics of the detected contaminants (i.e., groundwater and soil vapor beneath the Site are not considered potential pathways of concern for this Site).

**2.2 Soil Contamination**

Testing results has shown that two metals, specifically Arsenic and Total Lead, are identified as the *Chemicals of Potential Concern* at the Site as a result of detected exceedances above risk-based, Tier 1 screening levels (see Tables 1, 2, and 3). The extent of soil having elevated concentrations exceeding screening levels has been adequately estimated for remedial planning purposes. Figures 3a and 3b present Arsenic results and Figures 4a and 4b present the Total Lead Results. The text table below summarizes the concentration ranges for these two *COPCs* as well as the location of the highest concentrations detected at the Site.

Locations of the Highest Concentrations of <i>COPCs</i> Detected at the McGregor Community Park Development Property				
Identified <i>Chemical Of Concern</i>	Minimum Concentration (mg/kg)	Maximum Concentration (mg/kg)	Depth & Location of the Highest Concentration	Screening Threshold (residential/commercial) (mg/kg)
Arsenic	< 0.50	40	1 foot bgs ("S-38")	14 – RBC
Total Lead	0.6	520	1.5 foot bgs ("Fill-6")	80 / 320 – ESL

Concentration units presented in milligrams per kilogram (mg/kg), which is equivalent to parts per million (ppm)

RBC = Calculated, Site-specific, *Risk-Based Concentration* for Arsenic This calculated a Site-specific risk-based concentration (RBC) for Arsenic in soil for a hypothetical youth who may come into contact with Site soil based on land-use redevelopment plans (see section 3.1 for details).

ESL = *Environmental Screening Level* (see Table 1 for details).

**3.0 HEALTH RISK ASSESSMENT TO DERIVE RISK-BASED SOIL CONCENTRATIONS**

The Site-specific, *Chemicals of Potential Concern (COPCs)* identified at the Site are anthropogenic substances that were detected at concentrations exceeding Tier 1, risk-based screening levels provided in

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agency guideline documents<sup>12</sup>. The potential for exposure at any site requires the following four elements:

- 1) A source;
- 2) A mechanism of release, retention, or transport of a chemical in a given medium (e.g., air, water, or soil);
- 3) A point of contact with the affected medium (i.e., exposure point/location); and
- 4) An exposure route at the point of contact (i.e., ingestion or inhalation).

If any of these elements is missing, the pathway is considered “incomplete”. The potentially complete exposure pathways considered in the Risk Assessment for the Site are direct soil contact (ingestion and skin contact) and inhalation of soils/dusts.

Based on the soil assessment work described in Section 1.5 (above), two *COPCs* were identified as present in shallow soil at the Site, specifically: Arsenic and Total Lead. A follow-up, site-specific Tier 2 *Health Risk Assessment* (HRA) has been prepared to identify health *risk-based concentrations (RBCs)* for soil for these two identified *COPCs*. The RBCs were generated to assist risk management decisions in regard to the redevelopment of the site. They are being used to guide localized soil removal and to confirm the safety of future land use scenarios.

The HRA was independently completed by credentialed toxicologists from Copeland and Associates (Teri Copeland, MS, DABT, and Heriberto Robles, PhD, DABT). A full copy of their analysis, risk-calculations, and opinions is included as Appendix E.

As described in the Executive Summary of the site-specific HRA, the USEPA’s *Regional Screening Levels (RSLs)* and the Water Board’s *Environmental Screening levels (ESLs)* were used to support a toxicity-concentration screen of the site characterization data, which affirmed arsenic and lead as *COPCs* for which risk-based soil limits were established for the proposed park development. Standard risk assessment procedures, consistent with USEPA and California Environmental Protection Agency (CalEPA) guidance, were used to derive human health RBCs for arsenic for five types of potential future on-site receptors: site-specific recreational youths, commercial workers, site-specific landscape workers, construction workers, and residents. These evaluated receptors are assumed to have a *reasonable maximum exposure (RME)* based on potential exposure routes (i.e., dermal, inhalation) that is based on regulatory risk assessment guidance designed to make risk-based decisions sufficiently protective of the potential receptors. The full evaluation used for identifying potential health risks posed to current and potential future receptors at a site is provided as Appendix E. The evaluation components included:

- *Data Evaluation and Selection of COPCs*: The Site characterization data were evaluated for risk assessment usability and the *COPCs* were confirmed.

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<sup>12</sup>: U.S. Environmental Protection Agency’s (USEPA) *Regional Screening Levels (RSLs)* and the California Regional Water Quality Control Board (Water Board) *Environmental Screening levels (ESLs)*.

- *Toxicity Assessment:* Relevant toxicity endpoints and dose-response criteria were identified.
- *Exposure Assessment:* Potential human receptors and potential exposure pathways for encountering *COPCs* were identified. The magnitude and duration of the receptor-specific exposures were estimated using pathway-specific exposure equations.
- *Risk-Based Concentrations (RBCs) Calculations:* The results of the toxicity assessment and exposure assessment were used to estimate the incremental lifetime cancer risk (ILCR) and the noncancer hazard index (HI) for each receptor.

The Health Risk Assessment identified the relevant toxicity endpoints for the two *COPCs*, which can be based on cancer and non-cancer effects. The most conservative toxicity endpoint was selected for individual RBC analysis.

### 3.1 Analysis of the Total Lead Detections

The non-carcinogenic health effects of Total Lead are assessed separately from other non-carcinogenic *COPCs* and the health effects have been documented on the basis of blood lead concentrations. CalEPA has established an updated *California Human Health Screening Level (CHHSL)* for Total Lead in soil and this screening level is an appropriate value for application as the RBC. The CHHSL values are conservatively established at 80 mg/kg for a child (based on a residential land use scenario) and 130 mg/kg for a commercial worker (assuming the worker is a pregnant female).

### 3.2 Analysis of the Arsenic Detections

Toxicity criteria are used to estimate the incremental risk of developing cancer, corresponding to a lifetime of exposure at the concentrations described in the exposure assessment. Toxicity criteria included cancer slope factors, inhalation unit risks. The potential for noncancer health effects from chronic exposures was evaluated by comparing the estimated daily exposure with referenced levels for oral, dermal and inhalation exposure routes. The following table summarizes the RBC's generated from the analysis for potential site receptors:

Summary of Risk-Based Concentrations (RBCs)

Receptor	RBC (mg/kg)	Basis
Recreational Youth (Site-Specific)	14	ILCR = 1E-06
Commercial Worker		
• USEPA	5	ILCR = 1E-06
• CalEPA	3.3	ILCR = 1E-05

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Receptor	RBC (mg/kg)	Basis
Commercial Landscape Worker		
• Worker USEPA	13	ILCR = 1E-06
• CalEPA	11	ILCR = 1E-06
Construction Worker (one year)		
• USEPA/site-specific	211	ILCR = 1E-06
• CalEPA	15.5	ILCR = 1E-06
Residential Receptor		
• USEPA	1.2	ILCR = 1E-06
• CalEPA	1.2	ILCR = 1E-06

The RBC analysis (Appendix E) included the following conservative exposure scenarios which, as shown above, were based on Cal/EPA & US-EPA default exposure assumptions for each of the following potential receptors:

Recreational Youth: Based on a youth (from age 5 years to 18 years old) is exposed to site soil six hours per day, 150 days per year (three days per week for 50 weeks), for 14 years and using . Age-specific exposure factors were taken from the USEPA's *Exposure Factors Handbook* (USEPA, 2011)..

Commercial Worker: Using Cal/EPA & US-EPA default assumptions for commercial Site worker exposure; i.e., for 8 hours/day, 225/yr for Cal/EPA & 250 days/ year for US-EPA., for 25 years.

Commercial Landscape Worker: Assumes working on-site for 8 hours/day, 125 days per year for 15 years.

Construction Worker (short-term): RBCs were calculated for a short-term construction worker (i.e., one year exposure). Using Cal/EPA & US-EPA default assumptions for construction worker exposure; i.e., for 8 hours/day, 30 days/yr for Cal/EPA & 250 days/ year for US-EPA, for 1 year.

Residential Receptor: Although there is no residential development planned for this commercial site, RBCs were also derived for potential on-site residential receptors. In accordance with health risk assessment guidance, both a child residential receptor and an adult residential receptor were evaluated. The default exposure assumptions include exposure for 24 hours per day, seven days per week, and 50 weeks per year, for 30 years (6 years as a child and 24 years as an adult).

ILCRs (incremental lifetime cancer risk) are estimated as the incremental probability of an individual developing cancer over a lifetime as a result of exposure to a given chemical at a given concentration.

As shown on the above table, the calculated RBCs for arsenic in soil range from 1.2 mg/kg fro a residential scenario up to 211 mg/kg for a short term -specific construction worker). **The conservative RBC for the most likely sensitive receptor, the recreational youth, is 14 mg/kg, considered a safe, Site-wide concentration for land use as a pump track and dog park.** This RBC of 14 mg/kg is nearly double (46%) the Site wide UCL-95% concentration of 7.6 mg/kg, based on the (58) sample population indicating that anthropogenic Arsenic concentrations at the subject Site are not considered an unacceptable risk to members of the public using this park.

### 3.3 Summary of Tier 2 Health Risk Assessment

Total Lead: The *California Human Health Screening Level (CHHSL)* for allowable Total Lead concentrations in soil is an appropriate value for use as the Site's risk based concentration (RBC) limit. The established CHHSL values for Total Lead are 130 mg/kg for a commercial land use scenario, and 80 mg/kg for the residential land use scenario.

Arsenic: In summary, based on the conservative exposure assumptions for the site-specific recreational exposure scenario for a 5 to 18 year old youth, the RBC associated with a one-in-one million ILCR is 14 mg/kg. For purposes of risk management decisions this RBC is selected as an appropriate exposure concentration for Site soil. In addition, based on the size of the site, the concentration distribution of arsenic in site soil, and the exposure scenario, a 95<sup>th</sup>-percent upper confidence limit (95-UCL) on the mean concentration can reasonably be used as the site-specific exposure concentration (see Appendix E for additional details). The Site wide UCL-95% concentration of 7.6 mg/kg is well below the RBC threshold of 14 mg/kg indicating that anthropogenic Arsenic concentrations at the subject Site are not an unacceptable risk.

Contaminant impacts associated with soil vapor and groundwater transport are not considered viable pathways given the detected *Chemicals of Potential Concern* (i.e., relatively immobile, non-volatile shallow contaminants), land use, and vertical limits that were defined by the subsurface investigation results.

The Site is currently a commercially zoned parcel and the planned redevelopment is also considered commercial (a multi-use park containing and above-ground "pump track", which consists of bike jumps and turns, a skateboard park, a dog run and a gravel parking area). The bike pump track will retain an uncovered soil scenario but will be designed with 2 feet of clean, surficial fill soil. The skateboard park will be constructed on asphalt.

Should future plans for the property include residential-type redevelopment, the site-specific risk reevaluation will be needed to confirm there are adequate long-term protections in place for future Site occupants.

### 4.0 REMEDIAL ACTION OBJECTIVE

This *Remedial Action Objective (RAO)* is developed to abate potential health risks resulting from *COPCs* detected at the Site in order to be protective of the current and reasonably anticipated future uses of the Site. Risk-based and background-based remedial criteria have been evaluated in order to establish specific concentrations of chemicals in soil that are protective of human health and the environment (i.e., anthropogenic detections that can safely be left in place). Risk-based cleanup will be based on the proposed commercial land use of the Site, specifically, the McGregor Community Park which will contain a skate park, a bike pump track, a dog park, and a parking lot.

As described in Section 3.0 (above), the results of a site-specific, *Health Risk Assessment to Derive Risk-Based Concentrations* has shown that limited remediation of Total Lead concentrations will be required at two locations for the commercial land use (see Figure 4a). However, the calculations and conclusions of this health risk assessment indicate that remediation of anthropogenic Arsenic concentrations is unnecessary as there are no unacceptable risks to potential users of the proposed multi-use park. However, as described below, the City of Capitola will remediate two areas of the park having the highest anthropogenic concentrations of Arsenic in order to reduce the site-wide Arsenic concentrations. Specifically, removal of soils containing the two (2) highest Arsenic outliers (Figure 3a) would reduce the site-wide, UCL-95% down from 7.6 to 5.9 mg/kg (Chart 2 graphically presents the trend line with the removal of the two outliers, and Chart 3 presents the reduced UCL-95% calculations following soil removal of the two outliers). This action, although unnecessary for the protection of site-wide risk, this good faith effort is being completed to provide extra assurances that the underlying fill is completely safe for users of this multi-use park.

A discussion of human health risks, regulatory requirements, and the remedial action objective developed for the Site is presented below.

#### 4.1 Remedial Action Objective

The Remedial Action Objective (RAO) for the McGregor Park Development Site is to:

- Reduce, minimize, or eliminate potential exposure of park users (receptors) including future Site workers to *COPCs* detected at the Site that may pose an unacceptable human health risk [i.e., > one-in-one million Incremental Lifetime Cancer Risk (ILCR)].

#### 4.2 Site-Specific Remedial Criteria

The risk-based "Site-Specific Remedial Criteria" is a term used to describe the final cleanup goals for the Site and it incorporates a target risk level, assumptions concerning exposure, exposure estimation, and compound-specific toxicity values to obtain a chemical concentration that can be present in soil without creating an excessive likelihood of adverse health effects assuming exposure to affected soils.

The Site-specific *Health Risk Assessment to Derive Risk-Based Concentrations* has affirmed that the *COPCs* at the Site are 1) Arsenic, and 2) Total Lead, and presents the toxicity criteria, exposure assumptions, and methods used to estimate Site-wide risks from these *COPCs* (copy included as Appendix E). As presented in the table below, for Arsenic we have selected the *Risk-Based Concentration* (RBC) generated from the *Health Risk Assessment*, and for Total Lead we have selected the *Environmental Screening Level* (ESL) as the basis for establishing defensible, risk-based cleanup goals for the two identified *COPCs* at the Site.



**Risk & Background Based  
Site Numerical Remedial Criteria (cleanup goals) for Soil**

Chemical	Remedial Criteria for Site Soils (mg/kg)
Arsenic	14 (RBC)
Total Lead	80 / 320 (ESL) (residential / commercial)

Concentration units presented in milligrams per kilogram (mg/kg), which is equivalent to parts per million (ppm)

RBC = Calculated, Site-specific, *Risk-Based Concentration* for Arsenic This calculated a Site-specific risk-based concentration (RBC) for Arsenic in soil for a hypothetical youth who may come into contact with Site soil based on land-use redevelopment plans (see section 3.1 for details).

ESL= Environmental Screening Level. The ESLs are intended to provide guidance on whether or not risk-based remediation of detected contamination is warranted. The ESLs also provide threshold values for various media and sensitive receptor scenarios (see Table 1 for details).

## 5.0 FEASIBILITY STUDY

The *Risk Assessment* has shown that:

- **Total Lead:** Limited remediation of Total Lead concentrations will be required at two locations for the commercial land use (see Figure 4a).
- **Arsenic:** The Tier 2, health risk assessment: 1) quantified the risk-based concentration of 14 mg/kg as an appropriate exposure concentration for Site soil, and 2) affirmed that the 95-UCL<sup>13</sup> can reasonably be used as the safe, site-specific exposure concentration based on the size of the site, the arsenic distribution, and the exposure scenario. The Site-wide UCL-95% concentration of 7.6 mg/kg is well below the RBC threshold of 14 mg/kg indicating that anthropogenic Arsenic concentrations at the subject Site are not an unacceptable risk to potential users of the proposed multi-use park.

Proposed remedial actions will reduce/eliminate potential long-term health risks posed by the *COPCs* detected in Site soils to construction workers during redevelopment, maintenance & landscaper workers who will maintain the Site, and future users of the Site that may be exposed to the Site soils. This *Remedial Action Plan* focuses remedy selection on the planned use of a Site (i.e., a long term, publically accessible, multi-use park containing a compacted gravel parking lot, concrete and/or asphalt covered skate park, a dirt bicycle pump track containing imported clean fill cap, and a dog run area).

<sup>13</sup>: As described in footnote #6 and detailed in Appendix E, the UCL-95% is a site-specific statistical analysis used by risk assessors to evaluate what concentrations would be commonly encountered (95% of the time) by person coming onto the Site, in this case as they walk, skate or bike around the property.

Remedial Action Plan  
McGregor Park Development Property  
March 23, 2015

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The City of Capitola will remediate two areas of the park having: unacceptable Total Lead concentrations (see Figure 4a), and two areas having the highest anthropogenic concentrations of Arsenic (see Figure 3a). The arsenic remedial action, although unnecessary for the protection of site-wide risk, will be conducted as a good faith effort designed to reduce site-wide Arsenic concentrations. Specifically, this remedial action will be designed to remove the two (2) highest Arsenic outliers (Figure 3a) and would therefore reduce the site-wide, UCL-95% down from 7.6 to 5.9 mg/kg.

As per standard *Remedial Action Plan* protocols, the following section describes a number of potential remedial technologies and screens them based on effectiveness, implementability, and cost to satisfy the RAO. The most obvious remedial option for remediating shallow, metal-impacted soil is Excavation and Off-Site Disposal. This remedial action entails excavating and removing the contaminated soils and transporting them to an appropriate landfill for disposal. Clean, imported fill material would replace the removed soil.

#### 5.1 Remedial Action Alternatives

Given the relatively-low concentrations of soil contaminated with Arsenic and Total Lead, three (3) remedial action alternatives identified as reasonable per Site-specific conditions and include:

- 1) **No Further Action**,
- 2) **Partial Excavation and Off-Site Disposal** of the top 1- to 4-feet of soil from specific areas having elevated concentrations of Arsenic and Total Lead, and importing clean replacement fill to backfill the excavated areas.
- 3) **Full Excavation and Off-Site Disposal** of all *COPCs*-impacted soil that exceeds background and ESLs and replacement with clean imported fill.

A discussion of how they would be implemented at the Site is presented below.

- **Alternative 1 – No Further Action:** The No Further Action alternative would not require implementing any measures at the Site and no costs would be incurred. This action includes an institutional control, no treatment of soil, and no monitoring.

Specifically, without remedial actions, a *land use covenant* (LUC) that runs-with-the-land would need to be executed between SC-HSA and the property owner and recorded with the Santa Cruz County Recorder's Office to ensure that information about the residual soil contamination at the Site is available to local governments, the public, prospective purchasers and tenants. The LUC is an institutional control that would limit redevelopment of the property including transition to a different land use including other commercial uses and/or more sensitive uses such as hospitals, day cares, schools, or single-family residential. There would also be restrictions on subsurface development activities involving excavation/trenching into soil containing residual *COPCs* (i.e., for utilities, foundations, grading, and subgrade construction such as an underground parking

garage). Soil handling would require prior approval by SC-HSA and implementation of an agency-approved *Soil Management Plan* to ensure proper notifications, handling, monitoring and disposal of soil containing residual COPCs. The restrictions would be limited to areas having elevated residual COPCs impacts and could involve annual submittals (inspection forms) confirming no disturbance has occurred over the reporting year.

- **Alternative 2 – Targeted Excavation and Off-Site Disposal of COPCs-Impacted Soils:** This alternative would consist of excavating and removing the top 1-to-4 feet of soil from three (3) locations containing elevated COPCs concentrations. Specifically:
  - **One, Delineated Arsenic “Hot Spot” (Figure 3b, at samples #S-31 & -38):** The remedial dig targeting these adjoining sample locations was measured to be approximately 62-foot x 35-foot area to 2-foot bgs, will generate approximately 165 cubic yards (~231 tons based on a 1.4 tons per cubic yard conversion). Figures 3a and 3b show the estimated excavation limits. These soils are acceptable for disposal as non-hazardous soil at a local, Class III landfill (Marina Landfill). Clean, imported fill material would replace the removed soil.
  - **Two, Delineated Total Lead “Hot Spots” (Figure 4a; at #S-12 & -49, and #Fill-5 & -6) –** The remedial dig targeting #S-12 sample location was measured to be approximately 25-foot x 25-foot area to 2-foot bgs will generate approximately 46 cubic (~64 tons based on a 1.4 tons per cubic yard conversion). The remedial dig targeting the three adjoining sample locations (#S-49, Fill-5 and Fill-6) is located along the toe of the slope and was measured to be approximately 55-foot x 22-foot area and ranging from 1- to 4-foot bgs, depending on slope. This dig-out will generate approximately 130 cubic yards (~182 tons based on a 1.4 tons per cubic yard conversion). Figures 4a and 4b show the estimated excavation limits. These soils appear acceptable for disposal as non-hazardous soil at a local Class III landfill but additional stockpile profiling is required to satisfy acceptance frequency testing. These targeted soil locations will be stockpiled at an accessible location of the project and additional samples collected to satisfy Class III landfill acceptance criteria. Following the shallow excavation/grading work, clean, imported fill material would replace the removed soil.

In total, Alternative 2 would include the removal of approximately 341 cubic yards of impacted soil the site (~477 tons based on a 1.4 tons per cubic yard conversion).

The City of Capitola Public Works and their licensed earth works contractors will be responsible for implementing this limited excavation in conjunction with the Site redevelopment of the multi-use park. Standard-of-care earthworks practices will be in place for construction site safety and for controlling the generation of dust contact (i.e., wetting soils, monitoring wind speed, visual dust monitoring, etc.). Weber, Hayes, and Associates will manage environmental aspects of this project including agency coordination, environmental site safety (including tail gate safety

meetings), determining the limits of the target excavations with confirmation base and sidewall testing, soil stockpile management, landfill acceptance profiling disposal documentation, and correspondence and reporting to the SC-HSA.

Note: All work is to be conducted by excavator and backhoe and there is no trench work for this grading project. The earthworks will be monitored for dust control, and gloves will be used as additional level of protection when handling soils (an environmental site safety plan is provided as Appendix F, for work tasks conducted within impacted areas).

As shown in the *Summary Table of Risk-Based Arsenic Concentrations* (RBCs) presented in Section 3.1 of this report, all COPCs will be removed to commercial land use standards but residual concentrations of anthropogenic Arsenic will be left in place, so any future transition to residential land use would require notification and consultation with SC-HSA to confirm appropriateness of existing and/or proposed mitigations.

- **Alternative 3 – Complete Non-Native Fill Removal and Off-Site Disposal:** The current configuration of the Site consists of a backfilled depression containing fill soils that were imported to the site, reportedly starting in the early 1960s, with soils generated from the nearby Highway 1/Park Avenue interchange and since that time with periodic Public Works project generated fill soil and asphalt grindings. Shallow impacted soils at the Site are limited to the two metals (Total Lead and Arsenic) and impacted areas include: 1) two relatively small areas containing elevated to Total Lead (Figure 4a), and 2) widespread areas having Arsenic concentrations that exceed the naturally occurring “background” concentration range of 1.8 to 3.1 mg/kg (the 95%-UCL for the r the background sample set is 2.7 mg/kg, see Chart 4). One option to gain an unrestricted land use certification (i.e., for residential redevelopment of this commercial site) would be to remove the imported fill wedge that exists thereby eliminating any perceived increase of risk due to elevated Arsenic concentrations detected within the fill soils.

This complete removal of the existing non-native fill would consist of excavation and off-site disposal of the impacted soils (i.e., the entire “Fill Wedge”). This action would result in the elimination of institutional controls, or other obligations to the overseeing agency. (i.e., ongoing monitoring inspections or soil management).

The total volume of the existing fill wedge has been estimated to be approximately 36,915 cubic yards (~ 51,681 tons based on a 1.4 tons per cubic yard conversion) based on a 74,000 ft<sup>2</sup> footprint with infilled thicknesses ranging from 2-feet along the north edge) and to 25-feet bgs, at the south edge drop-off. See Figure 6 for the estimated excavation boundaries.

## 5.2 Remedial Action Alternatives Evaluation

Based on the evaluation relative to the three (3) Remedial Alternatives presented above, **Alternative 2 (Targeted Excavation and Off-Site Disposal of COPCs-Impacted Soils)** has been selected as the most

reasonable and appropriate remedial option because it is protective of human health, is effective over both the short and the long term, removes the main *COPC* (Total Lead), and reduces the potential increased risk of the remaining *COPC* (Arsenic), is implementable, and is relatively cost effective. Although some post-remediation fill soils remaining on Site will contain Arsenic concentrations that exceed background Arsenic (i.e., range of 1.8 to 3.1 mg/kg), a completed *Health Risk Assessment to Derive Risk-Based Soil Concentrations* (Appendix E) indicates that post-remediation Arsenic concentrations (i.e., UCL-95% reduced to 5.9 mg/kg) will have no unacceptable risks for commercial land uses, including the proposed multi-use park redevelopment.

**Alternative 3 (Complete Non-Native Fill Removal with Off-Site Disposal)** (estimated at \$3,100,860) is much more expensive than *Alternative 2* (estimated at \$49,620). The main advantage behind completing the *Alternative 3* would be obtaining an unrestricted land use certification. While this unrestricted land use certification is advantageous, the disadvantages of this invasive remedial approach include: the prohibitive cost; the non-green stigma or moving large volumes of low-impact soils from one location to another (i.e., fuel use and emissions generated from earthworks and ~2,400 truck loops); the loss of valuable landfill space; safety, traffic, and noise impacts resulting from the large number of transport rigs needed for this alternative; and the likely loss of completing the multi-use park due to lack of funds and ultimately an unbuildable site.

Though it is not fully consistent with the local policy of removing all contamination when a property is sold or redeveloped, the *Site-Specific Risk-Based Concentration Analysis for Arsenic* indicates there is no risk if

**Alternative 1 (No Further Action):** Would eliminate redevelopment possibilities for the Site as no action would be unacceptable to the overseeing health agency (SC-HSA). The site would need to remain shuttered (i.e., a brownfield) until remedial actions could be completed.

## 6.0 PRELIMINARY REMEDIAL DESIGN

This section presents the remedial action steps that would be conducted in order to complete the selected remedial action alternative (i.e., *Alternative 2, Targeted Excavation and Off-Site Disposal of COPCs-Impacted Soils*)

Redevelopment grading at the site is currently on hold till this *Remedial Action Plan* gets approved. The contracted earth moving contractor is ready to mobilize and will complete the limited excavation in conjunction with other Site redevelopment and construction tasks. Standard-of-care earthworks practices will be in place for construction site safety and for controlling the generation of dust contact (i.e., wetting soils, monitoring wind speed, visual dust monitoring, etc.). Weber, Hayes, and Associates will manage environmental aspects of this project including agency coordination, environmental site safety (including tail gate safety meetings), determining the limits of the target excavations with

Remedial Action Plan  
McGregor Park Development Property  
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confirmation base and sidewall testing, soil stockpile management, landfill acceptance profiling disposal documentation, and correspondence and reporting to the SC-HSA.

Earthworks: All soil removal, stockpiling, and truck loading work is to be conducted using heavy equipment (excavator, backhoe, tarped transport end dumps). There will be no trench work/workers for this grading project. Earthworks will be monitored for dust control, and gloves will be used as additional level of protection when handling soils (an environmental site safety plan is provided as Appendix F, for work tasks conducted within impacted areas).

The soil will be removed using standard earthmoving equipment. Excavated soil will be segregated and stockpiled on-site for landfill acceptance testing and then loaded on to trucks for non-hazardous transport to a local Class III landfill (acceptance pending results of stockpile sample testing and landfill acceptance profile approval). Any stockpiled soils from the target (impacted) locations will be placed on an impermeable surface (i.e., asphalt, plastic sheeting); if excavated material is placed on native soils, at least 2-to-4 inches of underlying soils will be scraped to prevent leaving cross-contaminated soils at the site. All stockpiles will be tarped with plastic sheeting that is adequately held down to prevent wind disturbance of the cover or infiltration from rains. It is anticipated that all 477 tons of soil will be disposed of at the Class III Landfill. As necessary, the soil transport trucks will return with clean, replacement fill soil to minimize the overall cost of remedial actions. Any new fill brought to the Site will be tested for potential contaminants of concern based on land use (including Total Lead and Arsenic) prior to use.

Field Oversight and Confirmation Sampling: Experienced field staff from Weber, Hayes, and Associates will manage the environmental portion of the project, including determining the final limits the excavations, confirmation sampling from excavation base (one sample every 400 ft<sup>2</sup>) and sidewalls (one sample every 20 lateral feet, and if necessary for every 5 vertical feet of excavation), managing soil stockpiles of excavated materials, disposal profiling, and correspondence and reporting to the SC-HSA. A Site Safety Plan (SSP) has been completed and included in Appendix F which addresses soil handling management concerns, which will be reinforced during daily tailgate reviews.

Reporting: A comprehensive *Remedial Action Implementation Report* will document completion of all remedial excavation, testing, and disposal work tasks as discussed in this RAP. The report will include tabulated results of all excavation confirmation samples, figures of final excavation limits, laboratory testing and landfill disposal documentation, and recommendation for any additional work tasks, if any.

Note: All COPCs will be removed to commercial land use standards (see RBCs, Section 3.1) but residual concentrations of anthropogenic Arsenic will be left in place, so any future transition to residential land use would require notification and consultation with SC-HSA to confirm appropriateness of existing conditions and/or the need for any additional mitigations. SC-HSA may document this in their *No Further Action* letter, along with additional obligations, if any.

## 7.0 IMPLEMENTATION SCHEDULE

Initial grading and Site preparation tasks for the community park redevelopment project was initiated in September 2014 but the project was put on hold till the *COPCs* issue was resolved. The earthworks contractor is ready to mobilize immediately upon agency approval of this *Remedial Action Plan*. Remedial earthworks (digging, stockpiling, loading, & trucking) will be completed on a parallel track with other Site redevelopment and construction tasks. As described above, all impacted soils will be handled separately and segregated into separate stockpiles for landfill profile testing and ultimately off-site disposal. Upon agency approval of this RAP, the anticipated implementation schedule will be:

Task 1: Project Planning and Permitting:	On-going
Task 2: Utility Clearance and Site Preparation:	Completed
Task 3: Excavation, Backfill, and Compaction:	Within 2 weeks
Task 4: Landfill Profiling and Off-Haul:	2 weeks following Task 3
Task 5: Final Documentation of Remedial Action:	4 weeks following Task 4

## 8.0 RECOMMENDATIONS

We recommend implementing Alternative 2 (Targeted Excavation and Off-Site Disposal of *COPCs*-Impacted Soils), which will reduce/eliminate potential long-term health risks posed by the *COPCs* detected in Site soils to construction workers during redevelopment, maintenance & landscaper workers who will maintain the Site, and future users of the Site that may be exposed to the Site soils. This *Remedial Action Plan* selected this remedy based on the planned use of a Site (i.e., a long term, publically accessible, multi-use park containing a compacted gravel parking lot, concrete and/or asphalt covered skate park, a dirt bicycle pump track containing imported clean fill cap, and a dog run area).

## 9.0 LIMITATIONS

All work related to the hazardous materials investigation and remediation at this Site has been completed under the direct supervision of a Professional Geologist or Engineer, registered in California, and experienced in environmental remediation.

Item #: 9.A. Attach 1.pdf

Remedial Action Plan  
McGregor Park Development Property  
March 23, 2015

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We appreciate the opportunity to participate in the remedial evaluation of this Site. If you have any questions regarding this project, please call us at 831.722-3580.

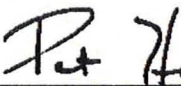
Sincerely yours,

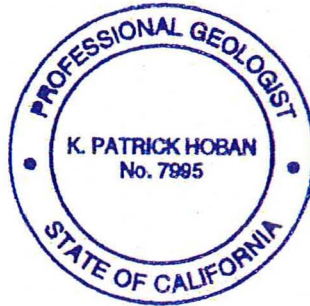
Weber, Hayes and Associates, Inc.

By:

  
\_\_\_\_\_  
Josh Hannaleck  
Staff Engineer

And:

  
\_\_\_\_\_  
Patrick Hoban, PG  
Senior Geologist





**REFERENCES**

American Scientific Laboratories, LLC; *Certified Analytical Results*, (Subcontracted through Entech Analytical Labs, Inc. to analyze PAHs) May 23, 2002

Battelle 2002, *Guidance for Environmental Background Analysis*, Naval Facilities Engineering Command, Washington DC. Battelle Memorial Institute, April 2002

Brabb, Earl E., *Geologic Map of Santa Cruz County*, USGS, 1989

California Environmental Protection Agency (Cal/EPA):

- *Human-Exposure-Based Screening Numbers Developed to Aid Estimation of Cleanup Costs for Contaminated Soil*, Cal/EPA Office of Environmental Health Hazard Assessment, Revised January 2005
- *Use of Northern California and Southern California Polynuclear Aromatic Hydrocarbon (PAH) Studies in the Manufactured Gas Plant Site Cleanup Process*, Cal/EPA Department of Toxic Substances Control, Sacramento, CA, July 1, 2009

California Regional Water Quality Control Board (CRWQCB):

- *Screening for Environmental Concerns at Sites with Contaminated Soil and Groundwater*, California Regional Water Quality Control Board, San Francisco Bay Region, Interim-Final November 2007, (Revised December 2013)

County of Santa Cruz Health Services Agency, Environmental Health:

- *Notice of Intent to Open Remedial Action Case under Voluntary Cleanup Program, 1560 McGregor Drive, McGregor Property, Capitola, CA.*, October 21, 2014
- November 12, 2014, SC-HSA email: *RE: McGregor Park Development Sampling Plan - RE: 1560 McGregor Drive, Capitola (Total Lead-impact soil removal plan)*
- January 30, 2015; SC-HSA email: *RE: Notification - Tentative Plan for Limited Excavation for Skate Park Post/Footing Installs Next Week (McGregor Park, 1560 McGregor Drive) – Questions and Related Comments*
- February 9, 2015, SC-HSA email: *RE: Notification - Tentative Plan for Limited Excavation for Skate Park Post/Footing Installs Next Week (McGregor Park, 1560 McGregor Drive)*

Environmental Resource Management, Walnut Creek, California, *Hookston Station Feasibility Study, Table A-2*, July 10, 2006

Kearney Foundation Special Report, *Background Concentration of Trace and Major Elements in California Soils*, March 1996

Lawrence Berkeley National Laboratory, University of California Environmental Restoration Program, *Protocol for Determining Background Concentrations of Metals in Soil at Lawrence Berkeley National Laboratory*, August 1995

United States EPA-Region 9, *Preliminary Remediation Goals*, October 2004

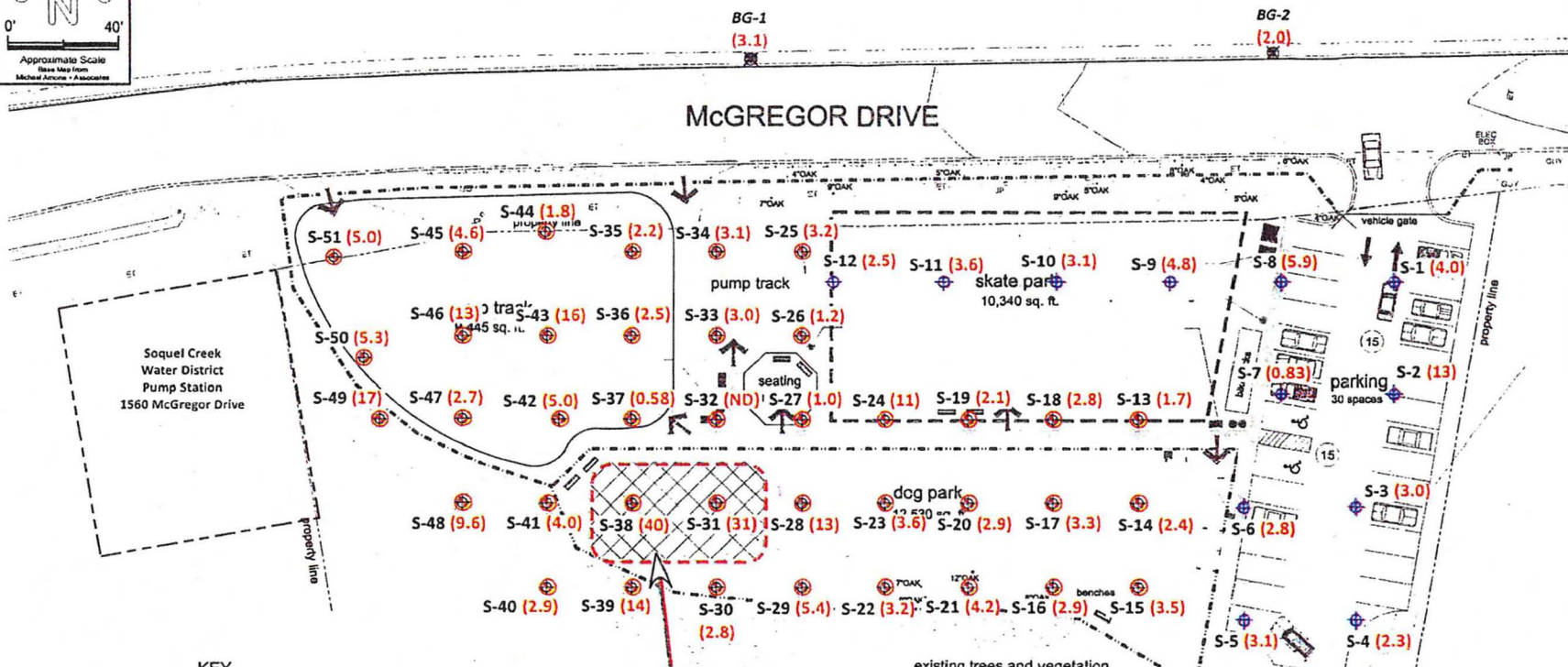
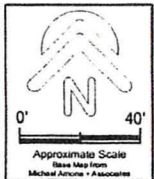
## Item #: 9.A. Attach 1.pdf

Remedial Action Plan  
McGregor Park Development Property  
March 23, 2015

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### Weber, Hayes and Associates (WHA):

- October 23, 2014 Email; *1560 McGregor Drive, Capitola (Total Lead-impact soil removal plan)*
- November 11, 2014 Email; *McGregor Park Development Sampling Plan - RE: 1560 McGregor Drive, Capitola (Total Lead-impact soil removal plan)*
- November 20, 2014 Email; *1560 McGregor Drive - DRAFT Results of the recent sampling event*
- January 15, 2015 Email; *McGregor Park Status: Summary of Risk-Based Arsenic Concentrations for Additional Scenarios*
- January 30, 2015 Email; *Notification: Tentative Plan for Limited Excavation for Skate Park Post/Footing Installs Next Week (McGregor Park, 1560 McGregor Drive)*
- February 9, 2015 Email; *RE: Notification - Tentative Plan for Limited Excavation for Skate Park Post/Footing Installs Next Week (McGregor Park, 1560 McGregor Drive); Response to Comments regarding Limited Excavation Protocols*



- KEY**
- ← ADA accessible walkway
  - ← pedestrian entrance
  - landscape buffer : low growing, drought tolerant planting
  - - - 6' chain link fence (skate park)
  - · - · 3' wood and wire fence (dog park)
  - · - · 3' high split rail fence (kids play area and street frontage)
  - POAK Existing trees to be removed

Base map from  
 Michael Arnone Associates (Landscape Architecture)  
 McGregor Park Preliminary Site Plan - Option A  
 October 25, 2013

**Explanation**

- ⊕ = Soil Sampling Locations in areas to be covered by asphalt  
 - Spaced on 40-ft Centers (S-1 to S-12)
- ⊙ = Soil Sampling Locations in areas to be covered by dirt  
 - Spaced on 30-ft Centers (S-13 to S-51)
- S-6 (8) = Sampling ID (and detected Arsenic concentration in mg/kg)
- BG-4 ⊗ = "Background" Samples (5 each)

All Soil samples shown in this figure were collected at ~ 1 foot below ground surface and analyzed for Arsenic & Lead by EPA Method 6010 / 6020. Deeper samples (2-foot depth) were collected and ran as confirmation samples.

Figure 3a  
 Project 2X432

Arsenic Results  
 Shallow Soil Sample Locations  
 McGregor Park Development  
 McGregor Drive  
 Capitola, California



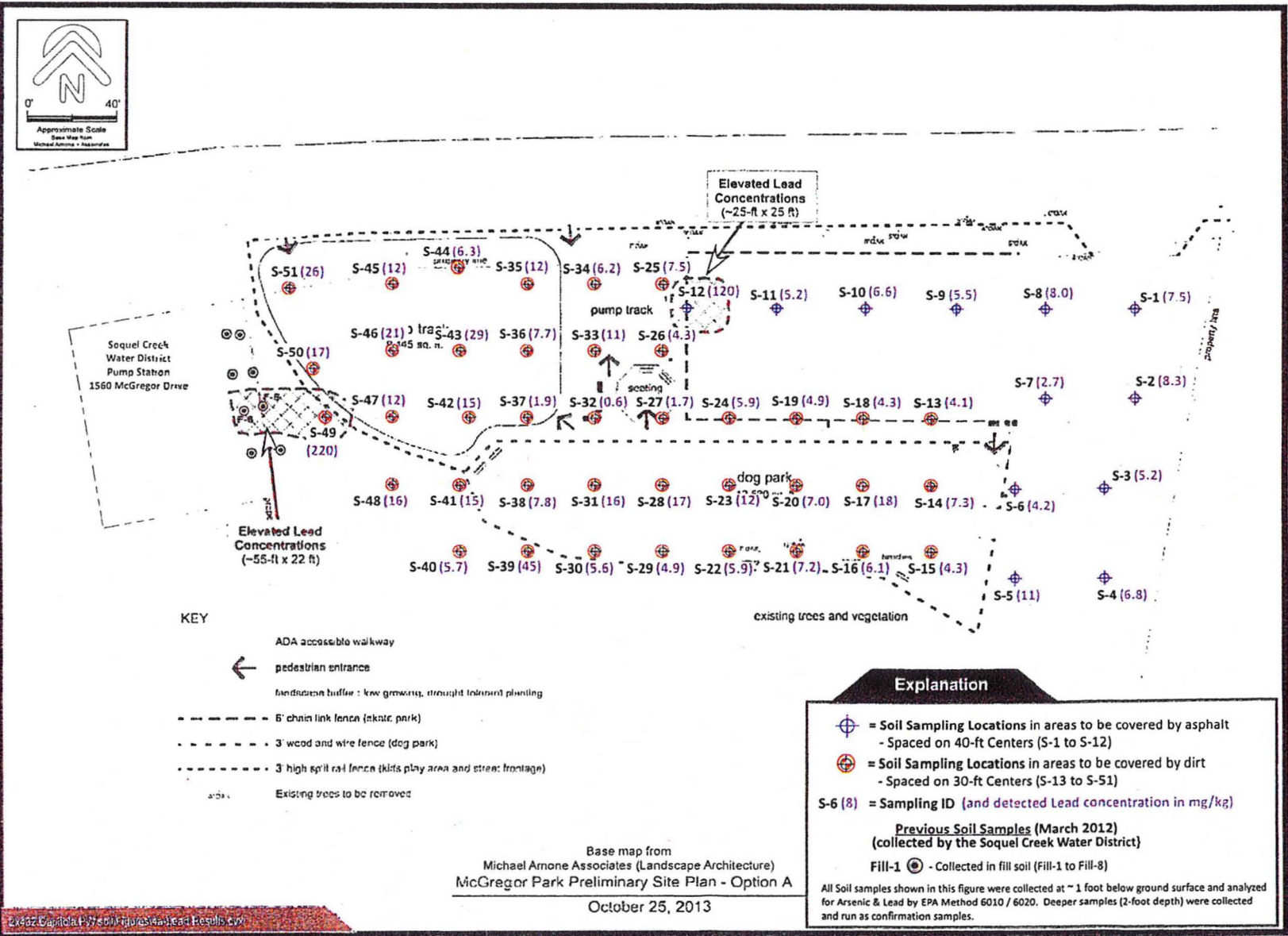


Figure 4a  
Project 2X432

**Total Lead Results**  
Shallow Soil Sample Locations  
McGregor Park Development  
McGregor Drive  
Capitola, California

**Weber, Hayes & Associates**  
Hydrogeology and Environmental Engineering  
120 Wastgate Drive, Watsonville, CA  
831.722.3560 / www.weber-hayes.com

Ex:02:Capitola Park Soil Samples Lead Results.cdw

**MG CREATIONS CONSTRUCTION**      **LIC. 908910**  
**322 CENTENNIAL ST. SANTA CRUZ, CA. 95060**  
**PH: 760-473-5481**  
**EMAIL: MIKE@SKATEBOARDLOCKERS.COM**

June 2, 2015

To: Steve Jesberg, City of Capitola

Project: MacGregor Skate Park

**PROJECT PROPOSAL:  
(CONCRETE PAVING)**

MG Creations has carefully considered and viewed the proposed jobsite, existing conditions and the work and materials required to complete this project and hereby offers to complete the project for the following **Lump Sum: \$34, 600**

Scope of Work:

- Pave approximately 5,100 sq. ft. flat area (complete footprint of the skate park area)
- Will use 5" of 4000 psi concrete on existing grade
- #4 rebar @ 18" O.C.
- Includes saw-cutting for control of cracking

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# Proposal



## Paving Contractors, Inc.

310A Kennedy Drive, Capitola, CA 95010

Lic. #807689 A

Contact: Jim Polizzi

Phone: 831/475-1223

Fax: 831/475-1173

Quote To: Mr. Steve Jesberg  
City of Capitola Public Works

Phone:  
Fax:

Job Name: McGregor Park Abatement

Date of Plans:  
Revision Date:

Date 07.10.15  
Proposal valid for 30 days

ITEM	DESCRIPTION	QUANTITY	UNIT	AMOUNT
10	Option 1	1.00	LS	122,000.00
20	Option 2	1.00	LS	90,000.00

**NOTES:**

Proposals are in accordance with Weber, Hayes and Associates Arsenic Results and Shallow Soil Sample Locations

Option One consists of preparation to receive fill, haul, place, compact and grade 2,880 Tons of Fill Material over existing Arsenic Contaminated soils and Paving of proposed parking lot at 2" thick Type B Asphalt Concrete as shown.

★ Option Two consists of Excavation, hauling and disposing of 1,600 Tons of existing Arsenic Contaminated soil, including dump fees and importing, placing, compacting non-specified fill material to grade. Testing of proposed fill material by others. Pricing may vary should proposed fill material prove unacceptable.

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## CITY COUNCIL AGENDA REPORT

MEETING OF AUGUST 13, 2015

FROM: DEPARTMENT OF PUBLIC WORKS  
SUBJECT: RECEIVE REPORT ON THE 2015/2016 CAPITAL IMPROVEMENT PROGRAM

**RECOMMENDED ACTION:** Accept report and provide direction.

**BACKGROUND:** The 2015/2016 Capital Improvement Program (CIP) includes a total of \$4.272 million dollars in funding for 22 projects. The 22 projects include 11 projects carried forward from previous years (\$2.705 million) and 11 newly funded projects (\$1.567 million). Over the past two years, \$1.2 million of Measure O funds and an additional \$700,000 in General Fund year-end balance have been allocated to the CIP. The balance of the funding of \$1.04 million comes predominately from grants. Completion of the CIP projects in a timely manner has become a challenge for the Public Works Department due to a combination of internal and external issues. In March of this year the City issued two design contracts for engineering services; one for pavement management projects and the second for transportation and general projects. Both of the selected firms are fully engaged in their respective projects and many are nearing completion of the design work. Many of the projects though, require extensive utility coordination such as the roundabout at Capitola Avenue and Bay Avenue and the Clares Street Traffic Calming Project.

**DISCUSSION:** Attached is a full list of the CIP projects which includes their status as of July 31, 2015 (Attachment 1). Staff will present full details of each project and discuss any ongoing issues and the project timelines.

An option to consider facilitating the larger more complicated projects would be to bring in a project manager at the beginning of the project to lead the project through the planning, design, public outreach, bidding, and construction phases. Other agencies have used this approach to insure consistency throughout the project life and avoid delays. The City used this approach on the 41st Avenue Federal aid project built with ARRA funds to make sure deadlines and federal reporting standards were met. Several local consulting firms provide this service, and with direction from Council, staff will reach out to them to determine costs.

**FISCAL IMPACT:** To be determined.

**ATTACHMENTS:**

1. Capital Improvement Program Project List

Report Prepared By: Steven Jesberg  
Public Works Director

Reviewed and Forwarded  
By City Manager, 

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**CIP Project Schedule**

**Design**

<u>On-Going Projects</u>	<u>Status</u>	<u>Consultant</u>	<u>Construct Date</u>
Clares & Wharf Traffic Calming	Conflicts with County sewer project - on hold to 2016	Harris	Summer 2016
38th Avenue Overlay	To bid August 2015, construct in fall	Bowman & Williams	Fall 2015
Park Avenue Sidewalk	80% designed, bid October. Hold workshop in August	Harris	Fall 2015
Stockton Ave Pedestrian Improvements	Construct in Oct	Bowman & Williams	Fall 2015
Hill Street Pedestrian Improvements	In design, hold workshop in August bid in September	Kimley-Horn	Winter 2015
Park Avenue Paving & Bike Lane	In design, bid in October construct in winter	Nichols Consulting	Winter 2015
Rosedale Ave, Carl Lane, Alma Lane & Rosedale Cir	Bid received from County contractor.	Nichols Consulting	Summer 2015
Monterey & Park Railroad Station Park & Pathway	Preliminary plan complete, scheduling meeting with SCCRTC to review	Kimley-Horn	Spring 2016
Village Sidewalk Cooperative Projects	Design contract awarded	Bowman & Williams	Winter 2015
ADA Improvements	TBD Update to Transition Plan	Varies	N/A
Roundabout Design at Capitola Ave and Bay Ave	Preliminary plan complete. Federal funding approved. Schedule workshop	Kimley-Horn	2017
<b><u>New Projects</u></b>			
Monterey Avenue Paving	In design. Bid in Spring Construct after school out next summer	Nichols Consulting	Summer 2016
PMP paving - 42nd & Diamond neighborhood	include with above project	Nichols Consulting	Summer 2016
Utility Undergrounding	Part of roundabout project. Coordinating with PG&E	Kimley-Horn	2016
Stockton Avenue Bridge Assessment	Proposals due on scope in September	Kimley-Horn	N/A
Bay Avenue Streetscape	In design, bid in Spring 2016	Nichols Consulting	Summer 2016
Rispin Park	Concept approved, CEQA this fall, bid in winter, summer 2016 construction	Arnone	Summer 2016
Tennis Court Reconstruction	Waiting word on USTA grant. Need to coordinate with Recreation	Staff	Spring 2016
Enhanced Bike Lanes at Highway 1 crossing	Working with County to get Caltrans approved design, will need Caltrans	Kimley-Horn	Summer 2016
Stockton Avenue Bridge Parkway Design	Preliminary Plan in December - funding for design only	Kimley-Horn	N/A
Village Drainage Assessment (Capitola Avenue)	Study completed in August	Kimley-Horn	N/A
Sanctuary Trail Markers	TBD	Staff	TBD

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## CITY COUNCIL AGENDA REPORT

MEETING OF AUGUST 13, 2015

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: **407 A/B + 411 Beverly Ave #15-106 APN: 035-093-41**

Request for an extension to the amortization period to continue the nonconforming use (three-unit multi-family on one parcel) in the R-1 (Single-Family Residential) Zoning District.

This project is in the Coastal Zone, but does not require a Coastal Development Permit.

Environmental Determination: Categorical Exemption

Property Owner: Palmer Exemption Trust

Representative: LaDon Detro, filed 6/23/15

**RECOMMENDED ACTION:** Approve a 50-year extension of the amortization period to allow the multi-unit residential use at 407 A and B and 411 Beverly to continue as a nonconforming use in the R-1 Zoning District.

**BACKGROUND:** The duplex located at 407 Beverly Avenue Suites A and B and the single-family home at 411 Beverly Avenue are located on the same parcel (APN 035-093-41). The multi-unit residential use is a legal nonconforming use in the R-1 Zoning District. Section 17.72.060 of the Zoning Code regulates nonconforming activities and structures on improved R-1 parcels.

17.72.060(A): "Amortization. Nonconforming activities in R-1 zones must be discontinued on June 26, 2019 or fifty years from the date the activity first became nonconforming, whichever is later, ..."

The subject property became a non-conforming use in 1951 and is subject to the June 26, 2019, extension deadline. The property is currently under contract to be purchased. Prior to sale, the owner is requesting an extension of the amortization period.

**DISCUSSION:** Based on Section 17.72.060(C), the City Council can grant an extension to the amortization period if they are able to make the following findings:

1. In this particular situation, the appearance, condition and management of the property is such that the property is not greatly detrimental to the single-family residential character of the neighborhood in which it is located;
2. The extension is necessary in order to prevent a major economic loss to the property owner and to lessen deterioration; and
3. That all reasonable conditions have been imposed for the purpose of repairing dilapidation and bringing, or keeping, the property up to neighborhood standards.

As part of the application, the owner has provided a letter requesting an extension in perpetuity (Attachment 1) pursuant to Section 17.72.060(C), "Extensions granted under this section shall be at least fifty years from the date the application is granted." There is not mention of a maximum time allowance for extensions; rather only standards for a minimum. The applicant also submitted a site plan showing the footprints of the buildings, location of trash storage, and parking (Attachment 2) and a four-year property management summary (Attachment 3).

## Item #: 9.C. Staff Report.pdf

8-13-15 AGENDA REPORT

EXTENSION APPLICATION AT 411 BEVERLY AVENUE FOR A NON-CONFORMING MULTI-FAMILY HOME IN THE R-1 ZONE

Based on staff's review of the submittal material and upon inspection of the property, it appears that the necessary findings can be made to grant the extension.

- 1. In this particular situation, the appearance, condition and management of the property is such that the property is not greatly detrimental to the single-family residential character of the neighborhood in which it is located;**

The property appears to be managed such that it is not greatly detrimental to the surrounding single-family residential character of the neighborhood. City records show that repair permits have been pulled multiple times, including re-roof of home (1992), electric service upgrade (1998), re-roof of garage (2003), and rot and foundation repair (2004). During a recent site review, planning staff found the living conditions for tenants to be comfortable with updated appliances and maintained grounds. The only impact to the single-family residential neighborhood is the lack of onsite parking.

- 2. The extension is necessary in order to prevent a major economic loss to the property owner and to lessen deterioration; and**

Denial of the extension would ultimately require the three-units on the parcel to be discontinued, thereby limiting the income and reducing the value of the property. The extension would prevent an economic loss to the property owner.

- 3. That all reasonable conditions have been imposed for the purpose of repairing dilapidation and bringing, or keeping, the property up to neighborhood standards.**

The one impact this property has on the neighborhood is lack of onsite parking spaces. The Zoning Code requires two parking spaces for each unit, one of which is covered. Spaces must be a minimum of nine by eighteen feet. There is one bona-fide parking space on the site. The space is located within the garage. There is a tandem space located in front of the garage that is twelve feet wide by twelve feet deep; four feet short of the eighteen foot requirement. Five of the six required parking spaces are not in compliance.

There is a 10 foot strip of unimproved right-of-way along Beverly in which tenants park. As indicated in gray shading on the site plan, there is adequate space for one car in front of the duplex and three cars in front of the single-family home within the unimproved right-of-way area.

The applicant requested the extension be granted in perpetuity. Although this property has been well maintained, staff would recommend the extension be granted for 50 years to ensure that property continues to be well managed into the future.

**FISCAL IMPACT:** None

**RECOMMENDATION:** Approve a 50-year extension of the amortization period to allow the multi-unit residential use at 407 A and B and 411 Beverly to continue as a nonconforming use in the R-1 Zoning District, as conditioned.

8-13-15 AGENDA REPORT

EXTENSION APPLICATION AT 411 BEVERLY AVENUE FOR A NON-CONFORMING MULTI-FAMILY HOME IN THE R-1 ZONE

**CONDITIONS**

1. The Zoning Code requires that nonconforming activities in R-1 zones must be discontinued on June 26, 2019 or fifty years from the date the activity first became nonconforming, whichever is later unless an extension is granted by the City Council. The property became non-conforming in 1951. The approval consists of a 50-year extension of the amortization period to allow the multi-unit residential use at 407 A and B and 411 Beverly to continue as a nonconforming use in the R-1 (Single-Family) Zoning District.
2. The extension of the non-conforming use is granted for a maximum of 50 years.

**FINDINGS**

- A. **Community Development Staff and the City Council have reviewed the extension application and found the appearance, condition and management of the property is such that the property is not greatly detrimental to the single-family residential character of the neighborhood in which it is located.**

The property is located in the Riverview Terrace neighborhood. The duplex and single-family home fit within the residential character of the neighborhood. The property is in good condition and has been maintained over the years with a new roof, upgraded electric improvement, and foundation work.

- B. **Community Development Staff and the City Council have reviewed the extension application and found the extension is necessary in order to prevent a major economic loss to the property owner and to lessen deterioration.**

Denial of the extension would ultimately require the three-units on the parcel to be discontinued, thereby limiting the income and reducing the value of the property. The extension would prevent an economic loss to the property owner.

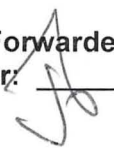
- C. **Community Development Staff and the City Council have reviewed the extension application and found that all reasonable conditions have been imposed for the purpose of repairing dilapidation and bringing, or keeping, the property up to neighborhood standards.**

The subject property is in excellent condition with no signs of dilapidation. The extension is conditioned to be in effect for 50 years to ensure ongoing upkeep and maintenance.

**ATTACHMENTS:**

1. Request for Extension
2. Site Plan
3. Property Management Summary
4. Photos

Report Prepared By: Katie Cattan  
Senior Planner

Reviewed and Forwarded  
By City Manager: 

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June 23, 2015

City of Capitola  
Planning Department,

I am asking for an extension of the nonconforming parcel #035-093-41. Property address is 407A & B and 411 Beverly Avenue, Capitola.

I am specifically requesting that perpetuity be granted under the circumstances. I feel that the property should have been grandfathered in because of the uniqueness and legacy of the structures and how they add to the charm of the surrounding neighborhood.

There are two structures on the parcel, one is a 2 bdrm, 2 bath log cabin house that was built in 1935. The other is a single structure duplex consisting of two 1 bdrm, 1 bath apartments that were built in 1948.

The property is located on a corner lot, surrounded by low picket fencing that frames the beautiful gardens contained inside. The landscape is completely maintained and professionally cared for. Flowers bloom all year round on both sides of the streets, Oak/Beverly.

There is a driveway and a one car detached garage for the log home. A tall hedge and landscaping separates the structures giving it the appearance of two single family homes. In addition to the garage and driveway parking, there is plenty of street parking in front of the property, so there is no impact to the parking across the street or around the corner along Oak Street. My property has the only residential structures facing Beverly on my side of the block. On the opposite side of the street, there is only one residential structure facing Beverly. This makes for a very low impact on neighborhood parking for my entire block.

The garbage is kept neatly tucked under the stairs of the apartments and is put out on the street Sunday night for a Monday morning pick up. The containers are always put back in place and never left out on the street. The containers cannot be seen by any neighbors.

Being one of the residents and having this as my primary home, I feel that things will always be maintained and kept to the standards of the neighborhood. The rental units are also primary homes for the residents, so there should be no concern about vacation rentals and the problems associated with that.

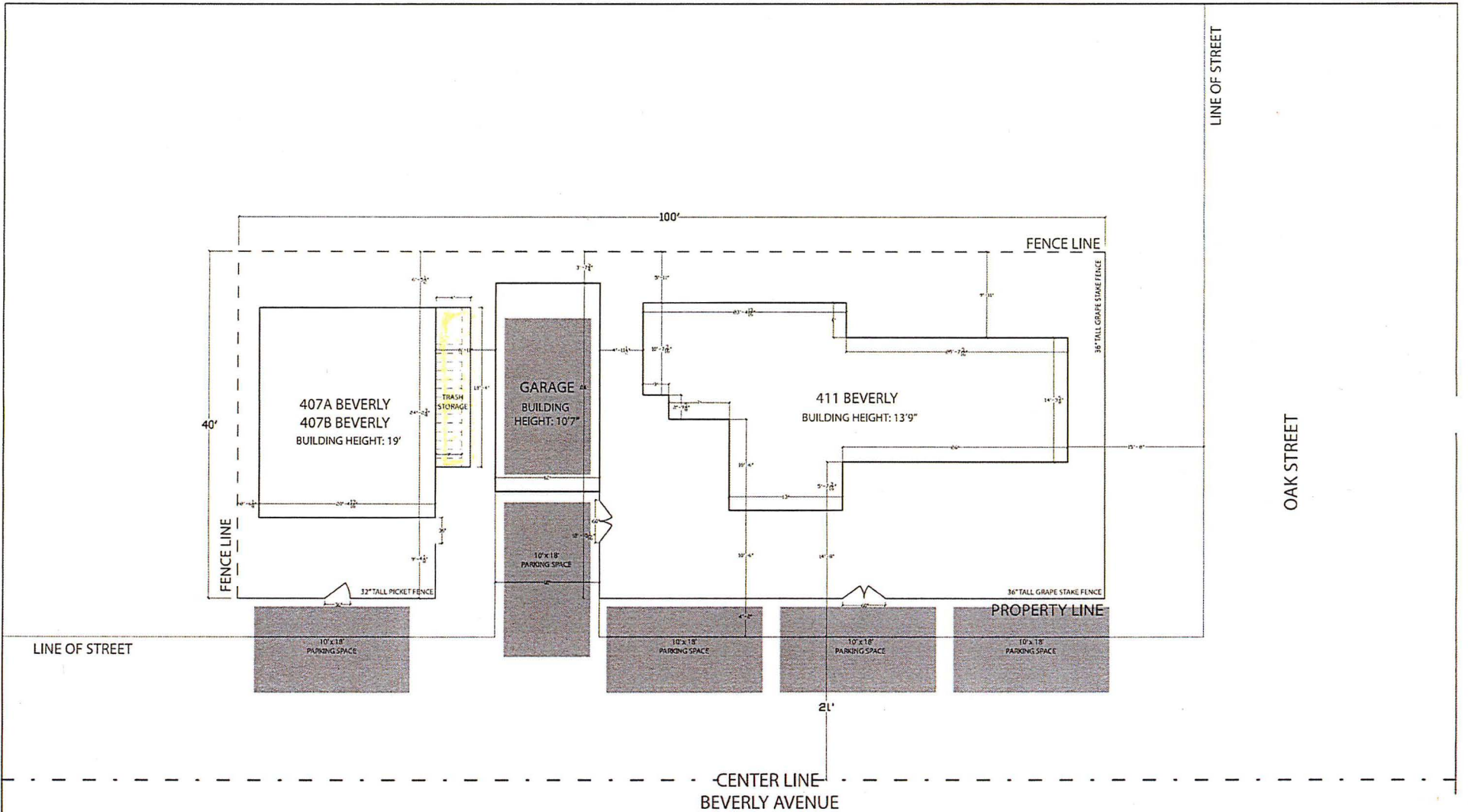
I have attached photos of the various views of my property that I have just described.

Thank you in advance for your consideration,



LaDon Detrow

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407A, 407B, & 411 Beverly Avenue  
 Capitola, CA 95010

Drawing: Plan  
 Scale: 1/16" = 1' 0"  
 Drawn By: MD  
 Date: 6/28/2015  
 Revisions:

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## Cash Flow

## Portola Property Management

Properties: 411 Beverly - 411 Beverly Ave Capitola, CA 95010

Date Range: 01/01/2011 to 07/24/2015

Account Name	Selected Period	Fiscal Year To Date
<b>Operating Income &amp; Expense</b>		
<b>Income</b>		
Rent Income	76,179.98	76,179.98
First Month Rent	2,100.00	2,100.00
<b>Total Operating Income</b>	<b>78,279.98</b>	<b>78,279.98</b>
<b>Expense</b>		
Security Deposit Interest	0.53	0.53
Owner Paid Web Advertising	100.00	100.00
Keys	183.66	183.66
Misc. Repair	114.99	114.99
Misc. Maintenance	350.00	350.00
Carpet Cleaning	155.00	155.00
Window Cleaning	149.00	149.00
House Cleaning	25.00	25.00
Site Clean Up	218.67	218.67
Painting	965.00	965.00
Landscaping	2,815.00	2,815.00
Management Fees	5,085.10	5,085.10
Leasing Fees	1,200.00	1,200.00
Fence Repair	50.00	50.00
Misc. Expense	1,536.82	1,536.82
PG&E	178.81	178.81
Water & Sewer	2,125.25	2,125.25
Garbage and Recycling	479.97	479.97
Plumbing Repair	237.50	237.50
Door/Screen Repair	86.34	86.34
Irrigation	925.00	925.00
Blinds/Window Covering	195.30	195.30
Appliances Repair	85.00	85.00
Signage	60.00	60.00
Vendor Service Fee	241.00	241.00
Roof Repairs and Maintenance	300.00	300.00
Eviction Protection Program	208.00	208.00
Rent Protection Program	468.00	468.00
<b>Total Operating Expense</b>	<b>18,538.94</b>	<b>18,538.94</b>
<b>NOI - Net Operating Income</b>	<b>59,741.04</b>	<b>59,741.04</b>
Total Income	78,279.98	78,279.98
Total Expense	18,538.94	18,538.94
<b>Net Income</b>	<b>59,741.04</b>	<b>59,741.04</b>

Item #: 9.C. Attach 3.pdf

Cash Flow

Account Name	Selected Period	Fiscal Year To Date
Cash Flow	59,741.04	59,741.04
Beginning Cash	0.00	0.00
Beginning Cash + Cash Flow	59,741.04	59,741.04
Actual Ending Cash	191.95	191.95

## Cash Flow

## Portola Property Management

Properties: 407 Beverly Ave - 407 Beverly Ave Capitola, CA 95010

Date Range: 01/01/2011 to 07/24/2015

Account Name	Selected Period	Fiscal Year To Date
<b>Operating Income &amp; Expense</b>		
<b>Income</b>		
Rent Income	119,986.67	119,986.67
First Month Rent	6,773.25	6,773.25
<b>Total Operating Income</b>	<b>126,759.92</b>	<b>126,759.92</b>
<b>Expense</b>		
Security Deposit Interest	7.52	7.52
Owner Paid Web Advertising	600.00	600.00
Keys	482.42	482.42
Misc. Repair	584.75	584.75
Misc. Maintenance	565.00	565.00
Window Cleaning	89.00	89.00
House Cleaning	182.50	182.50
Painting	2,050.00	2,050.00
HVAC (Heat, Ventilation, Air)	1,355.00	1,355.00
Management Fees	10,051.37	10,051.37
Leasing Fees	3,600.00	3,600.00
Misc. Expense	512.78	512.78
PG&E	508.98	508.98
Water & Sewer	208.96	208.96
Garbage and Recycling	844.17	844.17
Plumbing Repair	359.00	359.00
Door/Screen Repair	92.00	92.00
Blinds/Window Covering	103.60	103.60
Carpet/Vinyl Installation	85.00	85.00
FireMonitoring/Extinguish	100.00	100.00
Appliances Repair	573.00	573.00
Signage	120.00	120.00
Vendor Service Fee	52.32	52.32
Eviction Protection Program	416.00	416.00
Rent Protection Program	897.00	897.00
<b>Total Operating Expense</b>	<b>24,440.37</b>	<b>24,440.37</b>
<b>NOI - Net Operating Income</b>	<b>102,319.55</b>	<b>102,319.55</b>
Total Income	126,759.92	126,759.92
Total Expense	24,440.37	24,440.37
<b>Net Income</b>	<b>102,319.55</b>	<b>102,319.55</b>
<b>Cash Flow</b>	<b>102,319.55</b>	<b>102,319.55</b>

Item #: 9.C. Attach 3.pdf

Cash Flow

Account Name	Selected Period	Fiscal Year To Date
Beginning Cash	1,096.75	1,096.75
Beginning Cash + Cash Flow	103,416.30	103,416.30
Actual Ending Cash	1,135.36	1,135.36



407 Beverley Units A and B. Duplex



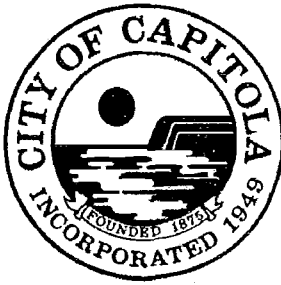
Trash storage under staircase

411 Beverley – Single Family Home with single car garage





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## CITY COUNCIL AGENDA REPORT

MEETING OF AUGUST 13, 2015

FROM: COMMUNITY DEVELOPMENT DEPARTMENT  
SUBJECT: ZONING CODE UPDATE – ISSUES AND OPTIONS SPECIAL MEETING SCHEDULE

**RECOMMENDED ACTION:** Receive status report on the Zoning Code Update. Review, direct staff on future agenda topics, and set special meeting schedule.

**BACKGROUND:** The City of Capitola adopted the new General Plan on June 26, 2014. State law requires that the City's Zoning Ordinance and Local Coastal Plan (LCP) be consistent with the General Plan. Since the adoption of the new General Plan, staff has initiated the update to the Zoning Ordinance. In August of 2014, the public outreach efforts began with a public survey and multiple stakeholder meetings. From November 2014 to February 2015, staff organized all the public comment input into a master list and drafted the Issues and Option Report.

The Issues and Options Report was distributed to the Planning Commission on March 5, 2015, and City Council on March 12, 2015. The Report provides an overview of 18 Zoning Code issues that require discussion and direction early in the process, prior to drafting the updated Zoning Code. For each issue, the Report provides an overview of the issue, explanation of the General Plan direction regarding the issue, and multiple options for how the issue can be addressed within the Zoning Code Update.

The City Council and Planning Commission held a special joint kickoff meeting on April 30, 2015. During this meeting, staff received direction on six of the 18 zoning issues. The Planning Commission held four additional special meetings on May 18; May 21; June 22; and July 20, 2015. The direction provided by the Planning Commission during the special meetings on the 18 issues is included in the Issues and Options Matrix (Attachment 2).

**DISCUSSION:** The City Council will begin their review of the Planning Commission recommendation during the September 17, 2015, special meeting. During the meeting, staff will present the topics that as directed will significantly modify the existing Code. These items include:

- Issue 8a: Calculation of Non-Conforming Structural Alterations
- Issue 8b: Non-conforming activities and structures on improved R-1 parcels
- Issue 11c: Composition of Architectural and Site Review Committee
- Issue 13: Planned Development
- Issue 18: City Council Appeal of Planning Commission Decision

In April, the City Council tentatively scheduled four special meetings dates on September 17; September 21; October 15; and October 19, 2015. To prepare for the special meetings, staff is requesting the City Council review the Planning Commission's recommendations within the Issues and Options Matrix and direct staff on those items they would like to have placed on a future agenda. For those items in which the City Council does not have questions and supports the direction provided by the Planning Commission, the City Council may direct staff to not place those items on the agenda. The items discussed at the April 30, 2015, special joint meeting will not be placed on an agenda unless directed by the City Council.

## Item #: 9.D. Staf Report.pdf

AGENDA STAFF REPORT AUGUST 13, 2015  
ZONING CODE UPDATE – ISSUES AND OPTIONS SCHEDULE

### Next Steps

After receiving direction on all 18 issues, the new Zoning Code and CEQA document will be drafted for publication. This step is estimated to take approximately two to three months. The document will be published and available for public review for an additional month. The draft Ordinance will then return to the Planning Commission for review and recommendation. The City Council will conclude the process with the final review and adoption. Upon adoption, the Zoning Code will be submitted to the Coastal Commission.

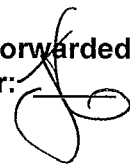
**FISCAL IMPACT:** None

### **ATTACHMENTS:**

1. Issues and Options Matrix
2. Zoning Code Update: Issues and Options Report

Report Prepared By: Katie Cattan  
Senior Planner

Reviewed and Forwarded  
By City Manager:



**Issues and Options Matrix**

	Direction	
	PC	CC
<b>ISSUE 1: Protecting the Unique Qualities of Residential Neighborhoods (Page 7) <a href="#">PC review 7/20/2015</a></b>		
<b>Option 1: Maintain existing R-1 standards for all neighborhoods.</b>		
<b>Option 2: Introduce tailored development standards for individual residential neighborhood.</b>		
<b>Option 3: Allow case-by-case deviations to R-1 standards.</b>		
<p><b>New Option: Introduce additional standards/exceptions based on lot characteristics and existing development patterns.</b></p> <ul style="list-style-type: none"> <li>• 25 feet height limit</li> <li>• 27 feet height exception for the following circumstances:                             <ul style="list-style-type: none"> <li>○ Addition to historic structures that is designed to match the roof pitch of the historic structure within the area of new addition.</li> <li>○ Lots greater than 6,000 sf in size</li> <li>○ Lots with width 60 feet wide or more.</li> <li>○ Lots on a steep slope. Steep slope is defined as a lot having a slope of 25% or greater.</li> </ul> </li> <li>• Second Story setbacks 15 % of lot width                             <ul style="list-style-type: none"> <li>○ Add exception to second story setback for lots that are 30 feet wide or less.</li> </ul> </li> <li>• Secondary Structure in Rear Yard                             <ul style="list-style-type: none"> <li>○ Decrease rear yard setback from 8 feet to 4 feet.</li> <li>○ Maintain 17.15.140.G "The width of detached garages or carports in the rear yard is limited to twenty-one feet. The height is limited to fifteen feet (nine feet to the top of the wall plate) however the planning commission may approve an exception to allow additional height if necessary to match the architectural style of the existing primary structure."</li> <li>○ Maintain required 2 foot landscape buffer between driveway and property line.</li> <li>○ Maintain front setback (40 feet), side yard setback (3 feet) and setback from primary structure (3 feet)</li> <li>○ Add statement in residential zoning districts an existing garage located within the required setback areas are legal non-conforming structures that may be updated but the non-conformity may not be expanded.</li> </ul> </li> </ul>	X	

Issues and Options Matrix		
	Direction	
	PC	CC
<b>ISSUE 2: Maintaining and Enhancing the Village Character (Page 8) <a href="#">PC and CC reviewed 4/30/2015</a></b>		
<b>Option 1: Maintain existing standards with advisory design guidelines.</b>		
<p><b>Option 2: Establish new building form and character standards.</b> The Zoning Code will establish mandatory site and building standards to maintain and enhance the Village character. These would apply to non-residential and mixed-use development. New standards could address the following design concepts:</p> <ul style="list-style-type: none"> <li>• Maximum setbacks to keep buildings and their entrances close to the sidewalk.</li> <li>• Permitted treatment of setback areas (e.g., plazas and landscaping, no parking)</li> <li>• Minimum building width at street edge (defined as percentage of lot width) to maintain a continuous presence of storefronts.</li> <li>• Buildings oriented towards a public street with a primary entrance directly accessible from the sidewalk.</li> <li>• Maximum length of unarticulated/blank building walls.</li> <li>• Required storefront transparency (percentage clear glass)</li> <li>• Maximum building/storefront width (require larger buildings to be broken down into a pedestrian-scale rhythm with individual building bay widths)</li> <li>• Surface parking location (at rear or side of buildings, not between a building and a street-facing property line).</li> <li>• Frequency and width of driveways crossing sidewalks.</li> <li>• Requirements or incentives for residential front porches.</li> </ul>	X	X
<p><b>Option 3: Incorporate design guidelines as standards in the Zoning Code.</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Incorporate applicable design criteria from the Central Village Design Guidelines into the Zoning Code update.</a></li> </ul>	X	X
<p><b>Option 4: Remove reference to Central Village Design Guidelines.</b></p> <ul style="list-style-type: none"> <li>• <a href="#">This modification would require applicants to follow the development standards in the code without any guidance from the guidelines. The guidelines would be repealed during the zoning code update. The reference could be reintroduced after the City prepared updated design guidelines for the Village</a></li> </ul>	X	X
Notes:		



**Issues and Options Matrix**

	Direction	
	PC	CC
<b>ISSUE 3: Accommodating High-Quality Development on 41<sup>st</sup> Avenue (Page 10) <a href="#">PC review 5.18.2015</a></b>		
<b>Option 1: Maintain Existing Regulations.</b>		
<b>Option 2: Increase Parking Flexibility.</b> <ul style="list-style-type: none"> <li>Allow greater commercial parking flexibility through shared parking studies for multi-tenant commercial properties</li> <li>Residential mixed with office space may be considered within shared parking study.</li> <li>Residential mixed with commercial/restaurant/entertainment is problematic due to overlap in demand on parking.</li> </ul>	X	
<b>Option 3: Create incentives for desired improvements.</b>		
<b>Option 4: Strengthen connection to 41<sup>st</sup> Avenue Design Guidelines.</b>		
<b>Option 5: Streamline Permitting Process.</b> <ul style="list-style-type: none"> <li>Allowing commercial uses to occupy existing commercial spaces up to XXX square-feet without a CUP (limit to be established in draft code)</li> <li>Only requiring a design permit for large commercial uses which involve significant exterior modifications (to be defined in draft code)</li> <li>Create administrative permits and minor use permits</li> </ul>	X	
<b>Notes from 5.18.2015 Planning Commission meeting:</b> <ul style="list-style-type: none"> <li>Repeal existing 41<sup>st</sup> Ave design guidelines until such time that they can be comprehensively updated. Incorporate applicable design criteria from the 41<sup>st</sup> Ave Design Guidelines into the Zoning Code update.</li> </ul>		

Issues and Options Matrix		
	Direction	
	PC	CC
<b>ISSUE 4: Protecting Retail Vitality on 41<sup>st</sup> Avenue (Page 11) PC review 5.18.2015</b>		
<b>Option 1: Maintain existing regulations.</b>		
<b>Option 2: Add new findings for professional and medical office uses.</b> <ul style="list-style-type: none"> <li>Only partial support</li> <li>New findings for professional and medical office use must be objective and measurable; not nebulous.</li> </ul>	Partial support	
<b>Option 3: Encourage professional and medical office uses in certain locations.</b> <ul style="list-style-type: none"> <li>Planning Commission supported increase flexibility in office space in general. Directed staff to principally permit office space up to a newly established limit south of Capitola Road and require conditional use permit for new retail conversions to office north of Capitola Road.</li> <li>Support Office on 2<sup>nd</sup> and 3<sup>rd</sup> story as principally permitted without size limitations in all commercial areas.</li> </ul>	X	
<b>Option 4: Introduce new limitations for professional and medical office uses.</b>		
<b>Issue #5: Parking (Page 12)</b>		
<b>Issue #5A: Number of Required Parking Spaces (Page 13) PC review 5.18.2015</b>		
<b>Option 1: Maintain Existing Requirement.</b>		
<b>Option 2: Modify Parking Requirements for Certain Land Uses in All Areas.</b>		
<b>Option 3: Create Location-Based Parking Standards.</b> <ul style="list-style-type: none"> <li>The updated Zoning Code will establish location based parking requirements for the different commercial districts within the City, including neighborhood commercial, community commercial, central village, and industrial.</li> <li>The central village parking standards will not change.</li> <li>Single-family residential parking standards will not change.</li> </ul>	X	
<b>Option 4: Allow for reductions with Planning Commission approval.</b> <ul style="list-style-type: none"> <li>The updated Zoning Code will allow for reductions in the number of required parking spaces for multi-tenant commercial developments supported by a parking study. Exclude mixed-use projects that contain residential..</li> <li>All reductions would be approved by Planning Commission after making special findings.</li> <li>Finding that reduction does not result in spillover parking impacts on neighborhoods.</li> </ul>	X	
<b>Option 5: Allow for reductions By-Right.</b>		

**Issues and Options Matrix**

	Direction	
	PC	CC
<b>Issue #5: Parking (continued)</b>		
<b>Issue #5B: Village Hotel Parking (Page 15) <a href="#">PC review 5.18.2015</a></b>		
<b>Option 1: Maintain Existing Requirements</b>		
<b>Option 2: Specific On-Site Parking standard for Village Hotel.</b>		
<b>Option 3: Base Standard on a Parking and Traffic Study prepared for the hotel development project application.</b> <ul style="list-style-type: none"> <li>The number of parking spaces required for the theater hotel site will be determined by a parking and traffic study prepared specifically for the hotel development project application.</li> <li>The site is unique and therefore flexibility is necessary to create a parking demand management plan that works specific to theater site.</li> </ul>	X	
<b>Option 4: Allow Planning Commission and/or City Council to establish parking standards for an individual project based on performance criteria.</b>		
<b>Notes:</b> Aside: PC request for CC to reconsider employee parking program in the City parking facilities to decrease impact on residents during winter months.		
<b>Issue #5: Parking (continued)</b>		
<b>Issue #5C: Parking Efficiency (Page 16) <a href="#">PC review 5.18.2015</a></b>		
<b>Option 1: Maintain existing regulations.</b>		
<b>Option 2: Clarify existing code to match past practice, including:</b>		
<b>A: Add New Shared Parking Provision.</b> <ul style="list-style-type: none"> <li>The updated Zoning Code will allow multiple land uses on a single parcel or development site to use shared parking facilities when operations for the land uses are not normally conducted during the same hours, or when hours of peak use differ.</li> <li>Excludes residential</li> </ul>	X	
<b>B: Add new parking lift provisions.</b> <ul style="list-style-type: none"> <li>The updated Zoning Code will allow for elevator-like mechanical system to stack parking spaces in a vertical configuration.</li> <li>Lift must be enclosed/not visible from public view.</li> </ul>	X	
<b>Notes:</b>		

Issues and Options Matrix		
	Direction	
	PC	CC
<b>Issue #5D: Garages (Page 17) PC review 5.18.2015</b>		
<b>Option 1: Maintain existing regulations.</b>		
<b>Option 2: Add design standards for carports.</b> <ul style="list-style-type: none"> <li>• Continue to require at least one covered parking space for homes 1,500 square feet or more. Covered parking may be provided in a garage or carport.</li> <li>• Design standards for carports will be added.</li> <li>• Carport should be the exception with findings to support the exception</li> <li>• Include Carport in FAR calculation.</li> </ul>	X	
<b>Option 3: Limit covered spaces to garages only.</b>		
<b>Option 4: Eliminate covered parking requirement.</b>		
<b>Notes:</b>		
<b>Issue #6: Historic Preservation (Page 17) PC review 5.21.2015</b>		
<b>Option 1: Establish a Historic Resources Board.</b>		
<b>Option 2: Establish a new Historic Preservation Overlay Zone.</b>		
<b>Option 3: Establish new enforcement and penalty provisions.</b>		
<b>Option 4: Establish new maintenance and upkeep provisions.</b>		
<b>Planning Commission Notes:</b> <ul style="list-style-type: none"> <li>• Incorporate the 5 new provisions identified in the issues and options summary, including <ul style="list-style-type: none"> <li>○ Procedures to identify historic resources</li> <li>○ Improve criteria to identify historic resources</li> <li>○ Add procedures and review criteria for projects which involve potentially significant resources.</li> <li>○ Add criteria to approve demolition of a historic resource.</li> <li>○ Add incentives for historic preservation.</li> </ul> </li> <li>• Do not include any of the additional options.</li> <li>• As the new historic preservation ordinance is drafted, have Architectural Historian, Leslie Dill, and local Historian, Frank Perry, review the draft ordinance.</li> </ul>	X	

**Issues and Options Matrix**

	Direction	
	PC	CC
<b>Issue 7: Signs (Page 19)</b>		
<b>A. Threshold for Review PC and CC Review 4/30/2015</b>		
<b>Option 1: Maintain existing regulations.</b>		
<b>Option 2: Allow staff-level review with new standards.</b> <ul style="list-style-type: none"> <li>• Revise sign standards to include new, well-defined and well-illustrated design standards that create new maximum allowances within staff-level administrative review. Signs can be approved administratively within an over-the-counter permit.</li> <li>• Include an option for Planning Commission review for signs that go beyond the maximum administrative review allowance.</li> <li>• Ensure high quality signs within new standards.</li> </ul>	X	X
<b>Notes:</b>		
<b>B. Tailored Standards (Page 19) PC and CC Review 4/30/2015</b>		
<b>Option 1: Maintain existing regulations.</b>		
<b>Option 2: Create tailored standards for different commercial areas.</b> <ul style="list-style-type: none"> <li>• Sign standards will be adjusted to address the unique character of different commercial areas. Tailored standards will include types of permitted signs, maximum sign area, sign dimensions, sign location and placement, illumination, materials, and other place appropriate standards.</li> <li>• The general desired signage character for different districts in Capitola could be as follows: <ul style="list-style-type: none"> <li>○ Village: Pedestrian oriented signs, village scale</li> <li>○ Neighborhood Commercial: Neighborhood-scale signs serving pedestrians and vehicles</li> <li>○ 41<sup>st</sup> Avenue: Larger-scale, auto-oriented signs to support corridor as a regional shopping destination.</li> <li>○ Auto Plaza Drive: Unique to the use (auto-dealers) and address visibility challenges</li> <li>○ Industrial Zone (Kennedy Drive): More industrial design aesthetic and flexibility of type and materials.</li> </ul> </li> </ul>	X	X
<b>Notes:</b>		

Issues and Options Matrix		
	Direction	
	PC	CC
<b>Issue 7: Signs (continued)</b>		
<b>C. Monument Signs (Page 20) <a href="#">PC and CC Review 4/30/2015</a></b>		
<b>Option 1: Maintain existing regulations.</b>		
<b>Option 2: Create a new limit for monument signs based on linear frontage along a prime commercial street.</b>		
<b>Option 3: Create an allowance for more than 4 tenants per monument sign.</b>		
<b>Option 4: Update Master Sign Plan to clarify discretion in monument signs (lot size, # of tenants, and frontage).</b>		
<b>New Option</b>	X	X
<ul style="list-style-type: none"> <li>• Preference for monument signs to be drafted into tailored standards for each commercial area.</li> <li>• Update to allow digital gas pricing signs.</li> </ul>		
<b>Issue 8: Non-Conforming Uses (Page 20)</b>		
<b>A. Calculation of Structural Alterations (Page 21)</b>		
<b>Option 1: Maintain the existing 80 percent building valuation maximum of present fair market value.</b>		
<b>Option 2: Maintain valuation cap but allow the Planning Commission to authorize additional alterations if specific findings can be made.</b>		
<b>Option 3: Remove valuation cap for structural alterations to non-conforming structures.</b> <ul style="list-style-type: none"> <li>• Non-conforming structures may be rebuilt with the approval of a non-conforming permit issued by the Planning Commission.</li> <li>• To approve a non-conforming permit, the Planning Commission must make a finding that the existing non-conforming structure does not have a negative impact on adjacent properties, the surrounding neighborhood, or the public.</li> <li>• Alterations to non-conforming structure may not increase the degree of non-conformity.</li> <li>• Any addition to a non-conforming structure would be required comply with all development standards of the zone.</li> </ul>	X	
<b>Option 4: Change building valuation cap to a percentage of square footage calculation.</b>		
<b>Option 5: Maintain the existing 80% threshold with new exception for historic resources.</b>		
<b>Notes:</b>		

**Issues and Options Matrix**

	Direction	
	PC	CC
<b>Issue 8: Non-Conforming Uses (Continued)</b>		
<b>B. Non-conforming activities and structures on improved R-1 parcels. (Page 22)</b>		
<b>Option 1: Maintain existing sunset clause and opportunity to apply for extension.</b> <ul style="list-style-type: none"> <li>• Require upgrades to mitigate impacts.</li> <li>• Extensions are issued for 25 years maximum.</li> <li>• Applicant must agree to participate in a future assessment district to mitigate impacts of multifamily.</li> <li>• Update code to include that the extension is publicly noticed and notice is sent to neighbor within 300 feet.</li> </ul>	X	
<b>Option 2: Modify regulations to allow non-conforming multi-family uses to remain throughout the City, but not intensify.</b>		
<b>Option 3: Modify regulations to allow non-conforming multi-family uses to remain in targeted areas of the City.</b>		
<b>Option 4: Rezone areas with existing non-conforming multi-family uses to a multi-family zone.</b> <ul style="list-style-type: none"> <li>• Rezone condominiums at Opal Cliff East and West to multi-family.</li> <li>• Rezone affordable housing development behind Coastal Life Church on Monterey Avenue to multi-family.</li> </ul>	X	
<b>Option 5: Create an incentive program to allow participating non-conforming property owners to retain their uses subject to providing specified public benefits.</b> <ul style="list-style-type: none"> <li>• City to work with City Architect to create design solutions to front facades and parking for typical four-plex.</li> </ul>	X	
<b>Notes:</b>		

Issues and Options Matrix		
	Direction	
	PC	CC
<b>Issue 9: Secondary Dwelling Units (Page 24)</b>		
<b>Option 1: Maintain existing code allowances/limitations for secondary dwelling units.</b>		
<b>Option 2: Amend the code to encourage development of additional secondary dwelling units.</b>		
a. Eliminate the current residency requirement and allow both the primary and secondary dwellings to be rented.	X	
b. Create opportunity for secondary dwelling units above a garage. <ul style="list-style-type: none"> <li>• Must comply with all development standards.</li> <li>• No decreased setbacks for detached garage with second story.</li> <li>• Require approval by Planning Commission</li> </ul>	X	
<b>Option 3: Amend the code to encourage development of additional secondary dwelling units in specific areas of the City only.</b>		
<b>Notes:</b>		



**Issues and Options Matrix**

	Direction	
	PC	CC
<b>Issue 10: Permits and Approvals</b> (Page 24) <a href="#">PC and CC review on 4/30/2015</a>		
<b>Option 1: No change to existing permits.</b>		
<b>Option 2: Modify permits.</b> With this option staff will look for opportunities to combine, delete, and add permits in the zoning code to better meet the city's needs. Possible changes include the following:		
<b>a. Create a new Administrative Permit.</b> <ul style="list-style-type: none"> <li>• <a href="#">Create administrative permit for a wide range of existing, ministerial staff-level actions.</a></li> <li>• <a href="#">Include: fence permits, temporary sign permits, approvals of temporary sidewalk/parking lot sales, and temporary storage.</a></li> </ul>	X	X
<b>b. Create a new Minor Use Permit.</b> <ul style="list-style-type: none"> <li>• <a href="#">A new minor use permit will be created similar to a Conditional Use Permit except that it will be approved by Community Development Director.</a></li> <li>• <a href="#">Notice will be mailed to neighbors prior to final action by Community Development Director and decisions could be appealed to Planning Commission.</a></li> <li>• <a href="#">The Director could also choose to refer applications to Planning Commission for decision.</a></li> <li>• <a href="#">Include: home occupancy permit and transient occupancy permits.</a></li> </ul>	X	X
<b>c. Create a New Substantial Conformance Process.</b> <ul style="list-style-type: none"> <li>• <a href="#">A substantial conformance process will be developed to allow administrative approval of specified minor alterations while still requiring Planning Commission consideration of more substantive changes.</a></li> </ul>	X	X
<b>Notes:</b>		

Issues and Options Matrix		
	Direction	
	PC	CC
<b>Issue 11: Architecture and Site Review (Page 25) <a href="#">PC review 6/22/2015</a></b>		
<b>A. Authority of Architecture and Site Review Committee (Page 25)</b>		
<b>Option 1: Maintain existing authority of Architecture and Site Committee.</b>		
<b>Option 2: Modify existing role of the Architecture and Site Committee.</b>		
<b>Option 3: Eliminate the Architecture and Site Committee.</b> <ul style="list-style-type: none"> <li>• <a href="#">Replace the Arch and Site committee with a preliminary development review committee.</a></li> <li>• <a href="#">Function: review applications and make preliminary recommendations to applicant prior to Planning Commission review.</a></li> </ul>	X	
<b>Notes:</b>		
<b>B. Timing of Design Permit Review (Page 26)</b>		
<b>Option 1: Maintain existing timing of Architecture and Site Review.</b>	X	
<b>Option 2: Repurpose the committee to be a pre-design committee.</b>		
<b>Notes:</b>		
<b>C. Composition of Architecture and Site Committee (Page 26)</b>		
<b>Option 1: Maintain the existing composition of the Architecture and Site Committee.</b>		
<b>Option 2: Replace the committee with a City Architect.</b>		
<b>Option 3: Replace committee with an Architectural Peer review committee.</b>		
<b>Option 4: Revise committee as follows:</b> <ul style="list-style-type: none"> <li>• <a href="#">All positions on committee to be either staff or contracted long-term consultant on as-needed basis.</a></li> <li>• <a href="#">Committee to include:</a> <ul style="list-style-type: none"> <li>○ <a href="#">Architect (Contracted Consultant)</a></li> <li>○ <a href="#">Landscape Architect</a></li> <li>○ <a href="#">Architectural Historian (Contracted Consultant)</a></li> <li>○ <a href="#">Staff Planner</a></li> <li>○ <a href="#">Staff Public Works representative</a></li> <li>○ <a href="#">Staff Building representative</a></li> </ul> </li> </ul>	X	
<b>Notes:</b>		

Issues and Options Matrix		
	Direction	
	PC	CC
<b>Issue 12: Design Permits (Page 27) <a href="#">PC and CC review on 4/30/2015</a></b>		
<b>A. When a Design Permit is Required – Commercial Uses (Page 27)</b>		
<b>Option 1: Maintain existing thresholds.</b>		
<b>Option 2: Require Design Permits only for Exterior Modifications.</b> With this option, a design permit would be required to establish a new use only with an exterior modification to the structure. All other commercial design permit thresholds would remain the same.		
<b>Option 3: Require Design Permit only for Larger Projects.</b> <ul style="list-style-type: none"> <li>• <a href="#">Design permit thresholds will be created to allow minor modifications to commercial buildings without requiring review by Arch and Site and Planning Commission.</a></li> </ul>	X	X
<b>Notes:</b>		
<b>B. Design Permit Approval Authority – Commercial Use (Page 27) <a href="#">PC and CC review on 4/30/2015</a></b>		
<b>Option 1: Maintain existing review authority.</b>		
<b>Option 2: Delegate limited approval authority to the Director.</b> <ul style="list-style-type: none"> <li>• <a href="#">The Director will be given the authority to approve the following types of commercial projects:</a> <ul style="list-style-type: none"> <li>○ <a href="#">Minor repairs, changes and improvement to existing structures which use similar, compatible or upgraded quality building materials.</a></li> <li>○ <a href="#">Additions not visible from the front façade up to a specified square-footage threshold.</a></li> <li>○ <a href="#">Expansion of one tenant space into a second tenant space in a multi-tenant building.</a></li> <li>○ <a href="#">Accessory structures including garbage and recycling enclosures.</a></li> </ul> </li> </ul>	X	X
<b>Notes:</b>		
<b>C. When a Design Permit is Required – Residential Uses (Page 28) <a href="#">PC and CC review on 4/30/2015</a></b>		
<b>Option 1: Maintain existing thresholds.</b>		
<b>Option 2: Modify threshold for residential design permits, as follows:</b> <ul style="list-style-type: none"> <li>• <a href="#">Allow first story additions (unlimited) that are located on the back of an existing home and comply with all standards of the code.</a></li> <li>• <a href="#">Allow minor additions to the front of a building that upgrade the front façade and comply with all standards of the code. Minor additions could include enclosing recessed entrances, enclosing open front porches, and installation of bay windows.</a></li> </ul>	X	X

Issues and Options Matrix		
	Direction	
	PC	CC
<b>D. Design Permit Approval Authority – Residential Use</b> (Page 29) <a href="#">PC and CC review on 4/30/2015</a>		
<b>Option 1: Maintain existing review authority.</b>		
<b>Option 2: Delegate limited approval authority to the Director</b>	X	X
<ul style="list-style-type: none"> <li>Establish new thresholds for administrative approval by Community Development Director</li> </ul>		
<b>Notes:</b>		
<b>Issue 12: Design Permits (continued)</b>		
<b>E. Consideration for Design Permit Approval</b> (Page 29) <a href="#">PC and CC review on 4/30/2015</a>		
<b>Option 1: Maintain existing architecture and site considerations.</b>		
<b>Option 2: Maintain the existing architecture and site considerations with additional considerations focused on design,</b>	X	X
<ul style="list-style-type: none"> <li>Include massing, height, scale, articulation, neighborhood compatibility, privacy, quality exterior materials.</li> </ul>		
<b>Option 3: Update design considerations to focus on design rather than including ancillary issues.</b>		
<b>Notes:</b>		
<b>Issue 13: Planned Development</b> (Page 30) <a href="#">PC review on 6/22/2015</a>		
<b>Option 1: Maintain existing regulations.</b>		
<b>Option 2: Reduce or eliminate minimum parcel size requirement.</b>		
<b>Option 3: Modify approval process.</b>		
<b>Option 4: Eliminate PD.</b>	X	
<ul style="list-style-type: none"> <li>City is largely built out and little opportunity exists for PD.</li> <li>Existing zoning results in more compatible development</li> </ul>		
<b>Notes:</b>		

**Issues and Options Matrix**

	Direction	
	PC	CC
<b>Issue 14: Environmental and Hazard Overlays</b> (Page 30) <a href="#">PC and CC review on 4/30/2015</a>		
<b>Option 1: Maintain existing overlays and clarify boundaries.</b>		
<p><b>Option 2: Modify existing overlays.</b> This option would modify existing overlays as described below:</p> <ul style="list-style-type: none"> <li>• <b>Archaeological/Paleontological Resources (APR).</b> Eliminate this overlay zone. Continue to require the preparation of an archaeological survey report and mitigation plan for any project which disturbs native soils in an area with a probability of containing archaeological resources. Continue to address issue through CEQA process.</li> <li>• <b>Automatic Review (AR).</b> Remove this overlay zone as it duplicates current process.</li> <li>• <b>Coastal Zone (CZ).</b> Maintain this overlay zone as required by State law.</li> <li>• <b>Floodplain (F).</b> Move existing Chapter 17.50 (Floodplain District) out of the zoning code and remove the floodplain overlay boundaries from the zoning map. Floodplain regulations are administered by the Building Official, not the Community Development Director, and should be located in Title 15 (Buildings and Construction), not the zoning code. The boundaries of this overlay should not be included in the zoning map, as they are based on FIRM maps which are frequently changing, particularly with rising seas.</li> <li>• <b>Geological Hazards (GH).</b> Eliminate this overlay zone and replace with citywide standards for proposed development in beach areas, bluff and cliff areas, landslides-prone areas, and steep slope areas</li> <li>• <b>Chapter 17.95 (Environmentally Sensitive Habitats).</b> Map boundaries of these areas as a new overlay zone and maintain existing regulations.</li> </ul>		
<p><b>Option 3: Create a new, consolidated environmental/hazards overlay.</b> This option would merge the overlays into one new environmental/hazards overlay. The zoning code would state that proposed development within these areas could be subject to additional standards and limitations. The Coastal Zone overlay would remain as a separate overlay. This option could be combined with the creation of new citywide standards that would address geological hazards, flood hazards, sensitive habitat, and archaeological/paleontological resources.</p>		
<p><b>Notes:</b> <a href="#">Staff to Simplify the overlays utilizing the best approach. Likely option 2, but top concern is simplicity for applicants and administration.</a></p>	Hybrid	Hybrid

Issues and Options Matrix		
	Direction	
	PC	CC
<b>Issue 15: Visitor-Serving Uses on Depot Hill (Page 31) PC on 5/21/2015</b>		
<b>Option 1: Maintain existing permitted uses.</b>		
<b>Option 2: Modify permitted use.</b> <ul style="list-style-type: none"> <li>• VS zoning will remain on Monarch Cove Inn property.</li> <li>• Land uses to be modified as follows:               <ul style="list-style-type: none"> <li>A. Accessory structures and accessory uses appurtenant to any conditionally allowed use;</li> <li>B. Hotels, motels, hostels, inns; bed and breakfast lodging;</li> <li>C. Food service related to lodging;</li> <li><del>D. Assemblages of people, such as festivals, not exceeding ten days and not involving construction of permanent facilities;</del></li> <li>E. Accessory structures and uses established prior to establishment of main use or structure;</li> <li>F. Habitat restoration; habitat interpretive facility;</li> <li><del>G. Live entertainment;</del></li> <li>H. Public paths;</li> <li><del>I. Business establishments that provide commercial places of amusement or recreation, live entertainment, or service of alcoholic beverages and that are located within two hundred feet of the boundary of a residential district;</del></li> <li>J. Weddings;</li> <li>K. Business establishments that sell or dispense alcoholic beverages for consumption upon the premises;</li> <li><del>L. Other visitor-serving uses of a similar character, density, and intensity as those listed in this section and determined by the planning commission to be consistent and compatible with the intent of this chapter and the applicable land use plan;</del></li> <li>M. Offices and limited retail use, accessory to visitor-serving uses;</li> <li>N. One caretaker unit for the purpose of providing on-site security;</li> <li>O. Access roadway;</li> <li>P. Residential use by the owners and their family members of up to one unit per parcel on the three parcels, as long as a minimum of six guest bedrooms are available for visitor-serving use within the three parcels;</li> <li><del>Q. Non-family residential use during the off-season months (November through April). (Ord. 886 § 3, 2005)</del></li> <li>R. Add multi-family as a CUP.</li> </ul> </li> </ul>	X	
<b>Option 3: Limit intensity of visitor accommodation uses.</b>		
<b>Option 4: Rezone to R-1.</b> <ul style="list-style-type: none"> <li>• Eliminate the VS zoning on the El Salto property and the Automatic Review from the parcels to the East of the El Salto property.</li> <li>• The General Plan must be amended to reflect this direction.</li> </ul>	X	
<b>Notes:</b>		

**Issues and Options Matrix**

	Direction	
	PC	CC
<b>Issue 16: Height</b> (Page 32)		
<b>A. Residential Neighborhoods</b> (Page 32) <a href="#">PC review on 5/21/2015</a>		
<b>Option 1: Maintain existing standards.</b>		
<b>Option 2: Eliminate 27-foot exception.</b> This option would eliminate the 27-foot height exception by requiring all buildings to meet either a 25-foot or 27-foot height standard.		
<b>Option 3: Allow greater variation based on existing neighborhood character.</b> This option would allow greater variation in permitted building height based on neighborhood characteristics. There are a number of different ways to achieve this as described in Issue #1.		
<p><b>Notes:</b> During the 5/21/2015 meeting, the Planning Commission requested this item be brought back during the future neighborhood character (Issue 1) discussion. The following is the direction provided at 7/20/2015 Planning Commission meeting.</p> <ul style="list-style-type: none"> <li>○ 25 feet height limit</li> <li>○ 27 feet height exception for the following circumstances: <ul style="list-style-type: none"> <li>• Addition to historic structures that is designed to match the roof pitch of the historic structure within the area of new addition.</li> <li>• Lots greater than 6,000 sf in size</li> <li>• Lots with width 60 feet wide or more.</li> <li>• Lots on a steep slope. Steep slope is defined as a lot having a slope of 25% or greater.</li> </ul> </li> </ul>	X	
<b>B. Capitola Village</b> (Page 33) <a href="#">PC review on 5/21/2015</a>		
<p><b>Option 1: Maintain existing standard.</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Maintain existing height limit of 27 feet in the Central Village</a></li> <li>• <a href="#">Include exception for non-habitable space such as elevator and lighthouse example. Current exception §17.81.070.</a></li> </ul>	X	X
<b>Option 2: Expand exception provisions.</b>		
<b>Option 3: Increase maximum height limit to accommodate 3 stories.</b>		
<b>Notes:</b>		

Issues and Options Matrix		
	Direction	
	PC	CC
<b>Issue 16: Height (continued) PC review on 5/21/2015</b>		
<b>C. Hotel (Page 33)</b>		
<b>Option 1: Apply CV Zone Standard to Hotel.</b>		
<b>Option 2: Establish Performance Standard for Hotel Height tied to General Plan.</b> <ul style="list-style-type: none"> <li>• Future height of hotel must be aligned with the guidance in the General Plan</li> <li>• A future hotel on the unique parcel with should not be tied to specific height standards.</li> <li>• Flexibility in the code is necessary to allow articulation, stepping, etc.</li> </ul>	X	
<b>Option 3: Establish a Numerical Standard Unique to Hotel.</b>		
<b>Issue 17: Floor Area Ratio (Page 34) PC and CC review on 4/30/2015</b>		
<b>A. Decks (Page 35)</b>		
<b>Option 1: Maintain existing standards.</b>		
<b>Option 2: Increase allowance beyond 150 sf.</b>		
<b>Option 3: Add exception for special circumstances.</b> <ul style="list-style-type: none"> <li>• Support to add exceptions for larger decks in the following circumstances:               <ol style="list-style-type: none"> <li>i. <b>Front Façade.</b> Remove front façade decks from the calculation entirely and list front story decks within the list of items not included in the floor area calculation.</li> <li>ii. <b>Open Space.</b> Create an exception for homes that are located adjacent to open space that creates adequate spacing between the home and the next property.                   <ol style="list-style-type: none"> <li>1. Example, the homes located along Soquel Creek and ocean front properties.</li> <li>2. Rail corridor open space should not be included in the exception due to the limited width of the corridor and impacts to neighbors.</li> <li>3. Code could be revised to remove the calculation entirely for decks located on elevations facing open space.</li> </ol> </li> <li>iii. <b>Restaurants and Hotels.</b> Revise FAR to remove decks on restaurants and hotels from the floor area calculation. Include decks associated with bar/restaurant toward parking calc.</li> </ol> </li> <li>• Acknowledged that deck regulations do not necessarily belong in the FAR standards. Decks should be included in the updated design permit standards and individual neighborhood standards.</li> <li>• 2<sup>nd</sup> story and roof top decks. Require and administrative permit with size limitation and setback/separation requirements. Applications that go beyond new standards require PC approval.</li> </ul>	X	X



**Issues and Options Matrix**

	Direction	
	PC	CC
<b>Issue 17: Floor Area Ratio (Continued) PC and CC direction on 4/30/2015</b>		
<b>B. Basements (Page 35)</b>		
<b>Option 1: Maintain existing standards.</b>		
<b>Option 2: Increase existing allowance beyond 250 square feet.</b>		
<b>Option 3: Remove basements from FAR formula.</b> <ul style="list-style-type: none"> <li>• Include area of basement in parking requirement.</li> <li>• Basements on slopes that have a visible 3<sup>rd</sup> story with potential of “walk-out” door will count toward FAR .</li> <li>• Basements that are not visible (located below grade on 4 sides) should not count toward FAR.</li> </ul>	X	X
<b>C. Phantom Floors, Roof Eaves, and Window Projections (Bay Windows)(Page 36) PC and CC direction on 4/30/2015</b>		
<b>Option 1: Maintain existing standards.</b>		
<b>Option 2: Remove phantom floors from the FAR calculation.</b>		
<b>Option 3: Remove roof eaves from the FAR calculation.</b>		
<b>Option 4: Remove window projects from FAR calculation.</b>		
<b>Option 5: Remove a combination of phantom floors, roof eaves, and/or window projections from the FAR calculation.</b>	X	X
<b>Issue 18: City Council Appeal of Planning Commission Decision (Page 36) PC review on 6/22/2015</b>		
<b>Option 1: Maintain existing appeal process.</b>		
<b>Option 2: Add “call-up” procedure with 2 Council member support requirement to hear a call-up an application.</b> <ul style="list-style-type: none"> <li>• Council member may initiate review of any decision or action of the Planning Commission by giving notice to the City Clerk within appeal period.</li> <li>• City Clerk places “call-up” vote on next regularly scheduled meeting.</li> <li>• During next regularly scheduled meeting, Council member provides reasoning for “call-up” of Planning Commission decision. 2 Council members must vote in support of hearing “call-up”</li> <li>• If supported by 2 members, City Clerk schedules review of Planning Commission decision.</li> </ul>	X	
<b>Option 3: Add “call-up” procedure and require majority vote by City Council to call-up an application.</b>		

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CITY OF CAPITOLA  
COMMUNITY DEVELOPMENT DEPARTMENT

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# ZONING CODE UPDATE

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## ISSUES AND OPTIONS REPORT

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MARCH 5, 2015

CITY OF CAPITOLA  
420 CAPITOLA AVENUE  
CAPITOLA, CA 95010



## Introduction

This report presents options for how Capitola can address important issues in its updated Zoning Code. The report will help facilitate public discussion and summarizes input received to-date from the Planning Commission, City Council, and general public. Reviewing this input early in the process will help City staff and consultants prepare an updated zoning code that reflects the unique conditions, values, and goals in Capitola.

The report begins with a brief description of planned changes to the existing zoning code that are non-controversial and straight-forward. The second part then discusses the following 18 issues that warrant public discussion early in the zoning code update process:

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1. Protecting the Unique Qualities of Residential Neighborhoods	7
2. Maintaining and Enhancing the Village Character	8
3. Accommodating High-Quality Development on 41 <sup>st</sup> Avenue	10
4. Protecting Retail Vitality on 41 <sup>st</sup> Avenue	11
5. Parking: Required Number, Village Hotel, Reductions, Efficiency, and Garages	12
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For each issue, the report presents two or more options for how the issue can be addressed in the updated Zoning Code. The first option is always to make no change to the existing Zoning Code. Within the no change option, the code would be updated for clarity but there would be no modification to how the regulations are applied. Other options reflect direction in the new General Plan, ideas previously discussed in Capitola, and practices from other similar communities. During public discussion new options may be suggested – these new ideas should be considered alongside those included in this report.

### How This Report was Created

This report was prepared based on substantial input from the community. In August and September 2014 staff hosted a series of stakeholder meetings with architects, developers, commercial property owners, business owners, property managers, residents, and recent applicants. At these meetings participants commented on specific issues with the existing Zoning Code and how the updated Zoning Code could be improved. City staff also received

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input on the Zoning Code through an online survey. Stakeholder meeting notes and survey results are available on the City's website.

The contents of this report were also shaped by the new General Plan, and the discussion of zoning-related issues during the General Plan Update process. Many policies and actions in the General Plan call for changes to the Zoning Code. The report also reflects staff's experience administering the zoning code in Capitola, professional experience elsewhere, and input from the City's consultants on best practices from other communities.

### A Note about Sustainability

Environmental sustainability is a core community value in Capitola. Reflecting this, the General Plan contains the following Guiding Principle relating to environmental resources:

Embrace environmental sustainability as a foundation for Capitola's way of life. Protect and enhance all natural resources—including the beaches, creeks, ocean, and lagoon—that contribute to Capitola's unique identity and scenic beauty. Reduce greenhouse gas emissions and prepare for the effects of global climate change, including increased flooding and coastal erosion caused by sea-level rise.

General Plan Goal OSC-1 also calls for Capitola to "promote sustainability as a foundation for Capitola's way of life."

An important component of sustainability is reduction of greenhouse gas emissions and adaptation to climate change. To address this issue, Capitola is now in the process of preparing a Climate Action Plan (CAP). While the CAP primarily aims to reduce greenhouse gas emissions, it also touches on all aspects of sustainability, including the following:

- Land Use and Community Design
- Economic Development
- Transportation
- Green Building and Energy Efficiency
- Renewable Energy
- Water and Wastewater
- Solid Waste Diversion
- Open Space and Food Systems

To achieve greenhouse gas reductions related to these topics, the CAP will call for changes to Capitola's zoning code. To avoid redundancy with the CAP project, this Issues and Options report does not repeat zoning-related measures currently under consideration for the CAP. Instead, the City will consider these measures during the CAP process and then incorporate them into the Zoning Code. The timing and schedule of the two projects allows for the City to decide on preferred zoning-related CAP measures before the drafting of the updated Zoning Code begins.

## Part A. Non-Controversial Changes

Below is a summary of anticipated changes to the existing Zoning Code that are primarily non-controversial, straight-forward, and technical in nature. Opportunities for public review and input for these changes will be provided through the hearing process and workshops for the updated Zoning Ordinance. These items are not expected to be a topic of discussion during the issues and options work sessions with the Planning Commission and City Council. In addition, a comprehensive list of issues and revisions for non-controversial matters is presented in Attachment 1.

1. **Revision of Overall Organization.** The overall organization of the Zoning Ordinance will be changed, with information presented in a more intuitive manner. Similar provisions will be grouped together with related standards clearly cross-referenced. A user-friendly index to the zoning code will be added. The layout of each page will be redesigned to speed up comprehension with less text per page, logical headings, and visual diagrams. Standards will be the same across the entire Zoning Ordinance, so that the document has no contradictory information. Unnecessary repetitions of standards and regulations will be removed.
2. **Clarification of Development Standards.** The zoning code will be updated to include consistent development standards that are defined. Diagrams, illustrations, and tables will be added to the ordinance. These additions will more efficiently communicate land use regulations and development standards for each zoning district. Diagrams, illustrations, and tables will be utilized throughout the code within provisions that benefit from graphic illustration.
3. **Clarification of Process.** The Zoning Ordinance will be updated to clarify when a permit is required and the process of review.
4. **Technical Language.** Much of the existing code consists of text created for those in the legal profession or professional planners. Property owners find the code difficult to understand. Language will be substantially revised to convey the same meaning, but re-written in plain English, removing jargon to the greatest extent possible.
5. **Updated Definitions.** The existing list of definitions is incomplete and outdated. Definitions will be added to include terms that are utilized but not defined. For example, personal service establishment is listed as a use in commercial districts but not defined. Diagrams or illustrations will be added for those terms in which illustrations help define the concepts, such as height as measured on a slope. Also, the existing definitions will be updated to remove discretion in interpretation.
6. **Updated Administrative, Principally Permitted, and Conditional Land Use Lists.** Land use lists will be updated within each zone within a comprehensive table. Land uses will be categorized into principally permitted, administrative, and conditional. Land uses that do not present a conflict, are non-controversial, and compatible with the zoning district, will be identified as principally permitted uses. Land uses that are compatible with the zoning district but require specific conditions to be in compliance (home occupation) will be listed as administrative land use permits. Land uses that may require mitigation or additional oversight will be included as conditional uses. The process, considerations, findings, and conditions for administrative land use permits and conditional use permits will be updated.
7. **Protect Public Pathways and Trails.** The existing Zoning Ordinance disperses various development standards related to pathways/trails within specific environmentally sensitive areas and within design guidelines. The updated zoning ordinance will introduce

development standards for properties that have trails/pathways within or adjacent to the property.

8. **Implementation of General Plan.** The updated zoning ordinance will implement a variety of goals and polices in the recently adopted City of Capitola General Plan. This will include new standards for 41<sup>st</sup> Avenue, transition areas between commercial and residential zones, night sky regulations, and updates to zoning districts to implement the General Plan land use map. Some of these policies are discussed in Part B of this report.
9. **Revision for Legal Compliance.** The City is obligated to revise the zoning ordinance in response to California laws related to zoning issues. Examples include removal of the outdated mobile home section of code, family day care, and wireless regulations.
10. **Clarification of Coastal Section.** The coastal section of the code is very difficult to read. The section will be rewritten to ensure that the threshold for when a coastal permit is required is clarified, and what findings must be made prior to the issuance of a coastal permit. Also, the list of visitor serving uses adjacent to residential properties will be revised to prohibit development of non-compatible uses, such as carnivals and circuses.



## Part B. Items for Public Discussion

Complex issues worthy of public input, discussion, and direction are discussed below. The focus of the issues and options work sessions is to discuss the issues and options and provide staff with direction for the updated Zoning Code.

For each topic, the issue is first defined, followed by possible ways the updated zoning code could be modified to address the issue.

### ISSUE 1: Protecting the Unique Qualities of Residential Neighborhoods

Protecting residential neighborhoods was a key issue discussed during the General Plan Update. The General Plan contains a number of goals and policies to address this issue:

**Goal LU-4** Protect and enhance the special character of residential neighborhoods.

**Goal LU-5** Ensure that new residential development respects the existing scale, density, and character of neighborhoods.

**Policy LU-5.1 Neighborhood Characteristics.** Require new residential development to strengthen and enhance the unique qualities of the neighborhood in which it is located. Residential neighborhood boundaries are identified in Figure LU-1.

**Policy LU-5.3 Mass and Scale.** Ensure that the mass, scale and height of new development is compatible with existing homes within residential neighborhoods.

**Policy LU-5.5 Architectural Character.** Ensure that the architectural character of new development and substantial remodels complements the unique qualities of the neighborhood in which it is located and the overall coastal village character of Capitola.

Within the public survey for the zoning code update, concern for preserving neighborhood character rose to the top of the list.

Capitola's current zoning ordinance takes a one size fits all approach to all single family residential neighborhood. This does not always produce desired results or respect the existing patterns within a specific neighborhood. For instance, the development standards are the same for Cliffwood Heights and Riverview Avenue north of the trestle. Both are required to have an increase in the second story setback. Although potentially appropriate in Cliffwood Heights to ensure articulation of buildings, this regulation disrupts the flow of the streetscape on Riverview.

After the zoning code update City staff plans to prepare new residential design guidelines, as called for by the General Plan. These guidelines will document the unique characteristics of individual neighborhoods in Capitola and help ensure that new homes and remodels are compatible with these characteristics. All options described below anticipate the future adoption of these new guidelines.

#### Options:

1. **Maintain existing R-1 standards for all neighborhoods.** With this option the Zoning Code would retain its existing R-1 standards that apply to all residential neighborhoods. Some specific standards may be modified to better meet the needs of property owners and address neighborhood concerns. After the future preparation of residential design

guidelines, reference to these guidelines could be added to the R-1 chapter or to the findings required for approval of a Design Permit.

2. **Introduce tailored development standards for individual residential neighborhoods.** With this option the Zoning Code would identify the various neighborhoods within Capitola and identify the character-defining attributes of each area. The zoning code would establish standards for each of the residential neighborhoods that encourage the individual attributes and patterns within a neighborhood. The neighborhoods may be delineated through different residential base zones (e.g., R-1, R-2) or through overlay zones similar to residential overlay in the Village zone. For an example of a neighborhood-specific approach to zoning regulations, see the City of Azusa and Sonoma zoning codes:

[https://www.municode.com/library/ca/azusa/codes/code\\_of\\_ordinances](https://www.municode.com/library/ca/azusa/codes/code_of_ordinances)

<http://codepublishing.com/ca/sonoma/>

3. **Allow case-by-case deviations to R-1 standards.** With this option a single set of standards would remain for the R-1 zone, but the Planning Commission could allow for deviations to these standards on a case-by-case basis. This would be a different process from a variance, with different findings required for approval. Standards subject to allowable deviation could include building height, setbacks, second story stepbacks, garage and parking design, and floor area ratio. To approve, the Planning Commission would need to find that the deviation reflects the prevailing character in neighborhood and won't negatively impact adjacent properties. A maximum allowable deviation could also be established (e.g., 15 percent maximum deviation from standard), and deviations could be allowed only in certain locations. For an example of waivers to development standards, see San Carlos Zoning Code Chapter 18.33:

<http://www.codepublishing.com/CA/SanCarlos/#!/SanCarlos18/SanCarlos1833.html#18.33>

## **ISSUE 2: Maintaining and Enhancing the Village Character**

During the General Plan Update residents emphasized the importance of maintaining and enhancing the unique Village character. Specific General Plan goals and policies include the following:

**Goal LU-6** Strengthen Capitola Village as the heart of the community.

**Policy LU-6.1 Village Character.** Maintain the Village as a vibrant mixed use district with residences, visitor accommodations, restaurants, shops, and recreational amenities.

**Policy LU-7.1 New Development Design.** Require all new development to enhance the unique character of the Village.

The existing Zoning Code establishes land use regulations and development standards for the Village in Chapter 17.21 (C-V Central Village District). The C-V district chapter itself contains limited standards pertaining to building and site design. Instead, the chapter states that development standards for the C-V district are contained in the adopted Central Village Design Guidelines. This document, adopted in 1987, contains design guidelines for site planning, building design, landscaping, signs, and parking in the Village. The guidelines also address the

unique needs of the Esplanade, the residential overlay districts, and residential properties in general.

Typically, design guidelines describe in qualitative terms the desired form and character of new development. These guidelines are advisory, not mandatory, and allow for flexibility for individual projects. The Central Village Design Guidelines, in contrast, contains numerous statement of mandatory standards. For example, the Guidelines state that “structures shall be limited to one story” on the Soquel Creek side of Riverview Avenue. The use of “shall” rather than “should” statements such as this is primarily found in the guidelines for residential overlay districts, including the Six Sisters Houses, Venetian Court, Lawn Way, and Riverview Avenue.

The updated Zoning Code should consider if some of these “guidelines” for the residential overlays should be added to the Zoning Code as mandatory standards. The City should also consider if additional design standards should be added to the Zoning Code for all properties within the Village.

#### Options:

1. **Maintain existing standards with advisory design guidelines.** In this option, the standards of the Central Village would remain as they are today. We would clarify that the Guidelines are advisory, not mandatory.
2. **Establish new building form and character standards.** The Zoning Code could establish mandatory site and building standards to maintain and enhance the Village character. These would apply to non-residential and mixed-use development. New standards could address the following design concepts:
  - Maximum setbacks to keep buildings and their entrances close to the sidewalk.
  - Permitted treatment of setback areas (e.g., plazas and landscaping, no parking)
  - Minimum building width at street edge (defined as percentage of lot width) to maintain a continuous presence of storefronts.
  - Buildings oriented towards a public street with a primary entrance directly accessible from the sidewalk.
  - Maximum length of unarticulated/blank building walls.
  - Required storefront transparency (percentage clear glass)
  - Maximum building/storefront width (require larger buildings to be broken down into a pedestrian-scale rhythm with individual building bay widths)
  - Surface parking location (at the rear or side of buildings, not between a building and a street-facing property line).
  - Frequency and width of driveways crossing sidewalks.
  - Requirements or incentives for residential front porches.

For an example of this approach, see San Carlos Zoning Code Chapter 18.05:

<http://www.codepublishing.com/CA/SanCarlos/#!/SanCarlos18/SanCarlos1805.html#18.05>

3. **Incorporate design guidelines as standards in the Zoning Code.** Design “guidelines” for residential overlays that are expressed as mandatory “shall” statements would be incorporated into the Zoning Code as new standards. These guidelines can be found on pages 12 and 13 of the [Design Guidelines](#). Guidelines would be modified as needed to protect and enhance the design character of these areas.

4. **Remove reference to Central Village Design Guidelines.** This modification would require applicants to follow the development standards in the code without any guidance from the guidelines. The guidelines would be repealed during the zoning code update. The reference could be reintroduced after the City prepared updated design guidelines for the Village.

After completing the zoning code update, the Community Development Department intends to update the Village design guidelines as called for by the General Plan. These updated Guidelines will be consistent and integrated with zoning regulations for the Village.

### **ISSUE 3: Accommodating High-Quality Development on 41<sup>st</sup> Avenue**

The General Plan contains the following goals for 41<sup>st</sup> Avenue and the Capitola Mall:

**Goal LU-8** Support the long-term transformation of Capitola Mall into a more pedestrian-friendly commercial district with high quality architecture and outdoor amenities attractive to shoppers and families.

**Goal LU-9** Encourage high quality development within the 41st Avenue corridor that creates an active and inviting public realm.

For the mall property, General Plan policies support phased redevelopment, eventual parking lot redevelopment, relocation of the metro center, new public gathering places, and a new interior street to create a more pedestrian-friendly environment. For 41<sup>st</sup> Avenue overall, General Plan policies encourage new public amenities, more entertainment uses, and improvement that create an attractive destination for shoppers. The General Plan also aims to minimize impacts to residential neighborhoods from changes along the corridor.

The zoning code update should support these goals and policies and help implement the community's vision for long-term improvements to the corridor. This could be achieved through increased parking flexibility, incentives for community benefits, and a streamlined permitting process.

#### **Options:**

1. **Maintain existing regulations.**
2. **Increase Parking Flexibility.** Existing off-street parking requirements could prevent the type of development and improvements envisioned by the General Plan. Allowing for shared parking, mixed use reductions, and a more district-based approach to parking would help to remove this barrier. Specific methods to introduce increased parking flexibility are addressed in Issue #5.
3. **Create incentives for desired improvements.** The General Plan allows for increased floor area ratio (FAR) for certain types of projects on 41<sup>st</sup> Avenue. The Zoning Code could build from this concept by offering incentives for projects that include community benefits such as new public gathering places, streetscape improvements, entertainment uses, etc. Incentives could include additional FAR, flexibility on development standards such as height and parking, and a streamlined permitting process. Allowed FAR with an incentive-based bonus would always be within the maximum established in the General Plan. As an example, the City of Berkeley has a "Green Pathway" incentive program that offers

streamlined permitting for projects that incorporate sustainability features beyond the City's minimum requirements. See Berkeley Zoning Code Chapter 23.B.34:

<http://codepublishing.com/ca/berkeley/>

The existing Planned Development provisions (Chapter 17.39) is another tool that allows deviations from development standards. This option is further discussed within Issue 13.

4. **Strengthen connection to 41<sup>st</sup> Avenue Design Guidelines.** The existing Design Guidelines for 41<sup>st</sup> Avenue are in many ways consistent with the General Plan. The updated Zoning Code could strengthen the connection to this document by requiring the Planning Commission to find proposed projects consistent with the Guidelines when approving Design Permits.
5. **Streamline Permitting Process.** The City currently requires Design Permits for new tenants in commercial zones, and a Conditional Use Permit for many types of uses. This requirement can discourage small scale and incremental improvements to properties necessary for long-term vitality. As discussed in Issue #10 and #12, the updated zoning code could streamline the permitting process for certain types of projects to encourage new investment on the corridor.

#### **Issue 4: Protecting Retail Vitality on 41st Avenue**

Within the business owner and commercial property owner stakeholder meetings, there was recurring advice to zone for what the City would like to see and where; then make it easy for the desired use to be established. Stakeholders discussed the economic strategy to locate commercial uses that collect sales tax and visitor uses which collect transient occupation taxes (TOT) along the busiest commercial corridors to maintain a healthy tax base. Currently, transient uses, such as a hotel, are treated the same as office space beyond 3,000 sf; both require a conditional use permit in the CC zone. An office with less than 3,000 sf are principally permitted. The City has seen a number of primary retail sites convert to professional and medical offices.

This issue was discussed during the General Plan Update as well, particularly regarding medical office uses in the C-C zone along 41<sup>st</sup> Avenue. In response to this concern, the following policies and actions were added to the General Plan:

**Policy LU-9.4 Retail Protection.** Discourage professional and medical offices in key locations that may displace retail establishments and diminish the economic vitality of the corridor.

**Action LU-9.4 Retail/Office Mix.** Take action to maintain an appropriate mix of retail and non-retail uses along the 41st Avenue corridor. These actions will include:

- Continuing to require a Conditional Use permit for offices, medical services, and other non-retail uses in the Regional Commercial designation.
- Amending the Zoning Code to require the Planning Commission to specifically find that a proposed non-retail use will not detract from the economic viability of the corridor.

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- Preparing a study to examine the optimal socio-economic mix of retail and office/professional uses on 41st Avenue.

### Options:

1. **Maintain existing regulations.**
2. **Add new findings for professional and medical office uses.** The updated zoning code could include new findings required to approve office and other non-retail uses in the CC zone. For example, to approve such a use the Planning Commission would have to find that the proposed use would not detract from the economic viability of the district and/or shopping center where it is located. The applicant would be required to demonstrate to the Planning Commission's satisfaction that this finding can be made. The requirement to make this or similar findings could apply throughout the CC zone, or just in specific locations where the City wishes to maintain a high concentration of retail and personal service uses.
3. **Encourage professional and medical office uses in certain locations.** The updated zoning code could make it easier to establish professional and medical office uses in certain locations, thus discouraging these uses in prime retail areas. For example, the zoning code could allow office uses by-right in tenant spaces that do not have a visible presence from 41st Avenue, Capitola Road, or Clares Street or that are on upper floors of a building. This could be a form of "vertical zoning" to incentivize the establishment of office uses in desirable locations. The updated zoning code could also use new overlay zones to identify locations where professional and medical offices are allowed by-right without a conditional use permit. The zoning code would also establish new design and operational standards for office uses allowed by-right to ensure neighborhood compatibility.
4. **Introduce new limitations for professional and medical office uses.** Cities often use zoning regulations to limit the concentration of land uses in certain areas. For example, the City of Berkeley has a cap on the number of restaurants in its "Gourmet Ghetto" neighborhood. The purpose of this limitation is to ensure that there are a sufficient number of non-restaurant uses in the area to serve neighborhood residents. Cities also frequently limit the concentration of "problem" uses such as liquor stores, adult businesses, and pawn shops. Capitola could take a similar approach to professional and medical office uses in the C-C zone. For example, the zoning code could state that medical office is limited to 20 percent of each multi-tenant building or shopping center in certain locations. Or the zoning code could establish a total cap on the number of medical office uses or a minimum separation standard for these uses. These limitations could be absolute (cannot be exceeded under any circumstance) or the Planning Commission could allow for exceptions in special circumstances on a case-by-case basis.

### ISSUE 5: Parking

Parking requirements is a complicated and controversial issue in Capitola. On one hand, residents want to ensure that new development provides adequate off-street parking to minimize spillover parking impacts on neighborhoods. On the other hand, many community members desire flexibility in parking requirements to allow for infill development that will increase economic vitality and support a more multi-modal transportation system. This tension is reflected in General Plan Policy MO-5.1, which calls for the City to "balance the need for adequate off-street parking with other community goals, such as increasing transportation choices and maintaining a high-quality design environment.

The zoning code update will need to address a number of thorny parking issues, including the number of required off-street parking spaces, Village hotel parking, and promoting parking efficiency.

#### A. Number of Required Parking Spaces

Zoning Code Section 17.51.130 established required number of off-street parking spaces for different land uses. Some of these parking standards are shown in the table below.

Land Use	Required Off-Street Parking Spaces
Single-Family Homes	2- 4 spaces per unit, depending on unit size
Multi-Family Units	2.5 spaces per unit
Retail	1 space per 240 sq. ft. of floor area
Restaurant	1 space per 60 sq. ft. of floor area
Office	1 space per 240 sq. ft. of floor area

It should also be noted that in the CC zone outside the coastal area, the parking standards were updated to reflect recent parking studies. The updated requirements are not as restrictive with retail and office at 1 space per 300 sf, and restaurant calculations including dining area (60/sf) and other floor area (1/300 sf). During the update, discussions included application of these standards Citywide during the zoning code update.

Community members have expressed a range of opinions on the City's existing off-street parking requirements. Some find that parking requirement inhibit new development, redevelopment, and improvements to existing properties that would benefit the community. They support reducing parking requirements in certain cases or providing more flexibility in how parking needs are met. Others believe Capitola already suffers from inadequate parking supply and reducing and modifying parking requirements will exacerbate the situation and increase spillover parking impacts on residential neighborhoods. Ultimately, the General Plan was adopted with the following Policy MO-5.3: "Consider reduced off-street parking requirements for mixed-use projects, transit-oriented development, and other projects that demonstrate a reduced demand for off-street parking."

Allowing for parking reductions is common in communities well-served by transit and/or interested in promoting infill development to utilize land resources efficiently, increase the supply of multi-family housing, and reduce reliance on the automobile. The City of Santa Cruz, for example, allows for some reductions (Section 24.12.290: [http://www.codepublishing.com/ca/santacruzcounty/html/santacruzcounty13/santacruzcounty13\\_10.html](http://www.codepublishing.com/ca/santacruzcounty/html/santacruzcounty13/santacruzcounty13_10.html)) and will likely further reduce/adjust on-site parking requirements along transit corridors as part of zoning code amendments to implement the City's new General Plan. Recent research shows that parking demand for mixed use development is less than for single use development. See:

[http://asap.fehrandpeers.com/wp-content/uploads/2012/05/APA\\_PAS\\_May2013\\_GettingTripGenRight.pdf](http://asap.fehrandpeers.com/wp-content/uploads/2012/05/APA_PAS_May2013_GettingTripGenRight.pdf).

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Any reduced parking requirement, however, needs to carefully consider potential spillover parking impacts on residential neighborhoods.

There is some evidence that Capitola's parking requirements are greater than what may be needed and what is required in other similar communities. In 2008, the City commissioned RBF Consulting to prepare a parking study for the Village. As part of their analysis, RBF evaluated the City's parking standards and compared them to other neighboring cities and standards established by the Institute of Transportation Engineers (ITE). The study concluded that the City's parking standards often exceed those of neighboring jurisdictions and ITE standards.

### Options:

1. **Maintain Existing Requirements.**
2. **Modify Parking Requirements for Certain Land Uses in All Areas.** The updated Zoning Code could modify parking requirements for certain land uses in all areas of the City. For example, the parking standards in the CC zone for restaurant could be applied Citywide. Parking requirements could be modified for:
  - Restaurants, potentially reducing the parking requirement (currently 1 space/60 sf).
  - Take-out food establishments, eliminating the need for seat counting
  - Single-family homes, creating one standard regardless of size
  - Multi-family homes, allowing reduced parking requirements for small units
3. **Create Location-Based Parking Standards.** The updated Zoning Code could establish different parking requirements depending on the location. For example, parking requirements in the Village could be different from on 41st Avenue, reflecting that more people walk to destinations in the Village from their homes or lodging. This approach could apply only to certain land uses, such as restaurants, or to all land uses. Walnut Creek takes the later approach, identifying parking reduction zones subject to parking reductions for all land uses. See Walnut Creek Zoning Code Section 10-2.3.204.C:  
<http://www.codepublishing.com/ca/walnutcreek/html/WalnutCreek10/WalnutCreek1002C.html>.
4. **Allow for reductions with Planning Commission approval.** The updated Zoning Code could allow for reductions in the number of required parking spaces as suggested in General Plan Policy MO-5.3. Reductions would need to be approached carefully to avoid spillover parking impacts on neighborhoods. All reductions would be approved by Planning Commission after making special findings. Possible reductions include the following:
  - **Low Demand.** The number of parking spaces could be reduced if the land use would not utilize the required number of spaces due to the nature of the specific use, as demonstrated by a parking demand study.
  - **Transportation Demand Management Plans.** The number of parking spaces could be reduced if the project applicant prepares and implements a Transportation Demand Management Plan to reduce the demand for off-street parking spaces by encouraging the use of transit, ridesharing, biking, walking, or travel outside of peak hours.
  - **Bus Stop/Transportation Facility Credit.** The number of parking spaces could be reduced for commercial or multiple-family development projects in close proximity of a bus stop.



- **Mixed-Use Projects.** A mixed-use project with commercial and residential units could reduce parking requirements for commercial and office uses.
5. **Allow for reductions By-Right.** This option is similar to Option 2, except that a project could receive a reduction by-right (without Planning Commission approval) provided that it complies with objective standards.

## B. Village Hotel Parking

During the General Plan Update residents discussed ideas for a new hotel in the Village. Based on this discussion, the General Plan contains guiding principles for a new Village hotel if one is proposed on the old theatre site. General Plan Policy LU-7.5 identifies these guiding principles, including this principle relating to parking: "Parking for the hotel should be provided in a way that minimizes vehicle traffic in the Village and strengthens the Village as a pedestrian-oriented destination. This could be achieved through remote parking, shuttle services, and valet parking arrangements." The General Plan also addresses Village parking more generally including Policy MO-6.4 which calls for the City to "maintain a balanced approach to parking in the Village that addresses the parking needs of residents, merchants, and visitors."

The Zoning Code and LCP also require new development in the Village to provide adequate parking outside of the Village and within walking distance. The property owners of the proposed Village Hotel have expressed their desire to provide on-site parking to accommodate approximately 65-70 vehicles, with additional off-site parking for staff located in the Beach and Village Parking Lots.

The updated Zoning Code will need to address parking requirements for hotels in the Village. The existing Zoning Code requires one parking space for each guest room plus additional spaces as the Planning Commission determines necessary for the owners and employees. The Fairfield and Best Western on 41<sup>st</sup> Avenue, which provide 92 and 48 spaces respectively, comply with this requirement. The Coastal Commission will also have opinions on this issue, with the goal of maximizing public access to the Village and beach, increasing transportation alternatives serving the Village, and ameliorating existing parking shortage problems.

### Options:

1. **Maintain existing parking requirements.** The general plan policy LU-7.5 guides against this option. Providing parking standards for a future hotel within the zoning update will create certainty in the requirements.
2. **Specific On-Site Parking standard for Village Hotel.** The updated Zoning Code could establish a specific on-site parking requirement for a new hotel in the Village. For example, the Zoning Code could carry forward the existing standard of 1 on-site parking space per guest room. Or, the Zoning Code could require 0.5 on-site spaces with the remaining parking need accommodated at an off-site location.
3. **Base Standard on a Parking and Traffic Study prepared for the hotel development project application.** The updated Zoning Code could state that the number of parking spaces required for the hotel will be as determined necessary by a parking and traffic study prepared for a hotel development project application. The Code could allow for a percentage of this needed parking to be accommodated off-site.

4. **Allow Planning Commission and/or City Council to establish parking standards for an individual project based on performance criteria.** Similar to Option 2, the Planning Commission or City Council could establish on-site and off-site parking requirements for a Village Hotel in response to a specific application. This requirement would reflect the findings of a parking and traffic study. In addition, the Zoning Code could contain specific findings that the City must make when establishing this requirement. The findings, or "performance criteria," could reflect public input on Village Hotel parking and circulation obtained during the General Plan Update process. For example, the Zoning Code could state that when establishing the required parking for the Village Hotel, the City must find that:

- The hotel is served by a combination of on-site and off-site parking.
- Parking provided on-site is the minimum necessary for an economically viable hotel.
- On-site parking is minimized to reduce vehicle traffic in the Village and strengthen the Village as a pedestrian-oriented destination.
- On-site hotel parking will not result in any noticeable increase in traffic congestion in the Village.

### C. Parking Efficiency

The General Plan calls for the City to "support the efficient use of land available for parking through shared parking, valet parking, parking lifts, and other similar methods." (Policy MO-5.2). The updated Zoning Code could include provisions to implement this policy.

The Zoning Code currently allows for the City to designate two metered parking spaces in the Village for the operation of a valet parking program. (Section 17.21.140). The Zoning Code is silent on shared parking, and parking lifts, however past practice has been to consider the results of parking studies when evaluating mixed use projects and to allow the use of parking lifts for residential projects.

#### Options:

1. **Maintain existing regulations.**
2. **Clarify existing code to match past practice** of allowing shared use parking reductions with a parking study and lifts for residential projects
  - a. **Add New Shared Parking Provision.** The updated Zoning Code could allow multiple land uses on a single parcel or development site to use shared parking facilities when operations for the land uses are not normally conducted during the same hours, or when hours of peak use differ. Santa Cruz County allows reductions for shared parking with the preparation of a parking study demonstrating compliance with criteria required for approval. See Santa Cruz County Code Section 13.10.553: <http://www.codepublishing.com/ca/santacruzcounty/html/santacruzcounty13/santacruzcounty1310.html>).
  - b. **Add new parking lift provisions.** The updated Zoning Code could specifically allow for elevator-like mechanical system to stack parking spaces in a vertical configuration for specific land uses (e.g. residential, hotel valet, etc). Many cities are incorporating such a provision into their zoning codes to allow for a more efficient use of structured parking areas. For example, Walnut Creek allows for mechanical

lift spaces up to 20 percent of the total required spaces subject to special design standards. See Walnut Creek Zoning Code Section 10-2.3.204.D.4:

<http://www.codepublishing.com/ca/walnutcreek/html/WalnutCreek10/WalnutCreek1002C.html>

#### D. Garages

Single family homes 1,500 square feet or more, must provide at least one “covered” parking space. During the stakeholder interviews staff received comments that this requirement should be revisited, allowing only garages to qualify as a covered spaces (no carports) or eliminating the covered space requirement altogether.

##### Options:

1. **Maintain existing regulations.**
2. **Add design standards for carports.** Continue to require at least one covered parking space for homes 1,500 square feet or more. Covered parking may be provided in a garage or carport. Design standards for carports would be added.
3. **Limit covered spaces to garages only.** Specify that a carport may not satisfy the covered parking requirement.
4. **Eliminate covered parking requirement.** Remove the requirement for covered parking spaces for single-family homes.

#### Issue 6: Historic Preservation

During the General Plan Update process, many residents expressed the desire to improve Capitola’s historic preservation regulations. In particular, residents identified the need to adopt and maintain a complete list of local historic resources, adopt clear standards for including properties on this list, and establish a procedure and criteria for the City to approve or deny modifications to historic resources. City staff received similar comments during the stakeholder interviews for the zoning code update.

The General Plan includes Action LU-2.3 to develop a historic preservation program to enhance and protect Capitola’s historic resources. This program, along with an updated inventory of historic resources, will be developed following completion of the zoning code update process.

At a minimum, the updated Zoning Code will include new provisions to address the issues raised during the General Plan Update and Stakeholder Interviews. Staff anticipates a new historic preservation chapter in the Zoning Code that addresses the following topics:

- A. **Procedures to identify historic resources.** Until an official historic inventory is adopted, the zoning code update will specify the required procedure for review of potentially historic resources which includes completion of a Primary Record Form to evaluate whether a structure is eligible to be included on the National Register of Historic Places, the California Register of Historic Resources, and/or the City’s Register of Historic Features.

- B. **Improve criteria to identify historic resources.** Chapter 17.87 describes the process for designating properties on the local register of historic features. To be identified as a historic feature, the potential historic feature must evidence one or more of ten identified qualities. The current qualifications are wide reaching and should be revised to more closely follow CEQA Guidelines and criteria for listing on the California Register of historic properties, as done in the City of Carmel. See Carmel Zoning Code Chapter 17.32: <http://www.codepublishing.com/ca/carmel.html>
- C. **Add Procedures and Review Criteria for projects which involve potentially significant historic resources.** Currently, a Conditional Use Permit is required for alterations to historic structures based on findings that the alteration will not be "significantly detrimental" to the structure or that denial would result in substantial hardship for the applicant. The code does not, however, include review criteria for alterations to historic structures. The code will be updated to specify that all proposals to alter historic resources shall be reviewed for compliance with the Secretary of Interior Standards. In addition, the process can be updated to include different levels of review depending on the nature of the alteration. In Carmel, there are different procedures for "minor" and "major" alterations to historic resources.
- D. **Criteria to approve demolition of a historic resource.** Zoning Codes also typically include special findings required for the approval of the demolition of a historic resource.
- E. **Incentives for historic preservation.** Possible incentives include Mills Act contracts, fee reductions, federal tax credits for commercial properties, increased flexibility for modifications to nonconformities, exceptions on development standards (see Issue 8.A Option 5), and exceptions to non-conforming standards. See Santa Cruz 24.12.445 for example of allowed variation to development standards to promote historic preservation: <http://www.codepublishing.com/ca/santacruz/>

Other options to address historic preservation in the updated Zoning Code are provided below.

**Options:**

1. **Establish a Historic Resources Board.** Many communities with historic resources establish a historic resources board or commission to assist with historic preservation activities. See Carmel Chapter 17.32 and Pacific Grove Section 23.76.021 :  
<http://www.codepublishing.com/ca/carmelbythesea/html/carmel17/Carmel1732.html>  
<http://www.codepublishing.com/CA/pacificgrove/html/PacificGrove23/PacificGrove2376.html>  
The roles and responsibilities of the historic resources board vary in different communities. Common functions include determining if modifications to a historic resource are consistent with the Secretary of Interior's Standards, advising on designation of historic features, advising on impacts to historic resources under CEQA, and advising the Planning Commission and City Council on other matters pertaining to historic preservation.
2. **Establish a new Historic Preservation Overlay Zone.** Capitola could establish a new historic preservation overlay zone to apply to existing National Register Historic Districts (Old Riverview, Rispin, Six Sisters and Lawn Way, Venetian Court.). Properties within this

overlay could be subject to special permit requirements, design standards, and incentives for preservation. See City of Monterey Section 38-75:

<http://www.codepublishing.com/ca/monterey/>

3. **Establish new enforcement and penalty provisions.** The updated Zoning Code could strengthen enforcement and penalty provisions. Pacific Grove, for example, establishing financial penalties and development limitations on structures in violation of the City's historic preservation ordinance (Pacific Grove Zoning Code Section 23.76.130).
4. **Establish new maintenance and upkeep provisions.** Capitola could include language specifically requiring adequate maintenance and upkeep of historic resources to prevent demolition by neglect. For example, see Los Gatos Zoning Code Section 29.80.315: <http://www.municode.com/services/mcsgateway.asp?sid=5&pid=11760>

## ISSUE 7: SIGNS

### A. Threshold for Review

The existing sign ordinance requires that the Planning Commission review all new signs unless the sign replaces an existing sign that is substantially the same or has been approved through a Master Sign Program. During meetings with commercial property owners and businesses, stakeholders expressed how the current level of review is a disincentive to businesses. The review process costs business owners approximately \$700. Stakeholders expressed a preference for a code with stricter standards subject to staff-level review, with the option of Planning Commission review if the business chose to go beyond the established standards.

#### Options:

1. **Maintain existing regulations.**
2. **Allow staff-level review with new standards.** Revise sign standards to include new, well-defined and well-illustrated design standards that create a framework that would allow compliant signs to be reviewed by staff and an option for Planning Commission review for signs that go beyond the established standards. In this option, new maximum limits are established. Signs can be approved administratively within an over-the-counter permit. Carmel-by-the-Sea is an example of staff-level approval of signs subject to clear standards, with the ability of the Planning Commission to approve signs that do not comply with these standards. See Carmel Zoning Code Chapter 17.40: <http://www.codepublishing.com/ca/carmel.html>.

Sign standards for Downtown Redwood City are another example of more detailed sign design standards:

<http://www.redwoodcity.org/phed/planning/precise/FINAL-DTPP/DTPP-Downloads/17%20Signage%20Regulations.pdf>

### B. Tailored Standards

Commercial areas in Capitola include regional commercial, neighborhood commercial, and the central Village. The character, scale, and visibility in the different areas varies tremendously. The existing sign ordinance establishes the same criteria for signs in all commercial areas, with the exception of sidewalk signs in the Village. The sign code could be modified so that standards are tailored to the unique character and constraints of different areas in the city.

**Options:**

1. **Maintain existing regulations for all commercial areas.**
2. **Create tailored standards for different commercial areas.** Certain sign standards could be adjusted to address the unique issues in different commercial areas. Tailored standards could address types of permitted signs, maximum sign area, dimensions, location and placement, illumination, materials, and other issues. The Livermore Development Code, beginning in Section 4.06.160, is an example of this approach:

<http://www.codepublishing.com/ca/livermore.html>.

The general desired signage character for different districts in Capitola could be as follows:

- Village: Pedestrian oriented signs, village scale
- Neighborhood Commercial: Neighborhood-scale signs serving pedestrians and vehicles
- 41<sup>st</sup> Avenue: Larger-scale signs that are auto-oriented to support the corridor as a regional shopping destination.
- Auto Plaza Drive: Unique to the use (auto-dealers) and address visibility challenges
- Industrial Zone (Kennedy Drive): More industrial design aesthetic and flexibility of type and materials.

**C. Monument Signs**

The code currently allows one monument sign per building frontage with a maximum of four tenants named on a monument sign. A second monument sign is allowed for properties on a corner lot. For a large plaza such as King's Plaza on 41<sup>st</sup> Avenue, these limits are problematic. The property has over 800 linear feet of frontage on 41<sup>st</sup> Avenue and tenant visibility is challenged due to the majority of tenant spaces being setback on the lot. Under the current code, if Kings Plaza were simply divided into multiple parcels, as the Capitola Mall is, the owners would be allowed more signs simply by virtue of carving the property into multiple lots. This mechanism of regulating signs seems to offer an incentive to carve commercial property into smaller lots, which is likely contrary to the City's long term interest, particularly in the CC zoning District.

**Options:**

1. **Maintain existing regulations.**
2. **Create a new limit for monument signs based on linear frontage along a prime commercial street.**
3. **Create an allowance for more than 4 tenants per monument sign.**
4. **Update Master Sign Plan to clarify discretion in monument signs based on lot size, number of tenants, and commercial corridor frontage.**

**Issue 8: Non-Conforming Uses**

Chapter 17.72 of the existing zoning code outlines the regulations for non-conforming activities (uses) and non-conforming structures. The stakeholder groups identified room for improvement

on three items in this section: calculation of structural alterations, treatment of historic structures, and amortization of non-conforming in the R-1 zoning district.

#### A. Calculation of Structural Alterations

The methodology prescribed within the code for permissible structural alterations of non-conforming structures (17.72.070) was questioned during stakeholder outreach sessions. The code states:

*"at the time application for a structural alteration is made, the building official shall determine the cost at prevailing contractor rates of the total work of the improvements involved, excluding permit costs, landscaping cost and architectural costs. If that cost, added to the cost or other work involving structural alterations, commenced in the preceding five years, exceeds eighty percent of the present fair market value of the structure (as it would be without any of the structural alterations), the proposed structural alterations may not be made."*

Members of the architect/planner stakeholder group expressed a desire for improved transparency in the process to determine the value of alterations. Others cited concerns with using building valuation as the basis for determining allowable alterations to non-conforming structures.

From an administration perspective, the current process of limiting alterations to non-conforming structures on a valuation basis is unclear, inefficient, and is a frequent source of disagreement between applicants and staff. Applicants often challenge estimates developed by staff which exceed 80% and submit lower estimates prepared by their contractors. There have also been circumstances where applicants receive approval to alter a non-conforming structure below the 80% valuation threshold, but then discover during construction that additional alterations are necessary which result in cumulative alterations exceeding the 80% threshold. This circumstance places staff and City decision-makers in the difficult position of either allowing a non-conforming structure to be altered beyond the 80% code limitation, or requiring the property owner to stop construction and restart the permitting process with a conforming project.

The local resident stakeholder group also expressed concerns regarding the impact this regulation has on property owners maintaining existing non-conforming and/or historic homes. The current zoning code was adopted in 1975. Many of the homes build prior to 1975 are non-conforming structures with setback, height, parking, or floor area ratios that do not comply with current development standards. The regulations do not allow homeowners to update their home beyond 80% of the current value. Stakeholders stated that this disincentivizes homeowners to reinvest into non-conforming properties and is counterintuitive to Capitola's historic preservation goals.

#### Options:

1. **Maintain the existing 80 percent building valuation maximum of present fair market value.**
2. **Maintain valuation cap but allow the Planning Commission to authorize additional alterations if specific findings can be made.**
3. **Remove valuation cap for structural alterations to non-conforming structures.** In this option, all non-conforming structures could be maintained and updated, provided that the

alterations do not create a greater degree of non-conformity, or require that the alteration increased the level of conformity (but not require the new structure to eliminate all non-conforming issues). Any addition to a non-conforming structure would be required comply with all development standards of the zone.

4. **Change building valuation cap to a percentage of square footage calculation.** Under this approach, alterations to non-conforming structures would be limited based on how much of the existing structure is modified. For example, the new code could limit alterations to non-conforming structures to 80% of the existing square-footage. Using a percent of square footage approach would be easy to understand and administer and would significantly reduce disagreements over valuation calculations, while still limiting the degree of allowable modifications.
5. **Maintain the existing 80% threshold with new exception for historic resources.** In this option the 80% maximum of present fair market value would be maintained. An exception for historic structures would be added to allow historic structures to be updated. Any addition to a historic structure must comply with all development standards of the zone.

**B. Non-conforming activities and structures on improved R-1 parcels.**

The code includes an amortization period for non-conforming activities in the R-1 zones, in which all non-conforming activities must be discontinued on June 26, 2019 or fifty years from the date the activity first became nonconforming, whichever is later, except as follows:

1. Duplex Activity. Nonconforming duplex activities may continue indefinitely but the structures cannot be enlarged.
2. Residential Projects with More Than Two Units. Owners of parcels having more than two dwelling units which are nonconforming only because they exceed the current density standard may apply to the city council for one or more extensions of the fifty-year amortization period. The city council shall only grant an extension if able to make findings that:
  - a. in this particular situation, the appearance, condition and management of the property is such that the property is not greatly detrimental to the single-family residential character of the neighborhood in which it is located;
  - b. the extension is necessary in order to prevent a major economic loss to the property owner and to lessen deterioration;
  - c. and that all reasonable conditions have been imposed for the purpose of repairing dilapidation and bringing, or keeping, the property up to neighborhood standards.

Extensions granted under this section shall be at least fifty years from the date the application is granted.

There are two types of non-conforming uses in single-family residential neighborhoods: multi-family residential uses (more than 2 units) and non-residential uses (commercial, light industrial, etc). It is anticipated that non-residential uses in single-family zones will continue to be subject to the sunset clause; therefore, issues described below are focused on existing non-conforming multi-family uses.



Multi-Family Uses in Single-Family Zones

According to county records, there are 77 parcels with more than two dwelling units in the R-1 zoning district which are subject to the sunset clause, and must either discontinue the use by June 26, 2019 or apply for an extension subject to the findings listed above. This issue has the potential to impact many Capitola residents and multifamily property owners and could represent a costly and time intensive enforcement challenge for the City.

Any modification to the existing ordinance will have an impact on many Capitola's residents, including occupants of the multi-family dwellings and the surrounding neighbors. The multi-family dwellings that exist in the R-1 provide housing opportunities which are typically more affordable than a single-family home, so these units fill a housing need not typically available in single-family neighborhoods. The negative impacts of these dwellings include increased demand for on-street parking, incompatible hard-scape in front yards for parking in place of typical landscaping, incompatible design, and noise.

During public outreach, staff heard specific concerns from residents of the northern Jewel Box area around 45<sup>th</sup>-47<sup>th</sup> Streets about the concentration of existing non-conforming four-plexes in their neighborhoods. Although other Capitola neighborhoods, such as Depot Hill and the Upper Village, also have non-conforming multi-family uses, there does not appear to be as much concern about their continuation in these areas.

Due to specific concerns about four-plexes in the northern Jewel Box area, staff will host a public workshop to collect input on the matter prior to requesting direction from the Planning Commission. The workshop will be organized to collect information from attendees on their perception of the issue and viable options for future implementation. Staff will present an update to the Planning Commission and City Council after the public workshop.

**Options:**

1. **Maintain existing sunset clause and opportunity to apply for extension.**
2. **Modify regulations to allow non-conforming multi-family uses to remain throughout the City, but not intensify.** This approach could be applied citywide with appropriate findings or only to specific areas.
3. **Modify regulations to allow non-conforming multi-family uses to remain in targeted areas of the City.** Under this option, a sunset clause could be retained for areas like the northern Jewel Box neighborhood, but would be eliminated in areas where multi-family uses have had fewer compatibility issues.
4. **Rezone areas with existing non-conforming multi-family uses to a multi-family zone.** This approach could be applied citywide or only to specific areas.
5. **Create an incentive program to allow participating non-conforming property owners to retain their uses subject to providing specified public benefits.** For example, a program could be established to allow property owners to continue non-conforming multi-family uses if they provide guaranteed affordable housing, make significant investments in the structures which improve appearance and function, invest in neighborhood improvements (landscaping, parking, etc.) and/or reduce the degree of non-conformity (e.g., reduce a 4-plex to a 3-plex or a duplex).

### Issue 9: Secondary Dwelling Units

Secondary dwelling units are currently allowed on 5,000 square-foot or larger lots in the R-1 zoning district. Attached secondary dwelling units and detached, 1-story secondary dwelling units may be approved through an administrative permit process, provided they comply with stated size limitations. Detached, 2-story secondary dwelling units or oversized units must be considered by the Planning Commission.

Staff has heard conflicting sentiments regarding secondary dwelling units. Many felt development of more secondary dwelling units should be encouraged because they contribute to the City's affordable housing stock and provide property owners with a much needed revenue source to afford Capitola's high real estate costs.

Conversely, others expressed concern about allowing more secondary dwelling units in single-family neighborhoods due to increased parking demands, loss of privacy, and noise.

#### Options:

1. **Maintain existing code allowances/limitations for secondary dwelling units.**
2. **Amend the code to encourage development of additional secondary dwelling units.** If this option is selected, the following changes could be considered:
  - a. Decrease the minimum lot size requirement for secondary dwelling units;
  - b. Increase the threshold which triggers the need for Planning Commission review;
  - c. Allow all secondary dwelling units to be approved through an administrative process;
  - d. Eliminate the current residency requirement and allow both the primary and secondary dwellings to be rented.
3. **Amend the code to encourage development of additional secondary dwelling units in specific areas of the City only.** Those areas could be chosen based on criteria which could include: availability of on-street parking, existing densities, land use adjacencies, etc.

### ISSUE 10: Permits and Approvals

Capitola's zoning code currently identifies over twenty different types of permits and approvals, such as use permits, design permits, and variances. Staff expects that most of these will remain unchanged in the updated zoning code. However, there is the opportunity to simplify, clarify, and generally improve the types of permits required. In particular, using more general types of permits for a range of specific land use actions could help simplify the code for staff and applicants. There may also be the need for one or more new permits to address certain types of approvals or issues that are not addressed well in the existing zoning code.

#### Options:

1. **No change to existing permits.**
2. **Modify permits.** With this option staff will look for opportunities to combine, delete, and add permits in the zoning code to better meet the city's needs. Possible changes include the following:

- a) **Create a new Administrative Permit.** This new permit would be used for a wide range of existing, ministerial staff-level actions. It could be used as a general replacement for existing fence permits, temporary sign permits, approvals of temporary sidewalk/parking lot sales, and temporary storage approvals.
- b) **Create a new Minor Use Permit.** This new permit would be similar to a Conditional Use Permit except that it would be approved by Community Development Director. Notice would be mailed to neighbors prior to final action by Community Development Director and decisions could be appealed to Planning Commission. The Director could also choose to refer applications to Planning Commission for decision. A Minor Use Permit could be a good middle ground for uses that shouldn't be allowed by-right, but that also generally don't need to go the Planning Commission for a public hearing and approval, such as a home occupancy permit and transient occupancy permits.
- c) **Create a New Substantial Conformance Process.** The zoning code currently requires applicants to submit a new application if they wish to make any changes to an approved permit – even if the change is very minor in nature. Under this option, a substantial conformance process would be developed to allow administrative approval of specified minor alterations while still requiring Planning Commission consideration of more substantive changes.

The updated zoning code will contain a table summarizing all types of permits and approves and the review authority for each.

#### **Issue 11: Architecture and Site Review**

During stakeholder interviews, staff received input from various groups on their experience with Architecture and Site Review. These groups provided a wide range of feedback, addressing the roles and responsibilities of the Architecture and Site Review Committee, the composition of the Committee, the timing of application review, and the types of projects subject to review.

#### **A. Authority of Architecture and Site Review Committee**

The recent applicant stakeholder group explained that they found the process confusing due to the name of the committee. They were surprised that a project first “passed” Architecture and Site review but then was met by a Planning Commission with a different perspective on the design. The local resident stakeholder committee suggested that the board be empowered to approve or deny applications for minor additions or modifications without the need for subsequent Planning Commission approval. This perspective was shared by the architecture/planner stakeholder group as well.

#### **Options:**

1. **Maintain existing authority of Architecture and Site Committee.**
2. **Modify existing role of the Architecture and Site Committee.** Authorize the Architecture and Site Committee to approve or deny design permit applications. Thresholds may be established for the projects that require Architecture and Site Committee approval rather than Planning Commission approval. Under this approach, decisions rendered by the Committee could be appealed to the Planning Commission.
3. **Eliminate the Architecture and Site Committee.** Three of the six members of the Committee are City staff. The project planner could work with these staff members and outside experts to address project design issues without the need for a Committee hearing.

**B. Timing of Design Permit Review.**

Some stakeholders suggested that the Architecture and Site Review be required as a pre-design meeting. Currently, once a complete application is submitted, the application is reviewed by the Architecture and Site Committee. The Committee reviews the elevations, floor plans, materials board, and site plan during the meeting. The Committee identifies any necessary code violations or design/site planning recommendations. The applicant is given the opportunity to modify the application based on the recommendations prior to review by Planning Commission. A pre-design meeting would create the opportunity to discuss the site, surrounding built and natural environment, and identify issues and opportunities for the future design. This approach could be challenging, however, because many applicants make their first contact with City staff after they have designed their project.

**Options:**

1. **Maintain existing timing of Architecture and Site Review.**
2. **Repurpose the committee to be a pre-design committee.** In this option, the committee would meet with an applicant prior to accepting a formal development application. The committee would identify characteristics of the site/neighborhood to guide the future design. Staff would provide guidance on the development requirements for zoning, public works, and building.

**C. Composition of Architecture and Site Committee**

Currently, the Architecture and Site Committee is composed of one architect/home designer, one landscape architect, one historian, a City planner, a City public works representative, and a City building representative. The recent applicant stakeholder group found the diverse composition of the committee helpful to receive feedback from a wide range of expertise. The architect/planner stakeholder group had a different perspective and suggested the composition of the Architecture and Site committee be reconsidered to be more design-centric. They suggested the City replace the committee with a staff architect or contract architect to focus on design, site planning, and compatibility. With their credentials, an architect would also be able to assist applicants through sketching suggested revision to design issues. A second suggestion of the architect/planner stakeholder group was to replace the Architecture and Site Committee with an architectural peer review process.

**Options:**

1. **Maintain the existing composition of the Architecture and Site Committee.**
2. **Replace the committee with a City Architect.** Under this option, the City would contract an architect to review all development applications, provide design solutions, and make recommendations to staff and the Planning Commission. The downside of this option is that the valuable input of the historian and landscape architect would be eliminated in the review, unless those services are also separately contracted.
3. **Replace committee with an Architectural Peer review committee.** The committee could be replaced with an architectural peer review committee made up of three or more architects. The architectural peer review committee would continue to make a recommendation to the Planning Commission.

4. **Revise committee to add any of the following:** water district staff, sewer district staff, fire district staff, additional architect, and/or a citizen's representative.

## **ISSUE 12: Design Permits**

### **A. When a Design Permit is Required – Commercial Uses**

For all commercial zoning districts (CV, CC, CN, PO, and CR), the zoning code states that architectural and site approval is required to establish and conduct any principally permitted, accessory, and conditional use. The only exception is multi-tenant properties with an approved master use permit. All other new tenant changes must have a design permit regardless of whether or not there are proposed modifications to the exterior of the structure. Design permit are also required for modular housing, solar energy systems, and dish antenna larger than 24 inches.

Prospective business owners look to a zoning code to provide clarity in what is permitted within a zone and to identify the process to receive required permits. During stakeholder interviews, the business owner and commercial property owner groups recommended allowing permitted land uses and clarifying when a permit is required. The current code is unclear and requires interpretation. Both stakeholder groups said that requiring all tenant changes to go before Planning Commission is overly regulatory and has a negative impact on filling vacant commercial sites. Most jurisdictions allow principally permitted uses without a design permit if the new use does not require modifications to the exterior of the structure.

#### **Options:**

1. **Maintain existing thresholds for commercial design permits.**
2. **Require Design Permits only for Exterior Modifications.** With this option, a design permit would be required to establish a new use only with an exterior modification to the structure.

The City of Carmel takes this approach with its Design Review permits ([Carmel Zoning Code Section 17.58.030](#)).

3. **Require Design Permit only for Larger Projects.** Design permit thresholds could be lowered so that fewer types of commercial projects require a Design Permit. This approach could be similar to Santa Cruz, where design permits are required only for new commercial structures and exterior remodel increasing floor area by 25 percent or exceeding a specified dollar value.

See Santa Cruz Zoning Code Section Section 24.08.410:

<http://www.codepublishing.com/ca/santacruz/>

### **B. Design Permit Approval Authority – Commercial Uses.**

Currently, the Planning Commission approves Design Permits for commercial projects. The updated Zoning Code could be modified to allow the Community Development Director to approve certain projects requiring Design Permits.

**Options:**

1. **Maintain existing review authority.**
2. **Delegate limited approval authority to the Director** With this option, the Director would approve more types of commercial projects requiring a Design Permit. For example, the Director could approve:
  - a. Minor repairs, changes and improvement to existing structures which use similar, compatible or upgraded quality building materials.
  - b. Additions not visible from the front façade up to a specified square-footage threshold.
  - c. Expansion of one tenant space into a second tenant space in a multi-tenant building.
  - d. Dish-type antenna greater than 24 inches as specified.
  - e. Accessory structures

**C. When a Design Permit is Required – Residential Uses**

Under the current zoning code, residential projects that require Planning Commission Design Permit approval include:

1. All new residential dwelling unit construction;
2. Upper floor additions;
3. First floor additions that are visible to the general public.
4. First floor additions in excess of 400 square feet and located at the rear of the property;
5. Design permits accompanied by a request for conditional use permit, variance, or minor land division;
6. All design permit applications referred by the community development director or appealed from the community development director/zoning administrator's decision.

During stakeholder interviews, groups voiced different views on the current threshold for residential design permits. One perspective agreed with the current level of review and explained that it results in high quality residential development. A different perspective thought the existing thresholds are too restrictive and that homeowners should be allowed to add onto their homes beyond 400 square feet without the additional oversight and cost to process a design permit through the Planning Commission.

It is common for cities to allow minor visible modifications to single-family homes without design review. The City of Sausalito, for example, requires Design Review for new single-family homes and additions that increase the height of the structure or add 300 square feet or more. Projects below this threshold, even if they are visible, do not require design review. See Sausalito Zoning Code Section 10.54.050: <http://www.ci.sausalito.ca.us/Modules/ShowDocument.aspx?documentid=378>.

**Options:**

1. **Maintain existing thresholds.**
2. **Modify threshold for residential design permits.** The threshold could be revised in multiple ways. Thresholds that could be modified to include:
  - a. Increase existing threshold (greater than 400 square feet) for additions located on the rear of a single family home

- b. Allow first story additions (unlimited) that are located on the back of an existing home and comply with all standards of the code.
- c. Allow minor additions to the front of a building that upgrade the front façade and comply with all standards of the code. Minor additions could include enclosing recessed entrances, enclosing open front porches, and installation of bay windows.

#### **D. Design Permit Approval Authority – Residential Uses.**

Currently, the Planning Commission approves Design Permits for the majority of residential uses as outlined in the previous section C. The Community Development Director/Zoning Administrator is authorized to approve applications for: first floor additions up to 400 square feet not visible to the general public; minor repairs, changes, and improvements to existing structures which use similar, compatible or upgraded quality building materials; and additional accessory structures beyond the single eighty square foot or less in size without plumbing or electrical. The updated Zoning Code could be modified to increase the authority of the Community Development Director within specified limits. For example, the Director could approve residential projects that do not increase the size of an existing structure by more than 10 percent, as is allowed in under "Track One) Design Review in Carmel. See Carmel Zoning Code section 17.58.040: <http://www.codepublishing.com/ca/carmel.html>

##### **Options:**

1. **Maintain existing review authority.**
2. **Delegate increased approval authority to the Director** With this option, the Director would approve more types of residential projects requiring a Design Permit.

#### **E. Considerations for Design Permit Approval**

Within the zoning survey, items of greatest concern in residential areas included: height, size of new homes, neighborhood character, adequate onsite parking, and sustainability (water and energy conservation). For each design permit, the Architecture and Site Committee reviews the design considerations listed in §17.63.090, including traffic circulation, safety, congestion, outdoor advertising, landscaping, site layout, architectural character, historic preservation, drainage, fire safety, advertising, etc. The local resident stakeholder group suggested placing more emphasis on design during the review.

##### **Options:**

1. **Maintain existing architecture and site considerations.**
2. **Maintain the existing architecture and site considerations with additional considerations focused on design**, including massing; height, scale and articulation, neighborhood compatibility; privacy; quality exterior materials; and submittal requirements.
3. **Update design considerations to focus on design rather than including ancillary issues.** In this option, existing ancillary issues would be removed from the criteria and the updated list would focus on design, materials, context, and compatibility. The San Carlos Zoning Code contains an example of design review criteria that focus more on aspects of project design (San Carlos Zoning Code Section 18.29.060 <http://www.codepublishing.com/ca/sancarlos/html/SanCarlos18/SanCarlos1829.html>)

### Issue 13: Planned Development

Capitola's zoning code includes a Planned Development (PD) district that allows for flexibility in permitted uses and development standards on a particularly site or property. The minimum parcel size eligible for PD zoning is four acres, unless the Planning Commission and City Council finds that a smaller property is suitable due to its "unique historical character, topography, land use or landscaping features."

Development standards in each PD district are the same as most similar zoning district unless an exception is granted by the Planning Commission and City Council. Proposed Development in a PD district is subject to a two-step process requiring approval of a preliminary development plan and a general development plan. Currently the Planning Commission reviews both the preliminary and general development plans; the City Council reviews and approves on the general development plan. Establishing a PD district is a legislative act requiring City Council approval.

During stakeholder interviews local architects commented that the PD is a valuable tool to respond to unique site conditions, but that 4 acre minimum is not practical due to scarcity of large properties in Capitola. They also suggested that the City Council review the preliminary as well as general development plan.

In contrast to comments from architects, some Capitola residents have expressed concerns about planned developments and the PD district. They see the PD district as a form of "spot zoning" that allows for development in neighborhoods out of character with surrounding properties.

#### Options:

1. **Maintain existing regulations.**
2. **Reduce or eliminate minimum parcel size requirement.** Reduce the minimum parcel size required to establish a PD district, or eliminate the minimum parcel size requirement entirely. This option would eliminate or establish a new minimum parcel size (possibly 1 or 2 acres). It is typical for there to be some minimum size requirement, so that individual single-family lots cannot be rezoned to PD, for example.
3. **Modify approval process.** Modify the planned development review process so that the City Council reviews the preliminary development plan as well as the general development plan. This change would add an additional step in the process but would increase certainty for applicants and allow the City Council to influence project design earlier in the process.
4. **Eliminate PD.** Eliminate the PD district entirely. To deviate from standards of the applicable zoning district, an applicant would need to receive a variance, a rezone, or some other exception to development standards.

### ISSUE 14: Environmental and Hazard Overlays

Overlay zones establish standards that apply to a property in addition to the standards of the base zoning district. Overlay zones are also referred to as combining districts. Capitola's zoning code contains the following overlay zones and combining districts that relate to environmental resources and hazards:

- Archaeological/Paleontological Resources (APR)
- Automatic Review (AR)



- Coastal Zone (CZ)
- Floodplain (F)
- Geological Hazards (GH)

Chapter 17.95 (Environmentally Sensitive Habitats) also functions like an overlay with unique regulations applying to specific geographic areas.

Figure 1 shows the boundaries of the floodplain, geological hazards, and automatic review overlays. Figure 2 from the LCP shows the Archaeological/Paleontological Resources (APR) and Environmentally Sensitive Habitats areas.

#### Options:

1. **Maintain existing overlays and clarify boundaries.** In this option all five of the existing environmental and hazard overlays would be maintained and shown on the zoning map.
2. **Modify existing overlays.** This option would modify existing overlays as described below:
  - **Archaeological/Paleontological Resources (APR).** Eliminate this overlay zone. Continue to require the preparation of an archaeological survey report and mitigation plan for any project which disturbs native soils in an area with a probability of containing archaeological resources. Continue to address issue through CEQA process.
  - **Automatic Review (AR).** Remove this overlay zone as it duplicates current process.
  - **Coastal Zone (CZ).** Maintain this overlay zone as required by State law.
  - **Floodplain (F).** Move existing Chapter 17.50 (Floodplain District) out of the zoning code and remove the floodplain overlay boundaries from the zoning map. Floodplain regulations are administered by the Building Official, not the Community Development Director, and should be located in Title 15 (Buildings and Construction), not the zoning code. The boundaries of this overlay should not be included in the zoning map, as they are based on FIRM maps which are frequently changing, particularly with rising seas.
  - **Geological Hazards (GH).** Eliminate this overlay zone and replace with citywide standards for proposed development in beach areas, bluff and cliff areas, landslides-prone areas, and steep slope areas
  - **Chapter 17.95 (Environmentally Sensitive Habitats).** Map boundaries of these areas as a new overlay zone and maintain existing regulations.
3. **Create a new, consolidated environmental/hazards overlay.** This option would merge the overlays into one new environmental/hazards overlay. The zoning code would state that proposed development within these areas could be subject to additional standards and limitations. The Coastal Zone overlay would remain as a separate overlay. This option could be combined with the creation of new citywide standards that would address geological hazards, flood hazards, sensitive habitat, and archaeological/paleontological resources.

#### Issue 15: Visitor-Serving Uses on Depot Hill

The El Salto and Monarch Cove Inn properties in the Escalona Gulch/Depot Hill area are currently zoned Visitor Serving (VS). The zoning code currently specifies uses allowed with a conditional use permit on these two properties. On the El Salto property visitor accommodations (e.g., hotels, inns), food service related to lodging use, and residential uses are allowed with a conditional use permit. On the Monarch Cove Inn property a broader range

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of uses is allowed, including special events (e.g., festivals, weddings), commercial recreation establishments, accessory office and retail uses, and other similar visitor-serving uses

Depot Hill residents have expressed concern about existing uses on these properties, and new visitor-serving uses that are currently allowed by the zoning code. Residents are concerned about the permitted intensity of new visitor-accommodation uses and their compatibility with the surrounding single-family neighborhood.

### Options:

1. **Maintain existing permitted uses.**
2. **Modify permitted use.** With this option the VS zoning would remain on the El Salto and Monarch Cove Inn properties, but the land uses permitted on the properties would be restricted. For example, uses permitted on the Monarch Cove Inn property could be limited to residential and visitor accommodation uses, with other non-residential commercial uses currently allowed, such as carnivals and circuses, no longer permitted.
3. **Limit intensity of visitor accommodation uses.** This option would also maintain the VS zoning on the El Salto and Monarch Cove Inn properties, but would reduce the maximum permitted intensity of hotels and other visitor accommodation uses on the site. This could be accomplished by limiting the square footage of new or existing uses, specifying a maximum number of permitted guest rooms, or reducing the maximum allowable lot coverage on the site. The Coastal Commission would likely have concerns with this option.
4. **Rezone to R-1.** A final option is to eliminate the VS zoning that applies to the Monarch Cove Inn and El Salto properties. Currently the properties are subject to VS/R-1 "dual zoning," meaning that both the R-1 and VS zoning standards apply to the property. If the VS zoning were eliminated, visitor accommodation and related visitor-serving uses (aside from bed and breakfast establishments) would not be allowed on the properties. The Coastal Commission would likely have concerns with this option.

### Issue 16: Height

During stakeholder interviews, participants expressed a variety of opinions on the maximum permitted building height in Capitola. Residents often want to limit the height of buildings in residential and commercial areas in order to protect the character of residential neighborhoods. Some wish to maintain the existing height limits in the Village in order to maintain the existing Village character. Other stakeholders, particularly architects and property owners, recommend increasing permitted height in certain locations, such as the Village, in order to encourage quality architectural design, renewed investment, and the increased vitality that new development would bring.

In light of this input, the sections below addresses allowed heights in residential neighborhoods, the Village, and for a new Village hotel.

#### A. Residential Neighborhoods

In the R-1 zone the maximum permitted building height is 25 feet, with 27 feet permitted for half-story designs and buildings that use historic design elements. Staff has received comments

that the 25 feet maximum height limit prevents home designs that would fit well within established neighborhoods. In neighborhoods with larger lots, such as Cliffwood Heights, taller homes may not appear out of place. The existing height standard also does not consider sloping lots and other unique site conditions.

**Options:**

1. **Maintain existing standards.**
2. **Eliminate 27-foot exception.** This option would eliminate the 27-foot height exception by requiring all buildings to meet either a 25-foot or 27-foot height standard.
3. **Allow greater variation based on existing neighborhood character.** This option would allow greater variation in permitted building height based on neighborhood characteristics. There are a number of different ways to achieve this as described in Issue #1.

**B. Capitola Village**

The maximum building height permitted in the Central Village (CV) zone is 27 feet, though the Planning Commission may approve taller buildings for the restoration of a historic building. Critics of this height limit content that the Village's most treasured buildings are over the current height limit and allowing taller buildings would encourage investment in the Village, enhance vitality, and allow for higher-quality building design. Supporters of the 27 foot height limit suggest that allowing new buildings taller than 27 feet would damage the Village's unique character and charm.

**Options:**

1. **Maintain existing standard.**
2. **Expand exception provisions.** With this option the zoning code could modify the existing exception provision to allow taller buildings in more cases. For example, the Planning Commission could allow taller buildings if it would allow for a superior design or would enable the project to provide a substantial community benefit.
3. **Increase maximum height limit to accommodate 3 stories.** The zoning code could increase the maximum allowed building height to accommodate three stories. This could be accompanied by new standards and findings to ensure taller buildings are compatible with the existing Village character and don't negatively impact adjacent residential areas. Allowing three-story buildings in the Village could increase opportunity for new vertical mixed use development with ground floor retail and housing or office uses above.

**C. Hotel**

General Plan Policy LU-7.5 identifies guiding principles for the design of a new Village hotel, including the following three height-related principles:

- The design of the hotel should respect the scale and character of neighboring structures and enhance Capitola's unique sense of place.
- The maximum height of the hotel should remain below the elevation of the bluff behind. The bluff behind the hotel should remain legible as a green edge with existing mature trees maintained on site.

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- The hotel design should minimize impacts to public views of the beach and Village from Depot Hill.

The updated zoning code needs to reflect these guiding principles and establish a height standard for a new Village hotel.

### Options:

1. **Apply CV Zone Standard to Hotel.** This option would apply the same height standard to the Village hotel that applies to all other properties in the Village. If the maximum permitted height in the CV remains at 27 feet, the hotel could also not exceed 27 feet. However, this option would not be consistent with General Plan goals and Policy LU-7.5.
2. **Establish Performance Standard for Hotel Height.** In zoning codes, performance standards dictate a specific outcome and provide flexibility in how best to achieve the outcome on a case-by-case basis. The Zoning code could establish a performance standard for the Hotel height instead of a numerical standard. This performance standard could be similar to the guiding principle in the General Plan that the maximum height of the hotel should remain below the elevation of the bluff behind and that the bluff behind the hotel should remain legible as a green edge with existing mature trees maintained on site.
3. **Establish a Numerical Standard Unique to Hotel.** The updated zoning code could contain a specific numerical standard for the maximum hotel height. One approach might be to limit building height at the Monterey Avenue frontage to two stories but allow a greater maximum height at the rear of the property as contemplated in the General Plan.

### Issue 17: Floor Area Ratio

In the R-1 (Single Family) Zoning District, building size is regulated by the relationship of the building to the lot size, a measurement identified as *floor area ratio* (FAR). *Floor area ratio* is defined as the gross floor area of all of the buildings on the lot divided by the net lot area. Municipalities incorporate FAR maximums into the code to control overall size, massing, and scale of a buildings on a lot. The following table identifies the elements included in existing code's FAR calculation.

#### Elements included in FAR calculation

- |  |
|--|
| 1. Basement in excess of 250 sf, including access staircase  |
| 2. Open areas below ceiling beyond sixteen feet in height (phantom floors)   |
| 3. Upper floor area greater than four feet in height measured between bottom of the upper floor and top of ceiling (includes garages and carports) |
| 4. For 1 ½ story structures, the stairwell is counted on 1st floor only  |
| 5. Windows projecting more than 12 inches from wall  |
| 6. Upper floor decks over 150 sf   |
| 7. Covered exterior open space in excess of 150 sf including eaves greater than eighteen inches  |

During the public outreach, the inclusion of decks, basements, and eaves in the FAR calculation was cited as an opportunity for change and improvement.

#### A. Decks

Within the architect, designer, and planner stakeholder group, staff received criticism that the FAR calculation limits articulation of buildings, especially the inclusion of upper floor decks, covered first floor decks beyond 150 sf, and first floor decks beyond 30 inches in height. There were also discussions of how the code lacks guidance on decks within hotels and restaurants.

#### Options:

1. **Maintain existing standards.**
2. **Increase allowance beyond 150 sf.** Update Floor Area calculation to increase the amount of area within covered first story decks, decks beyond 30 inches in height, and second story decks that is not counted toward the floor area calculation. The 150 sf allowance could be doubled to 300 sf.
3. **Add exception for special circumstances.** There are special circumstances in which allowing a second story deck will not have an impact on neighbors or may be an asset to the public. The code could include exceptions for special circumstances to allow larger decks that are not counted toward the floor area.
  - a. **Front Façade.** Privacy issues are typically on the side and back of single family homes. The ordinance could consider increased flexibility for decks on the first and second story front facades to allow for increased articulation while not impacting privacy of neighbors. There are two options for decks on front facades. The first is to increase the allowed deck area (beyond 150 sf) on the front façade of a home. The second option is to remove front façade decks from the calculation entirely by including front story decks and porches within the list of items *not* included in the floor area calculation.
  - b. **Open Space.** There are a number of homes in Capitola that are located adjacent to open space. For example, the homes located along Soquel Creek and ocean front properties. Similar to the prior exception, the code could be revised to either increase the allowed deck area or remove the calculation entirely for decks located on elevations facing open space.
  - c. **Restaurants and Hotels.** Visitor experiences are enhanced when they take in a view. The code currently does not include an exception for decks on hotels or restaurants. The code could be revised to either increase the maximum allowed deck area of restaurants and hotels or remove decks on restaurants and hotels from the floor area calculation entirely.
  - d. **Eliminate decks from FAR formula**

#### B. Basements

Stakeholders raised contrasting views on inclusion of basements in the FAR. One perspective is that basements should not be included toward the FAR calculation because they do not influence massing and allow increased living space without adversely affecting community character. The other perspective is that although basements do not increase massing, they do increase living areas and therefore intensify impacts on parking demand. It is worth mentioning that studies have shown that larger new homes generally have fewer inhabitants than smaller new homes. Within the current code, the parking requirement is based on the floor area of the home. Also, removal of basements from the FAR calculation will likely result in larger home sizes with increased sales prices, impacting affordability.

**Options:**

1. **Maintain existing standards.**
2. **Increase existing allowance beyond 250 square feet.**
3. **Remove basements from FAR formula.**

**C. Phantom Floors, Roof Eaves, and Window Projections (Bay Windows)**

The Floor Area Ratio calculation includes phantom floors (all open area below the ceiling or angled walls greater than sixteen feet in height), eaves greater than eighteen inches in length, and bay windows which extend 12 inches or more from the wall. Calculating these features in the FAR is administratively difficult and confusing for applicants. Roof eaves and bay windows can add to the architectural style of the home and are controlled within setback regulations. To simplify the FAR calculation, these elements could be removed.

**Options:**

1. **Maintain existing standards.**
2. **Remove phantom floors from the FAR calculation.**
3. **Remove roof eaves from the FAR calculation.**
4. **Remove window projects from FAR calculation.**
5. **Remove a combination of phantom floors, roof eaves, and/or window projections from the FAR calculation.**

**Issue 18: City Council Appeal of Planning Commission Decision**

The City Council has appealed Planning Commission decisions over the years. In a recent lawsuit, Woody's Group, Inc. v. City of Newport Beach, it was found to be illegal for a City Council member to appeal a Planning Commission when not a "interested party". The court also found that the council erred in allowing the City Council member to sit as adjudicator of his own appeal.

To allow City Council review of Planning Commission decisions, Capitola may adopt a "call-up" ordinance that allows a member of City Council to call-up a recent decision by the Planning Commission. If an application is called-up, the City Council is allowed to review and make a final decision on the application. The ordinance can either require or not require a majority vote of the City Council to call-up an application.

**Options:**

1. **Maintain existing appeal process.**
2. **Add "call-up" procedure without requirement of majority vote by CC to call-up an application.**
3. **Add "call-up" procedure and require majority vote by City Council to call-up an application.**